

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2014

First Extraordinary Session, 2014

Second Extraordinary Session, 2014

VOLUME I



NOTE: The first volume of this three-volume Official Senate Journal starts with proceedings proper of the Second Regular Session of the Eighty-First Legislature from January 8, 2014, to February 25, 2014, ending with page 1070 of the Regular Session.

The Index of the Official Journal and the proceedings of the First Extraordinary Session of 2014 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, 2014



NOTE: The Second Regular Session of the Eightieth-First Legislature convened on January 8, 2014, and concluded the sixty-day constitutional session at midnight, March 8, 2014. However, by proclamation of the Governor, the session was extended for passage of the annual Budget Bill and final adjournment came on March 14, 2014.

This session 1,877 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*

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Kristin Canterbury, *Bill History Clerk*

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LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

SENATE

REGULAR SESSION, 2014

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	² Evan H. Jenkins, (R)	Huntington
	*Robert H. Plymale, (D)	Ceredo
Sixth	H. Truman Chafin, (D)	Williamson
	*William Cole, (R)	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	³ 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
	⁴ 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 Changed party affiliation from Democrat to Republican July 31, 2013.

³ Appointed January 16, 2013, to unexpired term of Joseph M. Minard, who resigned January 9, 2013.

⁴ Appointed January 23, 2013, to unexpired term of Walt Helmick, who resigned January 14, 2013.

Democrats	24
Republicans	10
Total	34

STANDING AND SELECT COMMITTEES OF THE SENATE

2014

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, McCabe, Palumbo, Prezioso, Barnes, M. Hall, Nohe and Walters.

CONFIRMATIONS

Senators Green (*Chair*), Facemire (*Vice Chair*), Miller, Plymale, Snyder, Yost, Cole, Nohe 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 Jenkins.

ENERGY, INDUSTRY AND MINING

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

SENATE COMMITTEES

ENROLLED BILLS

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

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, Kirkendoll, Stollings, Williams, Yost, Blair, Boley, Jenkins and Sypolt.

HEALTH AND HUMAN RESOURCES

Senators Stollings (*Chair*), Laird (*Vice Chair*), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, Cole, 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, Kirkendoll, Miller, Snyder, Unger, Williams, Carmichael, Cole, Jenkins, Nohe and Walters.

LABOR

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

SENATE COMMITTEES

MILITARY

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

NATURAL RESOURCES

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

PENSIONS

Senators Kirkendoll (*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, Plymale, Williams, Barnes, Cole and Walters.

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

SENATE 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, Blair and Jenkins.

LEGISLATIVE RULE-MAKING REVIEW

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

PENSIONS AND RETIREMENT

Senators Kirkendoll (*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.

SENATE COMMITTEES

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*), Laird (*Vice Cochair*), Prezioso, 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, 2014

OFFICERS

Speaker: Timothy R. Miley, (D), Bridgeport
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, (R)	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
	Anna Border Sheppard, (R)	Davisville
Tenth	Tom Azinger, (R)	Vienna
	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
	James H. Morgan, (D)	Huntington
	Doug Reynolds, (D)	Huntington
Seventeenth	Kelli Sobonya, (R)	Huntington
Nineteenth	Timothy R. Kinsey, (D)	Lavalette
	Don C. Perdue, (D)	Prichard
Twentieth	Justin J. Marcum, (D)	Williamson
Twenty-first	Harry Keith White, (D)	Gilbert
Twenty-second	Josh Barker, (D)	Chapmanville
	Jeff Eldridge, (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
	John Shott, (R)	Bluefield
Twenty-eighth	Roy G. Cooper, (R)	Wayside
	John D. O'Neal IV, (R)	Beckley
Twenty-ninth	Ricky Moye, (D)	Crab Orchard
Thirtieth	Linda Sumner, (R)	Beckley
Thirty-first	Lynne Carden Arvon, (R)	Beckley

HOUSE OF DELEGATES

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
	Timothy R. 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	53
Republicans	<u>47</u>
Total	100

STANDING COMMITTEES OF THE HOUSE OF DELEGATES

2014

AGRICULTURE AND NATURAL RESOURCES

Delegates Walker (*Chair of Agriculture*), Manypenny (*Vice Chair of Agriculture*), Pino (*Chair of Natural Resources*), R. Phillips (*Vice Chair of Natural Resources*), Campbell, Diserio, Guthrie, M. Poling, Sponaugle, Swartzmiller, Tomblin, Wells, Williams, A. Evans (*Minority Chair of Agriculture*), Romine (*Minority Vice Chair of Agriculture*), Hamilton (*Minority Chair of Natural Resources*), Ireland (*Minority Vice Chair of Natural Resources*), Ambler, Anderson, Border, Canterbury, Ellem, Miller and Overington.

BANKING AND INSURANCE

Delegates Moore (*Chair of Banking*), Campbell (*Vice Chair of Banking*), Guthrie (*Chair of Insurance*), Hartman (*Vice Chair of Insurance*), Barrett, Hunt, Iaquina, Kinsey, 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.

EDUCATION

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

ENERGY

Delegates Craig (*Chair*), Caputo (*Vice Chair*), Barker, Diserio, Eldridge, Fragale, Kinsey, Longstreth, Marcum, L. Phillips, R. Phillips, D. Poling, Skaff, Walker, Young, Andes (*Minority Chair*),

HOUSE COMMITTEES

Shott (*Minority Vice Chair*), Anderson, Arvon, Butler, Cadle, Frich, Ireland, McCuskey, R. Smith and Sumner.

ENROLLED BILLS

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

FINANCE

Delegates Boggs (*Chair*), Reynolds (*Vice Chair*), Craig, Guthrie, Iaquina, Marshall, Moyer, Perdue, Pethel, 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*), Barker, Caputo, Diserio, Eldridge, Hartman, Jones, Kinsey, Paxton, P. Smith, Stagers, Swartzmiller, Howell (*Minority Chair*), Border (*Minority Vice Chair*), Arvon, Azinger, Cadle, Faircloth, Ferns, Folk, Kump, J. Nelson, Romine and R. Smith.

HEALTH AND HUMAN RESOURCES

Delegates Perdue (*Chair*), Fleischauer (*Vice Chair*), Barker, Campbell, Diserio, Eldridge, Guthrie, Kinsey, Lawrence, Marshall, Moore, Poore, Stagers, Ellington (*Minority Chair*), Householder (*Minority Vice Chair*), Arvon, Border, Cowles, Faircloth, Lane, Miller, Pasdon, Rowan, and Sobonya.

INDUSTRY AND LABOR

Delegates D. Poling (*Chair*), Diserio (*Vice Chair*), Caputo, Ferro, Guthrie, Longstreth, Lynch, Marshall, Moore, Poore, Skinner, Walker, Young, Sobonya (*Minority Chair*), Overington (*Minority Vice Chair*), Andes, Azinger, Faircloth, Folk, Householder, Howell, Kump, J. Nelson, Romine and Storch.

HOUSE COMMITTEES

JUDICIARY

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

PENSIONS AND RETIREMENT

Delegates Pethtel (*Chair*), Jones (*Vice Chair*), Craig, Lynch, Canterbury (*Minority Chair*), Kump (*Minority Vice Chair*) and Ellem.

POLITICAL SUBDIVISIONS

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

ROADS AND TRANSPORTATION

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

RULES

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

HOUSE COMMITTEES

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*), Armstead, Ashley, Border, Ellem, Faircloth, Ferns, Householder, Raines, Sobonya and Westfall.

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT

Delegates Skaff (*Chair*), Barrett (*Cochair*), Hartman (*Cochair*), Fleischauer, Manchin, Manypenny, Morgan, L. Phillips, Pino, Reynolds, Skinner, Sponaugle, White, Williams, Ashley, Azinger, Ellington, A. Evans, Hamilton, Miller, E. Nelson, Raines, Storch, Walters and Westfall.

VETERANS’ AFFAIRS AND HOMELAND SECURITY

Delegates Iaquina (*Chair of Veterans’ Affairs*), Longstreth (*Vice Chair of Veterans’ Affairs*), Paxton (*Chair of Homeland Security*), Eldridge (*Vice Chair of Homeland Security*), Barill, Ferro, Fleischauer, Jones, Lawrence, 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, Folk, Howell, E. Nelson and J. Nelson.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

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

HOUSE COMMITTEES

GOVERNMENT OPERATIONS

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

LEGISLATIVE RULE-MAKING REVIEW

Delegates Poore (*Cochair*), Eldridge, Fleischauer, Marcum, Frich, and Sobonya.

PENSIONS AND RETIREMENT

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

RULES

Delegates Miley (*Cochair*), White and Armstead.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Delegates Skaff (*Cochair*), Boggs, Craig, Fleischauer, Manchin, D. Poling, M. Poling, Sponaugle, White, Espinosa, Hamilton, E. Nelson and Walters.

COMMISSION ON INTERSTATE COOPERATION

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

COMMISSION ON SPECIAL INVESTIGATIONS

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

HOUSE COMMITTEES

FOREST MANAGEMENT REVIEW COMMISSION

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

**LEGISLATIVE OVERSIGHT COMMISSION ON
EDUCATION ACCOUNTABILITY**

Delegates M. Poling (*Cochair*), Perry (*Vice Cochair*), Paxton, Pethtel, Sumner, Williams, Anderson, Barill and Miley (*ex officio*).

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

Delegates Perdue (*Cochair*), Fleischauer (*Vice Cochair*), Guthrie, Moore, Moye, Staggers, Ellington and Miley (*ex officio*).

**LEGISLATIVE OVERSIGHT COMMISSION ON
STATE WATER RESOURCES**

Delegates Manypenny (*Cochair*), Barrett, 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*), Boggs, Campbell, Morgan and Ellem.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE
REGULAR AND EXTENDED SESSION, 2014

WEDNESDAY, JANUARY 8, 2014

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 Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this eighth day of January, two thousand fourteen, for the second annual sixty-day session of the eighty-first Legislature, and at 12 o'clock Noon was called to order by the President, the Honorable Jeffrey V. Kessler.

Prayer was offered by the Reverend Jim McQuerrey, Associate Pastor of Worship Ministries, Bible Center Church, Charleston, West Virginia.

On the call of the roll, the following answered to their names:

Senators 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).

Thirty-three members having answered to their names, the President declared the presence of a quorum.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA
CHARLESTON

January 7, 2014

The Honorable Joseph M. Minard
Clerk, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear Mr. Clerk:

Please be advised that I changed my party registration from Democrat to Republican on July 31, 2013.

Sincerely,

Evan H. Jenkins

Senator Unger then offered the following resolution:

Senate Resolution No. 1—Raising a committee to notify the House of Delegates that the Senate has assembled in regular 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 regular sixty-day session, with a quorum present, 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 Cann, D. Hall and Carmichael.

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

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

Delegates Poore, Tomblin and Raines, announced that the House of Delegates has assembled, with a quorum present, and is ready to proceed with the business of this second regular session of the eighty-first Legislature.

Senator Unger offered the following resolution:

Senate Resolution No. 2—Providing for the appointment of a committee to inform the Governor that the Legislature has assembled in regular session.

Resolved by the Senate:

That a committee of three on the part of the Senate be appointed by the President, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in regular sixty-day session, with a quorum of each house present, and is ready to receive any communication or message that 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, Barker and Hamilton, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate under the provisions of Senate Resolution No. 2 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.

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—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, Barker and Hamilton.

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.

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

On motion of Senator Unger, the Senate recessed until 6:40 p.m. today.

Upon expiration of the recess, the Senate reconvened.

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 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 Stollings, Jenkins, Miller, Laird and Plymale:

Senate Bill No. 1—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 Stollings, Unger, Jenkins, Miller, Laird and Yost:

Senate Bill No. 2—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 Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells, Miller, McCabe, Tucker and M. Hall:

Senate Bill No. 3—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 Uniform Real Property Transfer on Death Act; authorizing transfer of real property effective at time of transferor's death; providing for applicability and nonexclusivity of this method of transferring real property; providing that transfer on death deed is revocable and nontestamentary; establishing capacity of

transferor; setting forth requirements for transfer on death deed; providing that transfer on death deed exempt from payment of excise tax on privilege of transferring real estate; providing that notice, delivery, acceptance or consideration are not required; providing requirements for revocation of deed; setting forth effect of transfer on death deed during transferor's life and effect of deed at transferor's death; providing disclaimer; providing for liberal construction; providing for uniformity of application and construction; setting forth article's relation to Electronic Signatures in Global and National Commerce Act; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe:

Senate Bill No. 4—A Bill to repeal §29-4-3, §29-4-4, §29-4-5, §29-4-6, §29-4-7, §29-4-8, §29-4-12, §29-4-13, §29-4-14, §29-4-15 and §29-4-16 of the Code of West Virginia, 1931, as amended; to repeal §29C-1-101, §29C-1-102, §29C-1-103, §29C-1-104, §29C-1-105, §29C-1-106 and §29C-1-107 of said code; to repeal §29C-2-201, §29C-2-202, §29C-2-203, §29C-2-204, §29C-2-205, §29C-2-206, §29C-2-207, §29C-2-208 and §29C-2-301 of said code; to repeal §29C-3-101 and §29C-3-102 of said code; to repeal §29C-4-101, §29C-4-102, §29C-4-103, §29C-4-104, §29C-4-201, §29C-4-202, §29C-4-203, §29C-4-301, §29C-4-401, §29C-4-402, §29C-4-403, §29C-4-404 and §29C-4-405 of said code; to repeal §29C-5-101, §29C-5-102, §29C-5-103 and §29C-5-104 of said code; to repeal §29C-6-101, §29C-6-102, §29C-6-103, §29C-6-201, §29C-6-202, §29C-6-203 and §29C-6-204 of said code; to repeal §29C-7-101, §29C-7-201 and §29C-7-202 of said code; to repeal §29C-8-101 of said code; to repeal §29C-9-101 of said code; to repeal §39-1A-1, §39-1A-2, §39-1A-3, §39-1A-4, §39-1A-5, §39-1A-6, §39-1A-7, §39-1A-8 and §39-1A-9 of said code; to amend and reenact §39-1-4 and §39-1-5 of said code; to amend said code by adding thereto a new article, designated §39-4-1, §39-4-2, §39-4-3, §39-4-4, §39-4-5, §39-4-6, §39-4-7, §39-4-8, §39-4-9, §39-4-10, §39-4-11, §39-4-12, §39-4-13, §39-4-14, §39-4-15, §39-4-16, §39-4-17, §39-4-18, §39-4-19, §39-4-20, §39-4-21,

§39-4-22, §39-4-23, §39-4-24, §39-4-25, §39-4-26, §39-4-27, §39-4-28, §39-4-29, §39-4-30, §39-4-31, §39-4-32, §39-4-33, §39-4-34, §39-4-35, §39-4-36, §39-4-37 and §39-4-38; to amend and reenact §57-4-2 of said code; to amend and reenact §57-5-9 of said code; and to amend and reenact §59-1-2 of said code, all relating to Revised Uniform Law on Notarial Acts; establishing effective date of article; establishing operative date of enactment and effect on existing law; establishing authority to perform notarial acts; establishing requirements for certain notarial acts; requiring personal appearance and identification of individual; authorizing right to refuse to perform notarial act; establishing instructions for obtaining signature if individual is unable to sign; setting forth who may perform notarial act in this state; establishing notarial reciprocity with other states, any federally recognized Indian tribe, the federal government and foreign states; requiring certificate for notarial act; authorizing short-form certificates; requiring an official stamp and maintenance and disposition of stamping device; requiring notaries public to keep journal of notarial acts; authorizing notaries public option of selecting technology for use in notarial acts on electronic records; establishing minimum qualifications and authorizing commissioning of notaries public; requiring bond; requiring notaries public pass examination after course of study offered by Secretary of State; providing grounds to deny, refuse to renew, revoke, suspend or condition commissions of notaries public; requiring Secretary of State to maintain database of notaries public; prohibiting certain acts; authorizing validity of notarial acts; authorizing Secretary of State to promulgate rules; authorizing continuation of commission in effect on effective date of act; providing that any notarial act performed before effective date of act is not invalidated by act; providing for uniformity of application and construction of act; clarifying relationship to Electronic Signatures in Global and National Commerce Act; establishing maximum fees that may be charged by notary public; commissioning notaries public for state and local government; establishing civil liability and criminal penalties; authorizing injunctive relief; authorizing Secretary of State to investigate complaints; requiring Secretary of State to maintain certain records; establishing application fee; providing for disposition of fees; repealing statutes regulating

notaries public and commissioners including Uniform Notary Act; repealing Uniform Recognition of Acknowledgments Act; and removing obsolete references.

Referred to the Committee on the Judiciary.

By Senators Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe:

Senate Bill No. 5—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 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 provisions of 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 Real Property Electronic Recording Standards Council to develop standards necessary to electronically record real property documents; authorizing legislative rule; providing for report and recommendations to Legislature; providing that members of 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 act; and providing act modifies, limits and supersedes certain parts of federal Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

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

Senate Bill No. 6—A Bill to repeal §60A-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-10-2, §60A-10-3, §60A-10-4 and §60A-10-7 of said code, all relating to Methamphetamine Lab Eradication Act and prevention of production of methamphetamine; requiring certain drug products be obtained by prescription only; moving certain drug products from Schedule V to Schedule IV; providing exception for drug products that cannot be feasibly converted into methamphetamine; making legislative findings; defining terms; prohibiting pharmacies from selling certain drugs that can be used in production of methamphetamine without prescription; creating criminal offense for possession of certain substances without prescription with intent to transfer to another to make methamphetamine; permitting sale of certain drugs without prescription where Board of Pharmacy determines that drugs are not feasible for being used for manufacture of methamphetamine; updating maximum amounts persons are permitted to purchase of certain drugs that cannot feasibly be converted into methamphetamine; adjusting requirements of Multi-State Real-Time Tracking System; removing certain outdated language; and providing rule-making authority to Board of Pharmacy to implement emergency and legislative rules, which will provide procedures for which products may be sold over the counter and which require prescription and other information necessary to implement Methamphetamine Lab Eradication Act.

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

By Senators Snyder, Laird and Miller:

Senate Bill No. 7—A Bill to amend and reenact §4-3-1 of the Code of West Virginia, 1931, as amended, relating to the composition of the Joint Committee on Government and Finance.

Referred to the Committee on Rules.

By Senators Snyder, Blair, Unger and Cookman:

Senate Bill No. 8—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, §47-11G-2, §47-11G-3, §47-11G-4, §47-11G-5, §47-11G-6 and §47-11G-7, all relating to prohibiting the practice of zone pricing; defining “zone pricing” as the setting of different wholesale prices for retail motor fuel that operate in different geographic areas; setting forth legislative findings and intent; establishing unlawful acts; making directors, officers and agents of an entity also liable; permitting causes of actions and injunctions; setting forth responsibilities of the Attorney General; establishing criminal penalties; and providing that certain contracts are unenforceable.

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

By Senators Palumbo, Jenkins, Miller, Cookman, Laird and Fitzsimmons:

Senate Bill No. 9—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 the Judiciary; and then to the Committee on Finance.

By Senators Stollings, Miller and Laird:

Senate Bill No. 10—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 Senator Stollings:

Senate Bill No. 11—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; stating expressly that wiretapping evidentiary provisions apply to family court proceedings; providing an exception; and providing that cellular phone communications, including texting, are confidential and are not subject to discovery or admissible as evidence in civil proceedings.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill No. 12—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; providing that health care professionals and pharmacists are not liable for not providing expedited partner therapy or filling certain prescriptions; 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 expedited partner therapy.

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

By Senator Stollings:

Senate Bill No. 13—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 Stollings and Laird:

Senate Bill No. 14—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 Senator Stollings:

Senate Bill No. 15—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 a person accused of a sexual offense.

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

By Senators Stollings and Miller:

Senate Bill No. 16—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 §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating generally to requiring health insurance coverage of hearing aids for individuals under eighteen years of age; providing an effective date for coverage; providing definitions; setting age limitations; providing 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.

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

By Senators Stollings, Jenkins, Miller, Cookman, Laird and Fitzsimmons:

Senate Bill No. 17—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 Senators Fitzsimmons, Cookman and Yost:

Senate Bill No. 18—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 prohibition on preparation, distribution or exhibition of harmful matter to minors; revising definition of “obscene matter” to contain specific matter that is harmful to minors; and revising article to reflect definitional change.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons and Yost:

Senate Bill No. 19—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 D. Hall:

Senate Bill No. 20—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 regulation of fireworks; defining terms; setting forth State Fire Marshal's authority; requiring registration, certification or permit; establishing requirements for registration, certification and permit; establishing special revenue account; setting forth State Fire Marshal's rule-making authority; providing authority to investigate complaints; and providing criminal penalties.

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

By Senators D. Hall, Cann and Beach:

Senate Bill No. 21—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 Senator Green:

Senate Bill No. 22—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement from Public Employees Retirement System; and requiring cooperation and information sharing among State Auditor, Consolidated Public Retirement Board, State Department of Administration, employers participating in Public Employees Retirement System and contractors providing services to state to permit State Auditor to fully comply with limiting post-retirement earnings requirements.

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

By Senators Green and Miller:

Senate Bill No. 23—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 Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Green, Jenkins, Miller and McCabe:

Senate Bill No. 24—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 Green, Jenkins, D. Hall, Miller and Tucker:

Senate Bill No. 25—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 Senators Green, D. Hall, Jenkins, Miller and Tucker:

Senate Bill No. 26—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; placing restrictions; permitting carryover; and requiring rulemaking.

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

By Senator Green:

Senate Bill No. 27—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 tattoos; 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 the Judiciary; and then to the Committee on Finance.

By Senators Green and McCabe:

Senate Bill No. 28—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 legislative session; prohibiting certain persons from accepting campaign contributions from registered lobbyists during the sixty-day period of the regular legislative session; removing outdated language in code; clarifying prohibitions on solicitation of certain things of value; and creating criminal penalties.

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

By Senator Green:

Senate Bill No. 29—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 Snyder:

Senate Bill No. 30—A Bill to amend and reenact §17B-2-7b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-15-44 of said code, all relating to creating an exemption for autocycles, which are enclosed three-wheel motorcycles that are equipped with safety belts, a rollbar, a windshield, wipers and a steering wheel; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver's license to operate an autocycle; creating an autocycle exemption from helmet and certain other safety requirements; and defining "autocycle".

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

By Senators Green and D. Hall:

Senate Bill No. 31—A Bill to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to State Fire Marshal; requiring State Fire Marshal to be appointed by Governor by and with advice and consent of Senate; and permitting Governor to remove Fire Marshal under certain circumstances.

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

By Senator Snyder:

Senate Bill No. 32—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, 2016.

Referred to the Committee on Government Organization.

By Senators Snyder, D. Hall, Cann, Williams and M. Hall:

Senate Bill No. 33—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 Snyder and Cookman:

Senate Bill No. 34—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; providing this be accomplished incrementally over a five-year period; requiring counties to dedicate this excise tax to support regional jails; and making stylistic changes.

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

By Senators Williams, Miller, Plymale and Beach:

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 filing fee for office sought; and providing for distribution of fee in same manner as other candidates.

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

By Senators Williams, Miller, Cann, Cookman, Tucker and Fitzsimmons:

Senate Bill No. 36—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 certain clearly visible paint markings.

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

By Senators Williams, Miller, Cann, Carmichael and Tucker:

Senate Bill No. 37—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.

By Senators Williams, D. Hall, Miller, Beach, Tucker and Fitzsimmons:

Senate Bill No. 38—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 Senators Williams and Cookman:

Senate Bill No. 39—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 Senator Tucker:

Senate Bill No. 40—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 Tucker:

Senate Bill No. 41—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 qualify for resident tuition rates.

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

By Senators Tucker, Jenkins and Laird:

Senate Bill No. 42—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, D. Hall, Cookman and Beach:

Senate Bill No. 43—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 Beach:

Senate Bill No. 44—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.

By Senators Tucker and Fitzsimmons:

Senate Bill No. 45—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 residency requirements 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 Senator Tucker:

Senate Bill No. 46—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-13, 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; setting forth how the process is to function; providing for independent review providers; setting forth how certain costs are to be handled; providing that the informal dispute resolution process does not affect the ability of a licensee to seek administrative and judicial review; and permitting injunctive relief.

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

By Senator Tucker:

Senate Bill No. 47—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.

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

By Senators Tucker, Beach and Williams:

Senate Bill No. 48—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.

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

By Senator Tucker:

Senate Bill No. 49—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 §33-16I-1, §33-16I-2, §33-16I-3 and §33-16I-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.

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

By Senators Tucker and M. Hall:

Senate Bill No. 50—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 Senator Walters:

Senate Bill No. 51—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 Senator Walters:

Senate Bill No. 52—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 Senators Walters and Jenkins:

Senate Bill No. 53—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 Senators Walters and Miller:

Senate Bill No. 54—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 Walters:

Senate Bill No. 55—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 one thousand five hundred pupils for each licensed school psychologist.

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

By Senator Walters:

Senate Bill No. 56—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 Health and Human Resources; and then to the Committee on Finance.

By Senators Cookman, Miller, Laird, Plymale and Fitzsimmons:

Senate Bill No. 57—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 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 Health and Human Resources; and then to the Committee on Finance.

By Senators Cookman, Miller, Plymale and Fitzsimmons:

Senate Bill No. 58—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.

By Senator Cookman:

Senate Bill No. 59—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; and then to the Committee on the Judiciary.

By Senator Cookman:

Senate Bill No. 60—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; and then to the Committee on Finance.

By Senators Cookman and Fitzsimmons:

Senate Bill No. 61—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 an attorney who has completed the credits is not available.

Referred to the Committee on the Judiciary.

By Senators Cookman, Laird and Plymale:

Senate Bill No. 62—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 to pay for the services using the Medicaid fee schedule if the participant is without insurance and unable to pay.

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

By Senators Facemire, D. Hall, Unger, Cann and Williams:

Senate Bill No. 63—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 Senators Facemire and Beach:

Senate Bill No. 64—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. 65—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 Facemire:

Senate Bill No. 66—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 Education; and then to the Committee on the Judiciary.

By Senator Facemire:

Senate Bill No. 67—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 Senator Facemire:

Senate Bill No. 68—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 Education; and then to the Committee on the Judiciary.

By Senator Facemire:

Senate Bill No. 69—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; 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 Senator Facemire:

Senate Bill No. 70—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 Senators Sypolt, Jenkins, McCabe, Carmichael, Cole and Nohe:

Senate Bill No. 71—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 Senators Sypolt, D. Hall, Jenkins and Carmichael:

Senate Bill No. 72—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3 and §22-30-4, 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 Education; and then to the Committee on the Judiciary.

By Senators Sypolt, Jenkins and Nohe:

Senate Bill No. 73—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 Senator Sypolt:

Senate Bill No. 74—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 Senator Sypolt:

Senate Bill No. 75—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, D. Hall, Jenkins and Williams:

Senate Bill No. 76—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-27-1, §47-27-2, §47-27-3, §47-27-4, §47-27-5 and §47-27-6, 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 Senator Sypolt:

Senate Bill No. 77—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 the Judiciary.

By Senator Sypolt:

Senate Bill No. 78—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. 79—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; and setting forth the order the strikes are to be taken.

Referred to the Committee on the Judiciary.

By Senators Sypolt, D. Hall, Williams and M. Hall:

Senate Bill No. 80—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 Sypolt and Williams:

Senate Bill No. 81—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 and the division of marital property in divorce proceedings; providing that the corpus of the estate of a veteran receiving disability income for service-related injuries cannot be used as a means of replacing the value of the disability income; and making stylistic changes.

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

By Senators Sypolt and M. Hall:

Senate Bill No. 82—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; exempting from consumers sales and service tax liability the dues, fees and assessments paid by members to homeowners' associations when used by the homeowners' association for payment of common expenses; taxable expenses of homeowners' association; and definitions.

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

By Senators Laird and Unger:

Senate Bill No. 83—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 dogs or cats.

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

By Senator Laird:

Senate Bill No. 84—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; and making stylistic changes.

Referred to the Committee on the Judiciary.

By Senators Laird, Stollings, Miller, Cann, Plymale and Tucker:

Senate Bill No. 85—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 Laird, Stollings, Miller, Cookman, Beach and Fitzsimmons:

Senate Bill No. 86—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 Laird, D. Hall, Unger, Miller and Plymale:

Senate Bill No. 87—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 Laird and Plymale:

Senate Bill No. 88—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; clarifying obligations and liability; and deleting a reference to a repealed section of the code.

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

By Senators Laird, Stollings and Miller:

Senate Bill No. 89—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, Cookman and Fitzsimmons:

Senate Bill No. 90—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 the assistance of emergency service personnel; defining terms; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Yost and Fitzsimmons:

Senate Bill No. 91—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; providing an effective date; and removing an outdated provision.

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

By Senators Barnes, Miller, Walters and Nohe:

Senate Bill No. 92—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 the 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 Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Barnes:

Senate Bill No. 93—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.

By Senator Barnes:

Senate Bill No. 94—A Bill to amend and reenact § 7-7-7 of the Code of West Virginia, 1931, as amended, relating to requiring county commissions be notified before county officials may discharge county employees.

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

By Senators Miller and Beach:

Senate Bill No. 95—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 Senators Miller, Unger, Laird, Plymale and Williams:

Senate Bill No. 96—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 Education; and then to the Committee on Finance.

By Senators Miller and Laird:

Senate Bill No. 97—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 Cann:

Senate Bill No. 98—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 Senators Miller, Cookman and Fitzsimmons:

Senate Bill No. 99—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 Miller and Beach:

Senate Bill No. 100—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 Government Organization.

[CLERK'S NOTE: Senate Bill No. 101 through Senate Bill No. 197 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Snyder, Cochair.]

By Senator Snyder:

Senate Bill No. 101—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 Chiropractic Examiners to promulgate a legislative rule relating to the regulation of chiropractic practice.

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

By Senator Snyder:

Senate Bill No. 102—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 Chiropractic Examiners to promulgate a legislative rule relating to fees pertaining to the practice of chiropractic.

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

By Senator Snyder:

Senate Bill No. 103—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. 104—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 formation and approval of professional limited liability companies.

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

By Senator Snyder:

Senate Bill No. 105—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 fees established by the board.

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

By Senator Snyder:

Senate Bill No. 106—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 formation and approval of dental corporations; and dental practice ownership.

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

By Senator Snyder:

Senate Bill No. 107—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 dental advertising.

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

By Senator Snyder:

Senate Bill No. 108—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 Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 109—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. 110—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 administration of anesthesia by dentists.

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

By Senator Snyder:

Senate Bill No. 111—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 Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 112—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 mobile dental facilities and portable dental units.

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

By Senator Snyder:

Senate Bill No. 113—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to policies regulating licensure of the licensed practical nurse.

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

By Senator Snyder:

Senate Bill No. 114—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Examiners for Licensed Practical 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 Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 115—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to continuing competence.

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

By Senator Snyder:

Senate Bill No. 116—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 continuing education for licensure of pharmacists.

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

By Senator Snyder:

Senate Bill No. 117—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; then to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 118—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 Sanitarians to promulgate a legislative rule relating to the practice of public health sanitation.

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

By Senator Snyder:

Senate Bill No. 119—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 Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia.

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

By Senator Snyder:

Senate Bill No. 120—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 registration of veterinary technicians.

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

By Senator Snyder:

Senate Bill No. 121—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 certified animal euthanasia technicians.

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

By Senator Snyder:

Senate Bill No. 122—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. 123—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-language pathology and audiology.

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

By Senator Snyder:

Senate Bill No. 124—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 speech-language pathology and audiology assistants.

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

By Senator Snyder:

Senate Bill No. 125—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 disciplinary and complaint procedures for speech-language pathology and audiology.

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

By Senator Snyder:

Senate Bill No. 126—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 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. 127—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 Wage Payment and Collection Act.

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

By Senator Snyder:

Senate Bill No. 128—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 employer wage bonds.

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

By Senator Snyder:

Senate Bill No. 129—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 ambient air quality standards.

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

By Senator Snyder:

Senate Bill No. 130—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. 131—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. 132—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. 133—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 which cause or contribute to nonattainment areas.

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

By Senator Snyder:

Senate Bill No. 134—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. 135—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. 136—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 governing water quality standards.

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

By Senator Snyder:

Senate Bill No. 137—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 state certification of activities requiring federal licenses and permits.

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

By Senator Snyder:

Senate Bill No. 138—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to assessing health and safety violation penalties.

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

By Senator Snyder:

Senate Bill No. 139—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the program for the sharing of information between employees.

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

By Senator Snyder:

Senate Bill No. 140—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards and procedure.

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

By Senator Snyder:

Senate Bill No. 141—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. 142—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 the electronic registration of wildlife.

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

By Senator Snyder:

Senate Bill No. 143—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 voluntary remediation and redevelopment.

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

By Senator Snyder:

Senate Bill No. 144—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 commercial feed.

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

By Senator Snyder:

Senate Bill No. 145—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 a schedule of charges for inspection services: fruit.

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

By Senator Snyder:

Senate Bill No. 146—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 auctioneers.

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

By Senator Snyder:

Senate Bill No. 147—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 the inspection of meat and poultry.

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

By Senator Snyder:

Senate Bill No. 148—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 clinical laboratory technician and technologist licensure and certification.

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. 149—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 medication administration by unlicensed personnel.

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

By Senator Snyder:

Senate Bill No. 150—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 AIDS-related medical testing and confidentiality.

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. 151—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 Cancer 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. 152—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 Medical Examiner’s rule for post-mortem inquiries.

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

By Senator Snyder:

Senate Bill No. 153—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. 154—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. 155—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; then to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 156—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Fire Code.

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

By Senator Snyder:

Senate Bill No. 157—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors.

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

By Senator Snyder:

Senate Bill No. 158—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Regional Jail and Correctional Facility Authority to promulgate a legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority.

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

By Senator Snyder:

Senate Bill No. 159—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to the bureau.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 160—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to obtaining support from federal and state tax refunds.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 161—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to interstate income withholding.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 162—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to support enforcement activities undertaken by the bureau.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 163—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to the distribution of support payments.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 164—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 Marshal to promulgate a legislative rule relating to certification of electrical inspectors.

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

By Senator Snyder:

Senate Bill No. 165—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 the Judiciary.

By Senator Snyder:

Senate Bill No. 166—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 municipal sales and service and use tax administration.

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

By Senator Snyder:

Senate Bill No. 167—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 special reclamation tax credit.

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

By Senator Snyder:

Senate Bill No. 168—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 withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 169—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 procedure for deposit of funds in the Treasurer’s Office by state agencies.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 170—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 procedure for deposit of moneys with the office by state agencies.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 171—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 selection of state depositories for disbursement accounts through competitive bidding.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 172—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 selection of state depositories for receipt accounts.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 173—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 reporting of debt capacity.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 174—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 reporting debt.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 175—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 procedures for fees in collections by charge, credit or debit card or by electronic payment.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 176—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 providing services to political subdivisions.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 177—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 utilization review and benefit determination.

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

By Senator Snyder:

Senate Bill No. 178—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 a health plan insurer internal grievance procedure.

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

By Senator Snyder:

Senate Bill No. 179—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 external review of adverse health insurance determinations.

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

By Senator Snyder:

Senate Bill No. 180—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 181—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. 182—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. 183—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. 184—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; then to the Committee on Finance; and then to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 185—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Infrastructure and Jobs Development Council to promulgate a legislative rule relating to the council.

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

By Senator Snyder:

Senate Bill No. 186—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 Commission to promulgate a legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of a brokerage business.

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

By Senator Snyder:

Senate Bill No. 187—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 Commission to promulgate a legislative rule relating to a schedule of fees.

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

By Senator Snyder:

Senate Bill No. 188—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing.

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

By Senator Snyder:

Senate Bill No. 189—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to farm wineries.

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

By Senator Snyder:

Senate Bill No. 190—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to the sale of wine.

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

By Senator Snyder:

Senate Bill No. 191—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures.

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

By Senator Snyder:

Senate Bill No. 192—A Bill to amend and reenact article 7, 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 the Judiciary.

By Senator Snyder:

Senate Bill No. 193—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. 194—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 or certification.

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

By Senator Snyder:

Senate Bill No. 195—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board 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. 196—A Bill to amend and reenact article 4, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to the Ron Yost Personal Assistance Services Board.

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

By Senator Snyder:

Senate Bill No. 197—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to policemen's and firemen's pensions disability calculation.

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

[CLERK'S NOTE: Senate Bill No. 101 through Senate Bill No. 197 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Snyder, Cochair.]

By Senators Unger, Kessler (Mr. President), Jenkins, Cann, Cookman, Fitzsimmons and Nohe:

Senate Bill No. 198—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to protecting the confidentiality of applicants and renewal applicants for and holders of deadly weapons permits.

Referred to the Committee on the Judiciary.

By Senators Unger and Cann:

Senate Bill No. 199—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to allowing only 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 the Judiciary.

By Senators Kirkendoll and Cookman:

Senate Bill No. 200—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; and depositing funds 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 Unger, Jenkins, Cann, Plymale and Williams:

Senate Bill No. 201—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, 2019; and requiring members of the West Virginia State Police to receive a \$580 salary increase at the beginning of their first year of service and each year thereafter.

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

By Senator Unger:

Senate Bill No. 202—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 benefit corporations generally; 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; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Unger, Cann, Yost and Williams:

Senate Bill No. 203—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 costs 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 Unger and Kessler (Mr. President):

Senate Bill No. 204—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.

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

By Senator Kirkendoll:

Senate Bill No. 205—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 Senator Plymale:

Senate Bill No. 206—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 a certain amount of the 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 making technical changes.

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

By Senators Plymale and Laird:

Senate Bill No. 207—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; providing an effective date; and making a technical correction.

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

By Senator Plymale:

Senate Bill No. 208—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 Senators Beach, Miller, Cookman, Walters and Fitzsimmons:

Senate Bill No. 209—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 Senator Beach:

Senate Bill No. 210—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; providing that nine members be registered nurses and one member a public consumer; and setting forth the qualifications of those nurses who may serve.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill No. 211—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 Senators Beach, Fitzsimmons and Williams:

Senate Bill No. 212—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; removing the requirement for collaborative relationships with physicians; removing certain notifications; removing the minimum requirements for certain legislative rules; and permitting certain fees to be set by rule.

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

By Senators Miller and Laird:

Senate Bill No. 213—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 Senator Miller:

Senate Bill No. 214—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 Citizens Elected County Officials Compensation Commission; membership of commission; terms of members; powers and duties of commission; and procedures for enacting salaries of elected county officials.

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

By Senators M. Hall, Carmichael and Cole:

Senate Bill No. 215—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, 2016; establishing northern and southern districts; providing three judges for each district; providing 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, 2015; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a Chief Judge of the Intermediate Court; authorizing staff for court and 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 Nohe:

Senate Bill No. 216—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 Senators Blair, Jenkins, Carmichael and Nohe:

Senate Bill No. 217—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 Senator Blair:

Senate Bill No. 218—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 the Judiciary; and then to the Committee on Finance.

By Senator Barnes:

Senate Bill No. 219—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 the establishment of public competitive learning academies; setting forth regulatory and statutory requirements; providing exemptions from state laws and rules; permitting conversion of public schools to public competitive learning academies; setting forth an application process; permitting approval and denial of applications; establishing a competitive learning academy status term; permitting the termination of a public competitive learning academy; setting forth public competitive learning academy requirements; providing for funding; setting forth enrollment standards; providing for student transportation; permitting conditional approval; setting forth information on competitive learning academies; permitting leaves of absence for teachers; setting forth employment of school personnel and benefits; and defining terms.

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

By Senators Barnes and D. Hall:

Senate Bill No. 220—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 Senators Barnes, D. Hall, Jenkins, Nohe and M. Hall:

Senate Bill No. 221—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, Jenkins and M. Hall:

Senate Bill No. 222—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 Barnes and M. Hall:

Senate Bill No. 223—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.

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

By Senator Kirkendoll:

Senate Bill No. 224—A Bill to amend and reenact §16-5V-9 of the Code of West Virginia, 1931, as amended, relating to transfers of service credit from the Public Employees Retirement System to the Emergency Medical Services Retirement System; providing that any increased benefit cost of transfer calculations may be made only three times; providing that a transferring director has thirty-six months from the date of application to pay all associated costs in a lump sum; and requiring the asset transfer be completed within six months of the receipt of that lump-sum payment.

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

By Senator Kirkendoll:

Senate Bill No. 225—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 Kirkendoll and D. Hall:

Senate Bill No. 226—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 Senator Jenkins:

Senate Bill No. 227—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 and M. Hall:

Senate Bill No. 228—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 Senator Jenkins:

Senate Bill No. 229—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 items of residential household waste; limiting the credit to \$600; and granting rule-making authority.

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

By Senator Jenkins:

Senate Bill No. 230—A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-19 of said code; and to amend and reenact §30-14-12a of said code, all relating to Board of Medicine, Board of Dental Examiners and Board of Osteopathy; permitting boards to independently initiate disciplinary proceedings in certain circumstances; permitting Board of Medicine to approve certain decisions, rather than deciding them directly as a whole; and increasing number of days within which Board of Medicine can make certain decisions.

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

By Senator Jenkins:

Senate Bill No. 231—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 using a minor in the commission of a crime.

Referred to the Select Committee on Children and Poverty; and then to the Committee on the Judiciary.

By Senators Jenkins, Carmichael and Cole:

Senate Bill No. 232—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; providing for 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 Government Organization; and then to the Committee on the Judiciary.

By Senators Jenkins and Plymale:

Senate Bill No. 233—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 and Miller:

Senate Bill No. 234—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 Senator Jenkins:

Senate Bill No. 235—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 Yost, D. Hall, Cann and Nohe:

Senate Bill No. 236—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, Jenkins, D. Hall, Cann and Nohe:

Senate Bill No. 237—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 Senator Yost:

Senate Bill No. 238—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; and lowering the threshold amount, from \$250,000 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 Senator Yost:

Senate Bill No. 239—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 Senator Yost:

Senate Bill No. 240—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 Senator Yost:

Senate Bill No. 241—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 Labor; and then to the Committee on Government Organization.

By Senator Yost:

Senate Bill No. 242—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 and §29-6A-24, 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 Senator Yost:

Senate Bill No. 243—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; and then to the Committee on Finance.

By Senators Yost, Cookman and Fitzsimmons:

Senate Bill No. 244—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 Senators Yost, Cookman and Fitzsimmons:

Senate Bill No. 245—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 free hunting and fishing licenses while serving in the West Virginia National Guard or its reserve and, upon full retirement, licenses for life.

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

By Senator Yost:

Senate Bill No. 246—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to a co-owner 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. 247—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the annual salary of the Executive Director of the Women's Commission is \$45,000.

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

By Senator Yost:

Senate Bill No. 248—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; setting forth 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; requiring reports; and providing rule-making authority.

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

By Senators Yost, Miller, Cann and Fitzsimmons:

Senate Bill No. 249—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 Senators Palumbo and Jenkins:

Senate Bill No. 250—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 Palumbo, Cann and Cookman:

Senate Bill No. 251—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-three 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 and §55-10-31, all relating generally to arbitration; defining terms; defining notice under article; defining when article applies; proscribing the effect of agreements to arbitrate and defining nonwaivable provisions; allowing for application for judicial relief under 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; 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 act; providing that this act complies with the Electronic Signatures in Global and National Commerce Act; and providing effective date.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senators Palumbo and Nohe:

Senate Bill No. 252—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 Palumbo and Laird:

Senate Bill No. 253—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 Select Committee on Children and Poverty; and then to the Committee on Education.

By Senator Unger:

Senate Bill No. 254—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 Plymale and Tucker:

Senate Bill No. 255—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.

By Senator Tucker:

Senate Bill No. 256—A Bill to amend and reenact §55-2-5 of the Code of West Virginia, 1931, as amended, relating to limitation of actions and suits; enforcement of liens reserved by conveyance or created by deed of trust or mortgage or real estate; and providing that a lien instrument securing an obligation payable on demand expires twenty years from the date of recording the lien instrument.

Referred to the Committee on the Judiciary.

By Senators Palumbo and Cann:

Senate Bill No. 257—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 Senators Palumbo, Jenkins, Beach, Cookman, Tucker and Fitzsimmons:

Senate Bill No. 258—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13h, 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 Senator Chafin:

Senate Bill No. 259—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 on telecommunications businesses 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 Education; and then to the Committee on Finance.

By Senator Chafin:

Senate Bill No. 260—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 Senators Chafin, Jenkins, D. Hall, Cole and M. Hall:

Senate Bill No. 261—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 Cookman, Miller and Fitzsimmons:

Senate Bill No. 262—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-22, relating to prohibiting recipients of state assistance under the Supplemental Nutrition Assistance Program from purchasing certain items determined to be nonfood items.

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

By Senator Chafin:

Senate Bill No. 263—A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating to clarifying 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 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 and Jenkins:

Senate Bill No. 264—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 Motor Vehicles 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 Senators Jenkins and Plymale:

Senate Bill No. 265—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 and Plymale:

Senate Bill No. 266—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 mandatory court-approved community service; permitting court-ordered restitution; requiring 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 Senators Palumbo, Kessler (Mr. President), Cookman and Fitzsimmons:

Senate Bill No. 267—A Bill to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of purchasing cards; defining the conduct as a continuing offense; and establishing jurisdiction.

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

By Senators Jenkins and M. Hall:

Senate Bill No. 268—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; and granting rule-making authority.

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

By Senator Jenkins:

Senate Bill No. 269—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.

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

By Senators Jenkins, Carmichael, Cole and M. Hall:

Senate Bill No. 270—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 Education; and then to the Committee on Finance.

By Senator Cann:

Senate Bill No. 271—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; and then to the Committee on Finance.

By Senators Cann and D. Hall:

Senate Bill No. 272—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 Senator Cann:

Senate Bill No. 273—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 Senator Cann:

Senate Bill No. 274—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 Senator Cann:

Senate Bill No. 275—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 Senators Cann and Beach:

Senate Bill No. 276—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 Senator Yost:

Senate Bill No. 277—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 Palumbo:

Senate Bill No. 278—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”.

Referred to the Committee on the Judiciary.

By Senators Cann and Cookman:

Senate Bill No. 279—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 the woman 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 notice; defining terms; providing for waiver; requiring notice to minors of 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 Barnes:

Senate Bill No. 280—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 Palumbo, Miller, Cookman, Tucker and Fitzsimmons:

Senate Bill No. 281—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 Senator Barnes:

Senate Bill No. 282—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.

By Senator Wells:

Senate Bill No. 283—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 Labor; and then to the Committee on the Judiciary.

By Senator Wells:

Senate Bill No. 284—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 Senator Wells:

Senate Bill No. 285—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 Senator Carmichael:

Senate Bill No. 286—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 Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 287—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 Senator Carmichael:

Senate Bill No. 288—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 Senators Carmichael, Jenkins and M. Hall:

Senate Bill No. 289—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 a defendant held liable in direct proportion to that defendant's percentage of fault; providing for method of assessing fault of the parties; providing exceptions; providing for severability; and defining terms.

Referred to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill No. 290—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to extending indefinitely the duration of the Municipal Home Rule Pilot Program; and making all municipalities eligible to participate in the Municipal Home Rule Pilot Program.

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

By Senator Carmichael:

Senate Bill No. 291—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 Senator Carmichael:

Senate Bill No. 292—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 Carmichael and Jenkins:

Senate Bill No. 293—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, Jenkins and M. Hall:

Senate Bill No. 294—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §55-7-27 and §55-7-28, 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 post-verdict determination of reduction of compensatory damages.

Referred to the Committee on the Judiciary.

By Senators Carmichael and Cole:

Senate Bill No. 295—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 Cann:

Senate Bill No. 296—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 §33-24-7m; to amend and reenact §33-25-8b of said code; to amend said code by adding thereto a new section, designated §33-25-8j; 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-8l; 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 2014; defining “illusionary 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 chapter.

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

By Senator Wells:

Senate Bill No. 297—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 Unger, D. Hall, Cookman, Tucker, Fitzsimmons, Williams and Cann:

Senate Bill No. 298—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 Carmichael and M. Hall:

Senate Bill No. 299—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's 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 Carmichael and Cole:

Senate Bill No. 300—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 who may serve on the court and how its judges are selected; providing that the 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, Jenkins, D. Hall and Nohe:

Senate Bill No. 301—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 mandatory drug testing and treatment for members of the Legislature; 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 Senator Carmichael:

Senate Bill No. 302—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 2014; 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 2013 revenue received by the county from the personal property tax on business machinery and equipment.

Referred to the Committee on Finance.

By Senators Unger, D. Hall, Jenkins, Miller and Cann:

Senate Bill No. 303—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to state minimum salaries for teachers; and providing a five percent pay increase to all public school teachers.

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

By Senator Palumbo:

Senate Bill No. 304—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 Senator Beach:

Senate Bill No. 305—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 Sypolt and Boley:

Senate Joint Resolution No. 1—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 Senators Sypolt and Miller:

Senate Joint Resolution No. 2—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.

By Senators Sypolt, Jenkins and M. Hall:

Senate Joint Resolution No. 3—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 Snyder, Unger and Jenkins:

Senate Joint Resolution No. 4—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 Senator Sypolt:

Senate Joint Resolution No. 5—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 Barnes, Nohe and Jenkins:

Senate Joint Resolution No. 6—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.

By Senator Wells:

Senate Joint Resolution No. 7—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.

Senators Barnes and Tucker offered the following resolution:

Senate Concurrent Resolution No. 1—Requesting the Division of Highways name bridge number 42-43-0.16, the Becky’s Creek Bridge on Route 43 crossing over the Tygart Valley River in Huttonsville, Randolph County, the “Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge”.

Whereas, Sergeant Kittle was born on March 15, 1940, in Randolph County to Cecil Wilbert Kittle, Sr., and Omega Virginia Armentrout Kittle. He had a brother, Master Sergeant Floyd A. Kittle, and two sisters, Carolyn Darlene Kittle and Eva Fae Knight; and

Whereas, In July, 1962, Sergeant Kittle married Betty Irene Wilt Kittle. They had two children, Richard Nicholas Kittle and Randall Lee Kittle; and

Whereas, Sergeant Kittle was a career soldier who first entered the Army in July, 1958, after attending Tygarts Valley High School. He served several tours of duty in Europe with the Seventh Army and, in 1961, was involved with activities surrounding the Berlin Wall Crisis while serving with the 51st infantry in Germany; and

Whereas, In 1965 Sergeant Kittle arrived in Vietnam where he served as a helicopter gunner and a paratrooper in Company C, Second

Battalion, Seventh Cavalry, and First Air Cavalry Division (Airmobile). This unit was involved in the heaviest fighting at the Battle of Ia Drang Valley and Chu Pong Mountain, the first major battle in the Vietnam War; and

Whereas, American leaders had decided to use newly developed airmobile tactics by flying in American troops by helicopter and Lieutenant General Hal Moore's First Battalion of the Seventh Cavalry was given this assignment in the Battle of Ia Drang Valley; and

Whereas, The Battle at Ia Drang Valley began on November 14, 1965, and Sergeant Kittle was part of the military's operation to bring troops into Ia Drang Valley to locate the North Vietnamese Army. Lieutenant General Moore had sixteen helicopters to bring in troops which took four hours to get all of his men on the ground. Heavy fire began immediately and the first American soldiers who were dropped off into a small clearing in the Ia Drang Valley, known as Landing Zone X-Ray, were immediately surrounded and attacked by two thousand North Vietnamese soldiers. Dozens of men died within this first wave of attacks during the battle, which continued for three more days; and

Whereas, On November 17, 1965, American military operations were moved to Landing Zone Albany, where U. S. troops were again attacked by the North Vietnamese Army. This second wave of attacks was considered the deadliest ambush of a U. S. unit during the entire course of the Vietnam War. During the night North Vietnamese soldiers walked through the woods executing all wounded American soldiers; and

Whereas, Air strikes and artillery eventually allowed U. S. troops to secure the area and rescue the survivors. More than three hundred of the four hundred fifty U. S. soldiers were killed in the Battle of Ia Drang Valley; and

Whereas, Sergeant Kittle was killed as a result of hostile action while on a search and destroy mission during the Battle of Ia Drang

Valley. He died during the second wave of North Vietnamese attacks on November 17, 1965, at the age of twenty-five. A month later, December 24, 1965, his second son, Randall Lee Kittle, was born; and

Whereas, Sergeant Kittle was one of nine West Virginia soldiers who died at the Battle of Ia Drang Valley. Being a native of Huttonsville, he was also the first Randolph County soldier to be killed in the Vietnam War. He is buried at the Old Brick Cemetery in Huttonsville along with his parents and other family members; and

Whereas, The Battle at Ia Drang Valley set the tone for the remainder of the Vietnam War as American forces continued to rely on air mobility and heavy fire support; and

Whereas, Sergeant Kittle was awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, the Army Good Conduct Medal, the Seventh Cavalry Garry Owen Patch and the Combat Infantry Badge; and

Whereas, Sergeant Kittle's name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 3E, Row 82; and

Whereas, The battle in which Sergeant Kittle died was documented in the 1965 CBS Special Report "Battle of Ia Drang Valley" and in the book "We Were Soldiers Once . . . and Young" by Lieutenant General Hal Moore and reporter Joseph Galloway, who was also at the battle. That book also served as the basis of the 2002 movie "We Were Soldiers" starring Mel Gibson; and

Whereas, Two local articles also chronicled the book and movie's significance to West Virginia and the people of Randolph County. The headlines read: "Current Vietnam Film has Personal Meaning for Area Residents" in the March 9, 2002, issue of *The Elkins Inter-Mountain* newspaper and "We Were Solders: West Virginia

Veterans Remember Battle at Ia Drang Valley” in the March 7, 2002, issue of *the Charleston Gazette* newspaper. They are archived at the Cultural Center in Charleston and in the Wise Library in Morgantown. Sergeant Kittle’s November 22, 1965, obituary is also archived at *The Elkins Inter-Mountain* newspaper library (Vol. LIX No. 45); and

Whereas, It is fitting to honor Sergeant Cecil W. Kittle, Jr., for his commitment, dedication and service to his country and to his state, having given 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 42-43-0.16, the Becky’s Creek Bridge on Route 43 crossing over the Tygart Valley River in Huttonsville, Randolph County, the “Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Army Sgt. Cecil W. Kittle, 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 Sergeant Kittle’s son, Randall Lee Kittle.

Which, under the rules, lies over one day.

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

January 8, 2014

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, 2014.

Very truly yours,

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. 306—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.

Senator Kessler (Mr. President) announced appointment of the standing and select committees of the Senate for this second session of the 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 AND SELECT COMMITTEES OF THE SENATE 2014

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, McCabe, Palumbo, Prezioso, Barnes, M. Hall, Nohe and Walters.

CONFIRMATIONS

Senators Green (*Chair*), Facemire (*Vice Chair*), Miller, Plymale, Snyder, Yost, Cole, Nohe 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 Jenkins.

ENERGY, INDUSTRY AND MINING

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

ENROLLED BILLS

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

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, Kirkendoll, Stollings, Williams, Yost, Blair, Boley, Jenkins and Sypolt.

HEALTH AND HUMAN RESOURCES

Senators Stollings (*Chair*), Laird (*Vice Chair*), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, Cole, 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, Kirkendoll, Miller, Snyder, Unger, Williams, Carmichael, Cole, Jenkins, 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, Laird, Tucker, Boley, Carmichael and Jenkins.

NATURAL RESOURCES

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

PENSIONS

Senators Kirkendoll (*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, Plymale, Williams, Barnes, Cole and Walters.

SELECT COMMITTEE ON CHILDREN AND POVERTY

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

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, January 9, 2014, at 11 a.m.

THURSDAY, JANUARY 9, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Paul Allen, Associate Pastor, Living Faith Fellowship, Keyser, West Virginia.

Pending the reading of the Journal of Wednesday, January 8, 2014,

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 Clerk presented a communication from the Board of Barbers and Cosmetologists, 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 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 reports for fiscal years 2011 and 2012 and fiscal years 2012 and 2013, 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 Dentistry, submitting its biennial report for fiscal years 2012 and 2013 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 Registration for Professional Engineers, 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 Department of Environmental Protection, submitting its report on air quality impacts occurring from horizontal well drilling and related activities as required by chapter twenty-two, article six-a, section twenty-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 Environmental Protection, submitting its final integrated water quality monitoring and assessment report, in accordance with chapter twenty-two, article eleven, section twenty-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 Department of Environmental Protection, submitting its report on noise, light, dust and volatile organic compounds generated by the drilling of horizontal wells as required by chapter twenty-two, article six-a, 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 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 Oil and Gas Reclamation Fund report 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 2013 Waiver Report, in accordance with 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 Division of Forestry, submitting its annual Outdoor Heritage Conservation Fund report as required by 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 Department of Health and Human Resources, submitting its annual report of the James "Tiger" Morton Catastrophic Illness Commission, 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 Department of Health and Human Resources, submitting its annual report of the Sudden Infant Death Syndrome Prevention Project as required by chapter sixteen, article one, 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 Higher Education Policy Commission and the Council for Community and Technical Education, submitting its annual veterans initiatives report, in accordance with chapter eighteen-b, article four, section 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 Higher Education Policy Commission, submitting its annual system performance report as required by chapter eighteen-b, article one-b, section four 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 Highways, submitting its annual financial report, in accordance with chapter seventeen, article three, section one-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 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 State Board of Examiners for Licensed Practical Nurses, submitting its biennial report for fiscal years 2012 and 2013, 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 West Virginia Lottery, submitting its annual financial report as required by chapter twenty-nine, article twenty-two, section twenty 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 2012 and 2013, 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 Office of Miners' Health, Safety and Training, submitting its coal mine safety report as required by chapter twenty-two-a, article twelve, section 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 Nursing Home Administrators Licensing Board, 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 Occupational Therapy, submitting its biennial report for fiscal years 2012 and 2013 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 Osteopathic Medicine, submitting its biennial report for fiscal years 2012 and 2013, 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 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 2012 and 2013, 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 2012 and 2013 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 Rail Authority, submitting its annual financial report, in accordance with chapter twenty-nine, article eighteen, 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 Real Estate Appraiser Licensing and Certification Board, submitting its biennial report for fiscal years 2012 and 2013 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 Real Estate Commission, submitting its biennial report for fiscal years 2012 and 2013, 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 Sanitarians, submitting its biennial report for fiscal years 2012 and 2013 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 biennial report for fiscal years 2012 and 2013, 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 effectiveness in recruiting females and other minorities 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 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.

Senator Kessler (Mr. President) presented a communication from the Office of the Attorney General, submitting its annual report of the Consumer Protection and Antitrust Division as required by chapter forty-six-a, article seven, section one hundred two of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

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 Cann, Williams, Cookman and Palumbo:

Senate Bill No. 307—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.

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

By Senators Cann, Plymale, Williams, McCabe, Stollings and Fitzsimmons:

Senate Bill No. 308—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. 309—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 Palumbo and Cookman:

Senate Bill No. 310—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.

Referred to the Committee on the Judiciary.

By Senators Chafin, M. Hall, Jenkins, Miller, Laird and D. Hall:

Senate Bill No. 311—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 Cann, Williams, Wells, McCabe, Stollings and Palumbo:

Senate Bill No. 312—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.

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

By Senators Snyder, McCabe and Miller:

Senate Bill No. 313—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-10, relating to requiring the Director of the Consumer Advocate Division of the Public Service Commission be appointed by the Governor with advice and consent of the Senate.

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

By Senator Wells:

Senate Joint Resolution No. 8—Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof; and amending 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 Williams, Sypolt, Cookman, Blair, Plymale, Prezioso, Yost, Beach, Jenkins, Green, Miller, Laird, McCabe, Stollings, D. Hall and Fitzsimmons offered the following resolution:

Senate Resolution No. 3—Honoring the life and public service of Mineral County native Harley Orrin Staggers, Sr., on Mineral County Day at the Legislature.

Whereas, Harley Orrin Staggers, Sr., was born August 3, 1907, in Keyser, Mineral County, West Virginia; and

Whereas, Harley Orrin Staggers, Sr., graduated from Keyser High School, received his college degree from Emory and Henry College and served as a Lieutenant Commander in the United States Navy during World War II; and

Whereas, After his service in the United States Navy, Harley Orrin Staggers, Sr., continued his service to his country and state by serving in the United States House of Representatives, representing the second congressional district of West Virginia from 1949 until 1981; and

Whereas, Among his many accomplishments in Congress, Harley Orrin Staggers, Sr., is best known for the passage of the Staggers Act of 1980, which helped pave the way for a thriving railroad industry in West Virginia and throughout the country; and

Whereas, After a long and productive life of public service, Harley Orrin Staggers, Sr., died on August 20, 1991, and was buried on his farm where the inscription on his gravestone encompasses his public service belief: “What a man does for himself dies with him; what he does for others lives forever”; and

Whereas, From a life of humble beginnings in rural Mineral County to the halls of Congress, it is fitting to honor Mineral County native Harley Orrin Staggers, Sr., on Mineral County Day at the Legislature, for his dedicated public service to Mineral County, the entire State of West Virginia and the United States of America; therefore, be it

Resolved by the Senate:

That the Senate hereby honors the life and public service of Mineral County native Harley Orrin Staggers, Sr., on Mineral County Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to Harley Orrin Staggers, Sr., for his everlasting contributions to Mineral County and 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 from Mineral County and to the family of Harley Orrin Staggers, Sr.

At the request of Senator Williams, 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, Plymale, Prezioso, Yost, Williams, Green, Stollings, D. Hall and Palumbo offered the following resolution:

Senate Resolution No. 4—Celebrating the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia.

Whereas, Monongalia County was founded in 1776 after being settled by a small group of people along the banks of Decker's Creek, and has grown to a present-day population of approximately one hundred thousand people and growing daily; and

Whereas, Monongalia County is home to West Virginia University, a public land-grant institution, founded in 1867, and

recognized as a top research university by the Carnegie Foundation for the Advancement of Teaching. WVU welcomes and shapes the minds of students from across the State of West Virginia, every state in the United States and approximately one hundred other nations; and

Whereas, Monongalia County offers to its citizens and visitors from around the world the best in medical care; tourism experiences from Mountainfest to the University Arts Series; a beautiful view from Cooper's Rock to a peaceful stroll on the Caperton Trail; top-rated educational experiences at all levels; a thriving and innovative business community; a nationally acclaimed economic model; and a place that offers big-city amenities with the neighborly feel of small-town life; and

Whereas, Monongalia County has been recognized in recent years in the following ways: "Best Performing Small Metros" (Milken Institute); "Best Small Metros for Business and Careers" (Forbes); "Best Quality of Life and Knowledge Worker Metros" (Expansion Manage.); "Smart Places to Live" (Kiplinger's); "Boom Town" (Inc.); "Morgantown-Top College Destination" (American Institute for Economic Research); "Best Places to Retire for under \$100 a Day" (AARP); "Most Secure Small Cities" (Farmer's Insurance); "Adventure Town" (National Geographic Adventure Magazine); "Best Small Town to Live" (Men's Journal); and "Best Sports Cities" (Sporting News); and

Whereas, In Monongalia County, from Blacksville to Star City, from Westover to Granville, in the heart of Morgantown and everywhere in between, every day is a Great Day to be a Mountaineer; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the vibrancy and contributions made to our state and nation by the people, past and present, of Monongalia County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives from Monongalia County.

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. 1, Requesting DOH name Becky's Creek Bridge, Randolph County, "Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge".

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

The Senate proceeded to the 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, January 10, 2014, at 10 a.m.

FRIDAY, JANUARY 10, 2014

The Senate met at 10 a.m.

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

Prayer was offered by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Thursday, January 9, 2014,

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

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 Williams and Sypolt:

Senate Bill No. 314—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to proceeds of the hotel occupancy tax; and permissible expenditure of the proceeds in a county with no more than one hospital.

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

By Senator Wells:

Senate Bill No. 315—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 Military; and then to the Committee on Finance.

By Senator Palumbo:

Senate Bill No. 316—A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to tolling the statute of limitations in certain cases; limiting the circumstances within which the statute of limitations is tolled for the institution of third-party complaints associated with pending civil actions; and clarifying that this section does not limit the doctrine of equitable tolling or the discovery rule.

Referred to the Committee on the Judiciary.

By Senators Unger, Nohe, Kessler (Mr. President), D. Hall, Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird, Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder:

Senate Bill No. 317—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, grandfathering clause and effective date.

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

By Senator Stollings:

Senate Bill No. 318—A Bill to amend and reenact §60A-3-301 of the Code of West Virginia, 1931, as amended, relating to setting registration fees for the manufacture, distribution, dispensing and conducting research of controlled substances; and providing certain boards with rule-making authority.

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

By Senator McCabe:

Senate Bill No. 319—A Bill to amend and reenact §29-3-3 of the Code of West Virginia, 1931, as amended, relating to adding an electrician and a sprinkler fitter to the State Fire Commission.

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. 320—A Bill to amend and reenact §15-5-1 and §15-5-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6J-1, §46A-6J-2, §46A-6J-3 and §46A-6J-4 of said code, all relating to emergency preparedness; revising the policy statement for the Division of Homeland Security and Emergency Management; authorizing the Governor or the Legislature to proclaim a state of preparedness; identifying conditions that permit a declaration of a state of preparedness; adding the term “state of preparedness” to where “state of emergency” is referred throughout the code; providing that a state of preparedness has the same effect as a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; revising the definition of “state of emergency” in the West Virginia Consumer Protection Act; defining “state of preparedness” in the West Virginia Consumer Protection Act; requiring notification of a state of preparedness by the Secretary of State; and making other technical and stylistic revisions.

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. 321—A Bill to amend and reenact §5-4-1 and §5-4-2 of the Code of West Virginia, 1931, as amended, all relating to the Board of Public Works; providing for board members to be represented by designees; and permitting board members to vote by proxy.

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. 322—A Bill to amend and reenact §6-7-1 of the Code of West Virginia, 1931, as amended, relating to pay periods for officers and employees of the state, state institutions of higher education and the Higher Education Policy Commission.

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. 323—A Bill to repeal §30-1-6a and §30-1-6b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4 and §30-1B-5, all relating to professional licensing requirements for certain military members and their spouses; making legislative findings; providing for liberal construction of article; requiring certain boards to consider military education, training and experience upon application for licensure, certification or registration; providing boards with rule-making authority; allowing certain military members and their spouses to renew state licenses for six months when out of state on active duty; allowing spouses of military members to obtain a temporary professional license under certain conditions; providing a one-time waiver of renewal fee; providing boards with rule-making authority; and requiring boards to collect certain data on applications for licensure.

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

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

Senate Bill No. 324—A Bill to amend and reenact §24C-1-2 and §24C-1-3 of the Code of West Virginia, 1931, as amended, all relating to the one-call system; revising definition of “underground facility”; and requiring that all operators of an underground facility in this state participate in a one-call system for the area in which the underground facility is located.

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

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

Senate Bill No. 325—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 providing that the State Fire Marshal shall serve at the will and pleasure of the Fire Commission and shall be exempt from the classified civil service system.

Referred to the Committee on Government Organization.

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

Senate Bill No. 326—A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to fixing a technical error relating to the motor fuel excise tax.

Referred to the Committee on Finance.

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

Senate Bill No. 327—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 adjusted gross income” and certain other terms

used in the West Virginia Corporation Net Income Tax Act; 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. 328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13R-13, relating to expiration of the Strategic Research and Development Tax Credit.

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. 329—A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended, relating to extending the cessation of deposits into the Special Railroad and Intermodal Enhancement Fund to fiscal years 2015 and 2016.

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. 330—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 West Virginia Division of Highways-Parkways Authority collection enforcement; creating the Safe and Efficient Parkways Act; making legislative findings; defining terms; authorizing the electronic enforcement of collection of tolls; establishing criminal and civil penalties for nonpayment and damage to facilities; providing that certain information collected is 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; providing for nonrenewal of vehicle registration; and granting rule-making authority.

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. 331—A Bill to amend and reenact §11-15-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-74 of said code, all relating to providing accelerated payment of consumers sales and service and use tax and employee withholding taxes for certain taxpayers and employers.

Referred to the Committee on Finance.

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

Senate Bill No. 332—A Bill to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to reducing the amount deducted as an allowance for usual losses in collections due to discounts, exonerations, delinquencies and the like for purposes of calculating local share.

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. 333—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; and specifying effective date.

Referred to the Committee on Finance.

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

Senate Bill No. 334—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to suspending payments of the refundable exemption to the West Virginia consumers sales and service tax to the State Road Fund for fiscal years 2015 and 2016; and resuming these payments for fiscal year 2017.

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

By Senators Fitzsimmons, Yost, Blair, D. Hall, Kessler (Mr. President), Unger and Miller:

Senate Bill No. 335—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-60, relating to requiring materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States; providing exceptions; and defining terms.

Referred to the Committee on Government Organization.

Senators Cann and Yost offered the following resolution:

Senate Concurrent Resolution No. 2—Requesting the Division of Highways to name bridge number 17-131-3.99, located in Harrison County, the “Kevin S. Rux Memorial Bridge”.

Whereas, Kevin S. Rux was born in Coronado, California, on October 31, 1969, the son of James A. Rux, a veteran of the United States Navy, and Sandra Rux Flanagan, a native of Chub Run, West Virginia; and

Whereas, Kevin S. Rux enlisted in the Navy in October of 1988; and

Whereas, Kevin S. Rux attended boot camp in Great Lakes, Illinois, and went on to serve in the Persian Gulf during Operation Desert Shield; and

Whereas, Kevin S. Rux served ten years on active duty, had a brief stint of civilian life and then reenlisted in the Navy on October 27, 1999; and

Whereas, Upon reenlistment, Kevin S. Rux was assigned to the USS Cole as an Electronics Warfare Technician First Class; and

Whereas, On October 12, 2000, the USS Cole was attacked by terrorists while refueling in Aden Harbor, Yemen, killing seventeen sailors and severely injuring thirty-nine more; and

Whereas, Sadly, Kevin S. Rux was one of the seventeen sailors killed in the blast; and

Whereas, It is fitting to honor the life of Kevin S. Rux, by naming this bridge in his memory as an everlasting tribute to his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-131-3.99, located in Harrison County, the “Kevin S. Rux 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 “Kevin S. Rux 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.

Which, under the rules, lies over one day.

Senators Cann and Yost offered the following resolution:

Senate Concurrent Resolution No. 3—Requesting the Division of Highways to name bridge number 17-19-23.26 in Gypsy, Harrison County, the “Sergeant First Class Sam Lopez Bridge”.

Whereas, Sam Lopez was born September 27, 1924, in Shinnston, West Virginia, the son of Pete and Mary Lopez; and

Whereas, After being raised in Shinnston, Sam Lopez enlisted in the United States Navy in May of 1943 and was assigned to the USS Indianapolis in August of the same year; and

Whereas, The USS Indianapolis was the pride of the United States Navy and was chosen to be the flagship of the Pacific Fleet, carrying a crew of 1,200 men; and

Whereas, While stationed on the USS Indianapolis, Sam Lopez took part in the battles of Saipan, Tinian, Guam, Iwo Jima, Okinawa and the key battles of Midway and the Philippine Sea; and

Whereas, In July of 1945, after completing a top-secret mission, the USS Indianapolis set sail for Guam where it was to take part in gunnery practice with the USS Idaho in preparation for the invasion of Japan; and

Whereas, On July 30, 1945, at 12:15 a.m., the USS Indianapolis was hit by enemy fire; and

Whereas, The USS Indianapolis quickly began taking on water and the order was given to abandon ship; and

Whereas, After jumping in the water that night, Sam Lopez spent four desperate days floating in the Pacific before being rescued; and

Whereas, Out of 1,200 men aboard, only 317 survived, and Sam Lopez was among the survivors of the Navy’s worst tragedy at sea; and

Whereas, Sam Lopez married his beloved wife Joanne, with whom he shared the joy of having two children, Linda and Sam Jr., and four grandchildren, James, Bryan, Shawn and Shane; and

Whereas, It is fitting to recognize the service and sacrifice of Sam Lopez by naming this bridge as an everlasting tribute to him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-19-23.26 in Gypsy, Harrison County, the “Sergeant First Class Sam Lopez 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 “Sergeant First Class Sam Lopez 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.

Which, under the rules, lies over one day.

Senators Cann and Yost offered the following resolution:

Senate Concurrent Resolution No. 4—Requesting the Division of Highways to name the new bridge that will cross West Fork of the Monongahela River at Shinnston the “Veterans Memorial Bridge”.

Whereas, Shinnston veterans have served our great nation honorably and notably in times of conflict, times of war and times of peace; and

Whereas, Shinnston veterans have been wounded in times of conflict and been held as prisoners of war, while others have made the supreme sacrifice for their state and country; and

Whereas, Shinnstonians have always answered the call of duty to serve in our nation's military; and

Whereas, Shinnston veterans have served in many capacities in the military including guarding the President of the United States and serving with the original Tuskegee Airmen; and

Whereas, Shinnston has many decorated veterans who have been the recipients of many military honors including the Purple Heart, the Bronze Star, the Silver Star and the Congressional Gold Medal; and

Whereas, Many Shinnston veterans have returned from serving our country to serve their communities as members of the West Virginia House of Delegates, and as mayors and councilmen; and

Whereas, Shinnston veterans also return from duty to serve the community as volunteers, mentors, philanthropists, coaches and teachers; and

Whereas, It is fitting to recognize the service and sacrifice of Shinnston veterans by naming this bridge in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new bridge that will cross West Fork of the Monongahela River at Shinnston the "Veterans 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 "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 Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Wells, McCabe, Palumbo, Walters, Yost and Stollings offered the following resolution:

Senate Concurrent Resolution No. 5—Requesting the Division of Highways to name bridge number 20-19-0.01 in Kanawha County the “Army PFC William Floyd Harrison Memorial Bridge”.

Whereas, Army PFC William F. Harrison was born on February 13, 1924, in Kenna, Jackson County, West Virginia; and

Whereas, Army PFC Harrison served as a machine gunner in the United States Army’s 41st Infantry Division; and

Whereas, Army PFC Harrison was decorated with the Eastern Theater Ribbon with five Bronze Battle Stars, the American Theater Ribbon, the World War II Victory Medal, the Good Conduct Medal and the Purple Heart with an Oak Leaf Cluster; and

Whereas, Army PFC Harrison returned home and married Juanita “Wana” Harrison on April 12, 1947, and had three children, Bonnie, Danny and Jackie; and

Whereas, Army PFC Harrison passed away at age sixty-nine on October 23, 1993; and

Whereas, It is fitting to honor Army PFC Harrison 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 20-19-0.01 in Kanawha County the “Army PFC William Floyd Harrison 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 PFC William Floyd Harrison 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 Army PFC William Floyd Harrison.

Which, under the rules, lies over one day.

At the request of Senator Prezioso, unanimous consent being granted, Senator Prezioso offered the following resolution from the floor:

Senate Resolution No. 5—Authorizing the appointment of permanent and per diem employees for the Second 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-eight Class I secretaries at a rate of seventy dollars to ninety-one dollars per diem;

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

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

Four Class IV secretaries at a rate of seventy-six dollars to seventy-seven dollars per diem;

Five legislative analysts at a rate of sixty-five dollars to ninety-three dollars per diem;

Thirteen legal counselors at a rate of two hundred dollars to two hundred forty-eight 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-five dollars per diem;

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

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

Three journal and bill room clerks at a rate of sixty-five dollars to sixty-six dollars per diem;

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

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

Five assistants to the Sergeant at Arms at a rate of sixty-five dollars to seventy-three dollars per diem;

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

One chief assistant Doorkeeper at a rate of ninety-six dollars per diem;

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

Three mail clerks at a rate of sixty-five to eighty-seven dollars per diem;

One information clerk at a rate of seventy-five dollars per diem (thirty-seven dollars and fifty cents per diem paid by House of Delegates);

Four messengers at a rate of sixty dollars to sixty-three dollars per diem;

Six night custodians at a rate of sixty dollars to sixty-five dollars per diem;

Two head pages at a rate of sixty-nine dollars per diem;

One recording system operator at a rate of seventy-five dollars per diem;

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

One parking coordinator at a rate of one hundred six dollars per diem (fifty-three dollars 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 fourteen 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	4,791.68
Executive Secretary to Clerk	3,500.00
Administrative Assistant to Clerk/President	2,000.00
Fiscal Officer	5,040.84
Assistant Fiscal Officer	3,916.68
Technical Support	3,541.68
Deputy Clerk	5,534.60
Chief Desk Clerk	4,385.42
Chief Journal Clerk	3,833.34
Bill History Clerk	3,500.00
Bill Clerk	2,916.68
Administrative Assistant	3,864.18
Administrative Secretary	3,184.18
Minor Committee Support	3,226.68
Minor Committee Support	2,437.50
Counsel to Minor Committees	6,166.68
Counsel to President	7,599.18
Senior Assistant to President	5,208.34
Media Specialist/ Administrative Assistant to President	5,166.68
Constituent Outreach Specialist	2,833.34
Executive Secretary to President	3,250.00
Chief Counsel to Majority Leader	7,803.34
Senior Legislative Analyst/ Assistant Parliamentarian	3,925.84
Secretary to Majority Leader	2,083.34

Legal Legislative Secretary	2,904.60
Secretary to Minority Leader	3,083.34
Counsel to Education Committee	7,038.34
Counsel to Education Committee	5,208.34
Legislative Analyst to Education Committee	2,500.00
Administrative Assistant/Clerk to Education Committee	2,666.68
Chief Counsel to Finance Committee	6,866.68
Budget-Policy Analyst to Finance Committee	5,333.34
Budget Analyst to Finance Committee	3,333.34
Clerk to Finance Committee	2,916.68
Chief Counsel to Government Organization Committee	6,000.00
Committee Administrator to Government Organization Committee	3,266.68
Clerk to Government Organization Committee	2,500.00
Senior Counsel to Health and Human Resources Committee	6,552.92
Clerk to Health and Human Resources Committee	3,000.00
Chief Counsel to Judiciary Committee	6,666.68
Counsel to Judiciary Committee	6,166.68
Legislative Analyst/ Clerk to Judiciary Committee	3,333.34
Secretary to Judiciary Committee	2,883.34
Supervisor, Materials & Supplies	4,052.10
Purchasing & Procurement Clerk	3,351.68
Mail/Supply Clerk	2,926.25
Chief Custodian	3,266.25
Custodian	2,140.00
Custodian	2,041.68

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 Prezioso, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, January 13, 2014, at 1 p.m.

MONDAY, JANUARY 13, 2014

The Senate met at 1 p.m.

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

Prayer was offered by Rabbi Victor Urecki, B'Nai Jacob Synagogue, Charleston, West Virginia.

Pending the reading of the Journal of Friday, January 10, 2014,

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.

The Clerk presented a communication from the Higher Education Policy Commission and the Council for Community and Technical Education, submitting its Capital Project Priorities report in accordance with chapter eighteen-b, article one-b, section four of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

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, Laird, Boley, Cole, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins and Cookman:

Senate Bill No. 336—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 Senators Yost and Fitzsimmons:

Senate Bill No. 337—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 the Judiciary.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 2, Requesting DOH name bridge in Harrison County “Kevin S. Rux 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. 3, Requesting DOH name bridge in Gypsy, Harrison County, “Sergeant First Class Sam Lopez 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 new bridge crossing West Fork of Monongahela River at Shinnston “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.

Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Kanawha County “Army PFC William Floyd Harrison 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 twelfth order of business.

Remarks were made by Senators Snyder and Walters.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, January 14, 2014, at 11 a.m.

TUESDAY, JANUARY 14, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Richard G. Mahan, St. Timothy Lutheran Church, Charleston, West Virginia.

Pending the reading of the Journal of Monday, January 13, 2014,

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 Clerk presented a communication from the Division of Motor Vehicles, submitting its annual report of the Motor Vehicle Test and Lock Program as required by 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 Motorcycle Safety Awareness Program Board, submitting its annual report, in accordance with 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 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. 338—A Bill to repeal §5B-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5B-2E-5, §5B-2E-7 and §5B-2E-7a of said code, all relating to the West Virginia Tourism Development Act; removing termination provisions; removing requirement for engagement of a consulting firm to review proposed projects; increasing the limitation on the total amount of tourism development expansion project tax credits for all approved companies each calendar year; and providing for increased tax credit amounts for projects located on state and federal recreational property.

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

By Senators Palumbo, Stollings and Jenkins:

Senate Bill No. 339—A Bill to amend and reenact §60A-2-210 of the Code of West Virginia, 1931, as amended, relating to adding tramadol and its related salts and isomers to the list of Schedule IV controlled substances.

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

By Senator Snyder:

Senate Bill No. 340—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-6c, relating to creating a certification for emergency medical technician-industrial; establishing the certification and recertification requirements; period of certification; restricting the practice of emergency medical technician-industrial; and clarifying that emergency medical technician-industrial takes the place of emergency medical technician-miner.

Referred to the Committee on Health and Human 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. 341—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 2014, organization 0511, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the Budget Bill.

Referred to the Committee on Finance.

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

Senate Bill No. 342—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, 2014, to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2014, organization 0510, to the Department of Military Affairs and Public Safety, Adjutant General - West Virginia National Guard Counterdrug Forfeiture Fund, fund 8785, fiscal year 2014, organization 0603, to the Department of

Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2014, organization 0612, and to the Department of Veterans' Assistance, fund 8858, fiscal year 2014, organization 0613, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the Budget Bill.

Referred to the Committee on Finance.

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

Senate Bill No. 343—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, 2014, to the Department of Commerce, Workforce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2014, organization 0323, by supplementing and amending the appropriation for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

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

Senate Bill No. 344—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$2,293,000 from Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund

0256, fiscal year 2002, organization 0307, activity 131, in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, in the amount of \$65,804.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, in the amount of \$25,265 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, in the amount

of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, in the amount of \$742,930.92 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, and in the amount of \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, in the amount of \$6,600.22 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical

Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, in the amount of \$1,974.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, in the amount of \$20,000,000 from Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, in the amount of \$5,707,000 from Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, in the amount of \$1,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, in the amount of \$5,000,000 from the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year

2014, organization 0201, in the amount of \$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, in the amount of \$500,000 from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, in the amount of \$10,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Health and Human Resources, Division of Health,

Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

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

Senate Bill No. 345—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, and in the amount of \$7,000,000 from the Joint Expenses, fund 0175, fiscal year 2008, activity 642, and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

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

Senate Bill No. 346—A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Division of Natural Resources, fund 3267, fiscal year 2014, organization 0310, and to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2014, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

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

Senate Bill No. 347—A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2014, to a new item of appropriation designated to the Auditor's Office, Volunteer Fire Department Workers' Compensation Premium Subsidy Fund, fund 1239, fiscal year 2014, organization 1200, 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 2014, organization 0932, to the Department of Health and Human Resources, Division of Health, Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2014, organization 0511, to the Department of Revenue, Racing Commission - General Administration, fund 7305, fiscal year 2014, organization 0707, to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses, fund 8517, fiscal year 2014, organization 0906, to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2014, organization 0926, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the Budget Bill.

Referred to the Committee on Finance.

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

Senate Bill No. 348—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 2014, organization 0803, for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

By Senators Tucker, Palumbo, Cookman, Fitzsimmons, D. Hall, Snyder, Walters, Plymale and Miller:

Senate Bill No. 349—A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to the nonrenewal of property insurance policies as a result of certain claims arising from natural causes.

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

By Senators Miller, Stollings, Snyder, Plymale, Laird, D. Hall, Unger and Beach:

Senate Bill No. 350—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-11, relating to the Rural Rehabilitation Loan Program; requiring annual reporting; and authorizing rulemaking.

Referred to the Committee on Agriculture and Rural Development.

Senators Wells, Yost, Boley, Edgell, Fitzsimmons, Jenkins, Stollings, Plymale, Snyder, Laird, Miller and Cookman offered the following resolution:

Senate Concurrent Resolution No. 6—Requesting the Joint Committee on Government and Finance to continue studying the needs, challenges and issues facing West Virginia military veterans, West Virginia citizens serving in the armed forces of the United States,

the West Virginia National Guard and other military affairs of West Virginia.

Whereas, West Virginia has a proud heritage of military service members, veterans and military family members; and

Whereas, West Virginia is home to more military service members and veterans per capita than any other state in the nation; and

Whereas, The West Virginia National Guard is continuously above service and preparedness strength, has been repeatedly recognized as one of the top forces in the country and its members are nationally renowned for their professionalism, courage and commitment to duty; and

Whereas, Military veteran homelessness, incidents of veteran suicide and diagnoses of post-traumatic stress disorder for veterans are all on the rise with no signs of slowing down unless additional action by the West Virginia Department of Veterans' Assistance and the United States Department of Veterans Affairs is taken; and

Whereas, Additionally, aging veterans of previous conflicts are facing worsening problems as they enter their retirement years; and

Whereas, West Virginia has passed legislation offering in-state military veteran retirees financial benefits in an attempt to increase these veterans' financial stability and to attract out-of- state veterans to retire to West Virginia; and

Whereas, As the state continues to make retiring in West Virginia attractive to military veterans, the overall economic development their residency provides will certainly benefit each and every West Virginian; and

Whereas, Although the retirement benefits of veterans within West Virginia are positive, additional legislative efforts can be pursued to further augment these opportunities; and

Whereas, The Legislature finds that it should take an active role in studying, formulating and implementing resources and programs that support West Virginia citizens serving in the armed forces of the United States, the West Virginia National Guard as well as veterans of military service to better assist them and their family members in getting the care, services and opportunities that they have earned and deserve; and

Whereas, The Select Committee on Veterans Affairs has a demonstrated history of initiating legislation promoting and facilitating the establishment of programs to assist returning veterans, including, but not limited to, the veteran-friendly campus legislation as well as legislation to establish a program for veteran-friendly communities and continues to monitor the implementation and development of such programs; and

Whereas, Because of the state's consistent resident and citizen support of the nation's armed forces and the West Virginia National Guard, the Legislature of West Virginia should continue to receive input and develop measures on a continuing basis during interim periods in order to provide the best available educational, vocational, social and medical support services for our state's military personnel and veterans that it can; and

Whereas, The interim Select Committee on Veterans Affairs provides the Legislature a means to continuously monitor and develop various programs and resources to assist our state's military personnel and military veterans; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to continue studying the needs, challenges and issues facing West Virginia military veterans, West Virginia citizens serving in the armed forces of the United States, the West Virginia National Guard and other military affairs of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, January 15, 2014, at 11 a.m.

WEDNESDAY, JANUARY 15, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Dr. Earl Cochran, Fishers Chapel, Sissonville, West Virginia, and Pleasant View United Methodist Church, Sissonville, West Virginia.

Pending the reading of the Journal of Tuesday, January 14, 2014,

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 Clerk presented a communication from the Department of Environmental Protection, submitting its Special Reclamation Fund Advisory Council annual report as required by 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 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. 26, Creating emergency generator tax credit.

Senate Bill No. 96, Creating Creative Communities Development Act.

Senate Bill No. 259, Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance.

And,

Senate Bill No. 270, Creating Jobs Impact Statement Act.

And reports the same back without recommendation as to passage; but with the recommendation that they first be referred to the Committee on Economic Development; and then, under the original double committee references, to the Committee on Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

On motion of Senator Plymale, the bills (S. B. Nos. 26, 96, 259 and 270) contained in the foregoing report from the Committee on Education were referred to the Committee on Economic Development; and then, under the original double committee references, 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. 66, Terminating state's jurisdiction over certain reclaimed sites of bond-forfeited surface mining operations.

Senate Bill No. 68, Limiting liability of participants in certain water pollution abatement projects.

And,

Senate Bill No. 72, Creating Intrastate Coal and Use Act.

And reports the same back without recommendation as to passage; but with the recommendation that they first be referred to the Committee on Energy, Industry and Mining; and then, under the original double committee references, to the Committee on the Judiciary.

Respectfully submitted,

Robert H. Plymale,
Chair.

On motion of Senator Plymale, the bills (S. B. Nos. 66, 68 and 72) contained in the foregoing report from the Committee on Education were referred to the Committee on Energy, Industry and Mining; and then, under the original double committee references, 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. 103, Authorizing Board of Dental Examiners promulgate legislative rule relating to board.

Senate Bill No. 104, Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies.

Senate Bill No. 105, Authorizing Board of Dental Examiners promulgate legislative rule relating to fees established by board.

Senate Bill No. 106, Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations; dental practice ownership.

Senate Bill No. 107, Authorizing Board of Dental Examiners promulgate legislative rule relating to dental advertising.

Senate Bill No. 108, Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.

Senate Bill No. 109, Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.

Senate Bill No. 110, Authorizing Board of Dental Examiners promulgate legislative rule relating to administration of anesthesia by dentists.

Senate Bill No. 111, Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.

Senate Bill No. 112, Authorizing Board of Dental Examiners promulgate legislative rule relating to mobile dental facilities and portable dental units.

Senate Bill No. 113, Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to policies regulating licensure of licensed practical nurse.

Senate Bill No. 114, Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.

Senate Bill No. 115, Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to continuing competence.

Senate Bill No. 119, Authorizing Board of Professional Surveyors promulgate legislative rule relating to examination and licensing of professional surveyors.

Senate Bill No. 120, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to registration of veterinary technicians.

Senate Bill No. 121, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to certified animal euthanasia technicians.

Senate Bill No. 122, Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.

Senate Bill No. 123, Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech-language pathology and audiology.

Senate Bill No. 124, Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to speech-language pathology and audiology assistants.

Senate Bill No. 125, Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology.

And,

Senate Bill No. 126, Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to code of ethics.

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. 117, Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.

And,

Senate Bill No. 155, Authorizing DHHR promulgate legislative rule relating to child care centers' licensing.

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 Government Organization; 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 Government Organization; and then 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. 127, Authorizing Division of Labor promulgate legislative rule relating to Wage Payment and Collection 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 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 Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 128, Authorizing Division of Labor promulgate legislative rule relating to employer wage 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 the Judiciary.

Respectfully submitted,

Jack Yost,
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. 148, Authorizing DHHR promulgate legislative rule relating to clinical laboratory technician and technologist licensure and certification.

Senate Bill No. 150, Authorizing DHHR promulgate legislative rule relating to AIDS-related medical testing and confidentiality.

Senate Bill No. 151, Authorizing DHHR promulgate legislative rule relating to Cancer Registry.

And,

Senate Bill No. 154, 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 Bill No. 183, 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 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. 278, Redefining “scrap metal”.

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

Com. Sub. for Senate Bill No. 278 (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 gold, silver, palladium and platinum in the form of jewelry, bullion, ingots or coins from the definition of “scrap metal”.

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 Stollings:

Senate Bill No. 351—A Bill to amend and reenact §19-23-9 of the Code of West Virginia, 1931, as amended, relating to requiring thoroughbred licensees to pay three percent of purses actually paid to the local Horsemen's Benevolent and Protective Association for their respective medical trusts for backstretch personnel and administrative fees.

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

By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Stollings, Sypolt, Cann, D. Hall, Plymale, Tucker and Blair:

Senate Bill No. 352—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to the development of corporate sponsorships for state parks and recreational areas managed by the Parks and Recreation Section.

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

By Senators Williams, Beach, D. Hall, Miller, Sypolt, Stollings, Tucker and Plymale:

Senate Bill No. 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-3b, relating to timber theft in state forests; authority of Division of Forestry to investigate and enforce violations occurring in state forests managed by the division; and adding criminal and civil penalties.

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

By Senators Yost, Walters, Kessler (Mr. President) and Unger:

Senate Bill No. 354—A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better

educate both women and men about higher-paying jobs including jobs traditionally dominated by men.

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

By Senators Unger, Miller, Laird, Walters, Stollings, Beach, Kessler (Mr. President), Cann, Plymale and Edgell:

Senate Bill No. 355—A Bill to amend and reenact §22-26-1, §22-26-2, §22-26-3, §22-26-6, §22-26-7 and §22-26-8 of the Code of West Virginia, 1931, as amended, all relating to the Water Resources Protection and Management Act; amending the definition of “large-quantity user”; eliminating the ten percent variance provision; requiring certain information regarding private wells be submitted to the secretary; adopting the State Water Resources Management Plan; requiring DEP to report biennially to commission regarding implementation of plan and survey results; and requiring large-quantity users to submit certain report annually.

Referred to the Committee on Natural 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. 356—A Bill to amend and reenact §5A-1-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-1-10; to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-5, §5A-3-11, §5A-3-17, §5A-3-28, §5A-3-30 and §5A-3-31 of said code; and to amend said code by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60, all relating generally to purchasing; revising the definition of “commodities”; eliminating the definition of “contractual services”; defining “contract”, “grant”, “procurement”, “public funds” and “services”; revising the definition of “vendor”; requiring state spending units to purchase commodities and services on a competitive basis; authorizing the Secretary of the Department of Administration to issue a notice to cease and desist when purchases

are not made on a competitive basis; clarifying the purposes and policies of the Purchasing Division; clarifying applicability of article; clarifying that procurements must include adequate specifications and descriptions; authorizing the Director of Purchasing to issue a notice to cease and desist when purchases are not made on a competitive basis; adding the term “services” to where “commodities” is referenced throughout the code; removing reference to “contractual services”; authorizing reverse auctions 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 auctions; authorizing prequalification agreements and the secondary bid process for the direct procurement of certain commodities; defining “information technology”, “state”, “prequalification agreement”, “prequalified vendor” and “secondary bid process”; requiring approval of the Director of the Purchasing Division for prequalification agreements, secondary bid process commodities procurements anticipated to cost in excess of \$50,000 and information technology procurements anticipated to cost in excess of \$1,000,000; affording the Director of the Purchasing Division rule-making authority to establish procedures regarding prequalification agreements, prequalification, the secondary bid process and related matters; clarifying circumstances in which grants are exempt from competitive bidding requirements; imposing personal liability upon spending officers and other responsible individuals who have knowingly and willfully violated competitive bidding requirements; expanding criminal penalties for undermining competition; requiring certain executive department officials to attend annual training on purchasing procedures; and making technical corrections.

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

By Senators Williams, Beach, D. Hall, Miller, Sypolt, Plymale and Tucker:

Senate Bill No. 357—A Bill to repeal §19-1B-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-1B-

12a of said code, relating to civil and criminal penalties for violations of the Logging Sediment Control Act pertaining to timber operations.

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

Senators Edgell, Kessler (Mr. President), Unger, Stollings, Yost, Williams, Beach, Sypolt, Cann, Jenkins, Laird, D. Hall, Plymale, Wells and Fitzsimmons offered the following resolution:

Senate Resolution No. 6—Designating January 15, 2014, 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 who provide assistance to victims of crime and 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 January 15, 2014, 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.

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. 6, Requesting Joint Committee on Government and Finance study veterans, active duty and National Guard members’ issues.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military; and then to the Committee on Rules.

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, Thursday, January 16, 2014, at 11 a.m.

THURSDAY, JANUARY 16, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Matthew J. Watts, Grace Bible Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, January 15, 2014,

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 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. 101, Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to regulation of chiropractic practice.

Senate Bill No. 102, Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to fees pertaining to practice of chiropractic.

Senate Bill No. 116, Authorizing Board of Pharmacy promulgate legislative rule relating to continuing education for licensure of pharmacists.

Senate Bill No. 181, Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.

Senate Bill No. 182, Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.

Senate Bill No. 185, Authorizing Infrastructure and Jobs Development Council promulgate legislative rule relating to council.

Senate Bill No. 186, Authorizing Real Estate Commission promulgate legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business.

And,

Senate Bill No. 195, Authorizing Massage Therapy Licensure Board 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 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. 141, Authorizing DNR promulgate legislative rule relating to special motorboating.

And,

Senate Bill No. 142, Authorizing DNR promulgate legislative rule relating to electronic registration of wildlife.

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 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. 193, Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.

And has amended same.

And,

Senate Bill No. 194, Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure or certification.

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

Your Committee on Finance has had under consideration

Senate Bill No. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

And reports the same back with the recommendation that it 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 were introduced, read by their titles, and referred to the appropriate committees:

By Senators Walters, Blair, Cole, D. Hall, Nohe, Palumbo, Snyder, Sypolt and Wells:

Senate Bill No. 358—A Bill to amend and reenact §5A-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-4 of said code, all relating to the Purchasing Division; defining “change order”; requiring the Director of the Purchasing Division to approve certain change orders; limiting the time in which change orders must be approved or denied by the director; limiting the time in which change orders must be approved or denied by the responsible agency; and requiring the director to report annually to the Legislature the total value of certain change orders.

Referred to the Committee on Government Organization.

By Senators Beach, Palumbo, Cann, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Carmichael, Nohe, Walters, Plymale, Stollings and Snyder:

Senate Bill No. 359—A Bill to amend and reenact §3-4A-28 of the Code of West Virginia, 1931, as amended, relating to amending canvassing process to eliminate hand counting of electronic voting systems.

Referred to the Committee on the Judiciary.

By Senators Cole, Barnes, Blair, Carmichael, Walters and Jenkins:

Senate Bill No. 360—A Bill to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10 and §21-5A-11 of the Code of West Virginia, 1931, as amended, relating to repealing the prevailing hourly rate of wages requirements by or on the behalf of public authorities engaged in the construction of public improvements.

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

By Senator Snyder:

Senate Bill No. 361—A Bill to amend and reenact §16-4C-3, §16-4C-4, §16-4C-5 and §16-4C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §16-4C-4a, §16-4C-4b and §16-4C-5a, all relating to emergency medical services; continuing the Office of Emergency Medical Services as an independent office within the Department of Health and Human Resources; updating definitions; creating the positions of executive director, medical director and administrative director for the office; establishing and clarifying the powers and duties of the directors; reconstituting the Emergency Medical Service Advisory Council with nine members; and requirements for the state medical protocols.

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

By Senator Beach:

Senate Bill No. 362—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs and wineries to sell alcohol at 10:00 a.m. on Sundays.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill No. 363—A Bill to repeal §17-20-1 and §17-20-2 of the Code of West Virginia, 1931, as amended, relating to repealing the placing of memorial markers along highways and rights-of-way.

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

By Senator Beach:

Senate Bill No. 364—A Bill to amend and reenact §17-19-1 of the Code of West Virginia, 1931, as amended, relating to roads and highways; signs prohibited on the right-of-way of public roads or highways; and providing that signs for candidacy for public office are not prohibited.

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

By Senators Miller, Snyder and Williams:

Senate Bill No. 365—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c, relating to providing an exception to certain provisions of the West Virginia Ethics Act for elected conservation district supervisors who participate in the West Virginia Conservation Agency Agricultural Enhancement Program.

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. 366—A Bill to amend and reenact §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, all relating to moving the Children's Health Insurance Program from the Department of Administration to the Department of Health and Human Resources; and providing for the orderly transfer of functions, funds and accounts.

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

By Senators Palumbo, Kessler (Mr. President), Plymale, Fitzsimmons and Wells:

Senate Bill No. 367—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to the right of

judges and prosecutors to carry firearms on certain premises while acting in their official capacity; and amending an incorrect cross reference in the code as a result of an amendment in 2013.

Referred to the Committee on the Judiciary.

By Senators Snyder, Blair, Unger, Kessler (Mr. President) and Cookman:

Senate Bill No. 368—A Bill to repeal §47-11A-1, §47-11A-2, §47-11A-3, §47-11A-4, §47-11A-5, §47-11A-6, §47-11A-7, §47-11A-8, §47-11A-9, §47-11A-10, §47-11A-11, §47-11A-12, §47-11A-12a, §47-11A-13 and §47-11A-14 of the Code of West Virginia, 1931, as amended, relating to repealing the unfair trade practices statutes.

Referred to the Committee on the Judiciary.

By Senators Snyder, Blair, Boley, Cann, Cookman, Green, Yost, Unger, Kessler (Mr. President), Palumbo and Stollings:

Senate Bill No. 369—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-10; and to amend and reenact §5A-3-1, §5A-3-3, §5A-3-14 and §5A-3-17 of said code, all relating to state procurement; requiring spending units and subdivisions to purchase commodities and services on a competitive basis; authorizing the Secretary of the Department of Administration to issue a notice to cease and desist when purchases are not made on a competitive basis; clarifying purposes and policies of the Purchasing Division; clarifying applicability of article; authorizing Director of Purchasing Division to issue notice to cease and desist when purchases are not made on competitive basis; requiring Purchasing Division Director to comply with federal law and authorized regulations when procurement involves expenditure of federal assistance or contract funds; requiring Purchasing Division Director to offer mandatory annual procurement training; and clarifying any person found to have willfully entered into a contract contrary to article shall be subject to penalty.

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

By Senator Palumbo:

Senate Bill No. 370—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended; to amend and reenact §62-3-15 of said code; to amend said code by adding thereto a new section, designated §62-3-22; and to amend said code by adding thereto a new section, designated §62-12-13b, all relating to sentencing juveniles treated as adults in the criminal justice system; requiring that juveniles treated as adults who are convicted of kidnapping or first degree murder and sentenced to life in prison be given mercy and the associated parole review; stating legislative findings; providing special parole review for juveniles convicted of a crime as an adult; requiring the Parole Board to address certain factors before determining whether a convicted juvenile should receive parole; and requiring that all juveniles convicted as adults be reviewed for parole eligibility no later than after having served fifteen years.

Referred to the Committee on the Judiciary.

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

Senate Bill No. 371—A Bill to repeal §20-2-51 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6 and §20-17-7, all relating to limiting the possession of wild and exotic animals; expressing legislative intent; authorizing agency jurisdiction; defining certain terms; permitting expansion of the definitions; limiting custody and control of wild and exotic animals; providing a permit for persons who possess a wild and exotic animal prior to effective date; establishing permit requirements; requiring a notarized permit application and fee; splitting of fee with Division of Natural Resources and county humane and animal control officer or the sheriff, in the alternative; providing exemptions; requiring interagency cooperation; and providing rule-making authority.

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

By Senator Beach:

Senate Bill No. 372—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; and then to the Committee on the Judiciary.

By Senators Unger, Kessler (Mr. President), Palumbo, Plymale, Laird, Yost, Miller, Prezioso, Fitzsimmons, Wells, Cann, Chafin, Tucker, Stollings, Cookman and Snyder:

Senate Bill No. 373—A Bill to amend and reenact §22-26-1, §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto six new sections, designated §22-26-10, §22-26-11, §22-26-12, §22-26-13, §22-26-14 and §22-26-15, all relating to the Water Resources Protection and Management Act; making certain legislative finding regarding storage of fluids in aboveground storage tanks; defining certain terms; eliminating certain variance provision; requiring certain progress report from secretary; requiring certain cooperating state agencies to continue funding levels for stream-gaging network; requiring notification of inability to continue funding of stream-gaging network; requiring certain information regarding private wells be submitted to secretary; requiring secretary to provide annual update on implementation of State Water Resources Management Plan; adopting State Water Resources Management Plan; requiring Department of Environmental Protection to report biennially to commission regarding implementation of plan and survey results; requiring large-quantity users to submit certain report annually; requiring registration and inventory of certain aboveground storage tanks; making it unlawful to construct, maintain or use any aboveground storage tank without secretary's authorization; requiring secretary to develop a regulatory program and providing guidelines for new and existing aboveground storage tanks; requiring inspections, monitoring and testing; providing for administrative

orders and reconsideration by secretary; providing for civil penalties and injunctive relief; and authorizing rulemaking.

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

Senators Beach, Unger, Kessler (Mr. President), Miller, Williams, Jenkins, Prezioso, Wells, D. Hall, Stollings and Cann offered the following resolution:

Senate Concurrent Resolution No. 7—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”.

Whereas, Michael A. Oliverio, Sr., was born in Carolina, West Virginia, to Joseph Oliverio and Mary Oliverio; and

Whereas, Michael A. Oliverio, Sr.’s education began in Carolina Grade School and continued to Monongah High School; and

Whereas, Michael A. Oliverio, Sr.’s higher education includes a Bachelor’s Degree in Physical Science and Mathematics from Fairmont State College, a Master’s in Guidance and Counseling from West Virginia University and additional post-graduate work completed at the University of Virginia, College of St. Thomas, Minnesota, and George Washington University; and

Whereas, Michael A. Oliverio, Sr., began a loving marriage which lasted a wonderful 48 years with his wife Julia Barber Oliverio, who unfortunately passed away in 2007; their marriage blessed them with four children: Joseph Oliverio, Michael Oliverio, Frank Oliverio and Mary Oliverio, as well as six grandchildren; and

Whereas, Upon completing his educational career, he began a distinguished career as a counselor, statesman, educator and civic leader; and

Whereas, Michael A. Oliverio, Sr., dedicated his life to the betterment of the global community. He served over twenty times as a keynote speaker and received over forty exceptional honors achievements, the most notable including: Keynote speaker to state rehabilitation associations belonging to West Virginia, Kentucky and South Carolina, and at regional rehabilitation associations such as the Southwest Regional and Eastern Regional Associations; and

Whereas, Michael A. Oliverio, Sr., has many achievements such as a scholarship called the Michael A. Oliverio Scholarship at West Virginia University for Rehabilitation/Counseling graduates for use in regional and national post-graduate development; he was the founder of the Ronald McDonald House in Morgantown, West Virginia, and the Chair of the Community Advisory Committee; he has been credited for bringing the Health South Rehabilitation Center to Morgantown, West Virginia; for founding the National Hall of Fame for Persons with Disabilities in Columbus, Ohio; for serving as County Clerk for Monongalia County, West Virginia; as well as participating in briefing Presidents Gerald Ford and Jimmy Carter; and

Whereas, Michael A. Oliverio, Sr., chaired the advisory committee that was instrumental in building Goodwill stores in locations at Morgantown, Fairmont, Bridgeport, Lewis County, Buckhannon and Elkins, West Virginia; and

Whereas, Michael A. Oliverio, Sr., not only served the community locally, but internationally as well, making West Virginia and Calabria sister states and conducting the twinning process joining Clarksburg, West Virginia, and San Giovanni in Fiori, Italy; he started an exchange program with students from the University of Calabria and Fairmont State University; and

Whereas, Michael A. Oliverio, Sr., for all of his success and service, received recognition in 2008 as the West Virginia Italian American Man of the Year, and it is only fitting to honor Michael A. Oliverio, Sr., for his life-long service to our state and his community; and

Whereas, The naming of an interchange honoring Michael A. Oliverio, Sr.'s extraordinary contributions and life is but a small gesture of gratitude and appreciation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Star City interchange at Exit 155 of Interstate 79 in Morgantown, Monongalia County, West Virginia, the "Michael A. Oliverio, Sr., Interchange"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed at entrances and exits to the interchange signs containing bold and prominent letters proclaiming the interchange to be the "Michael A. Oliverio, Sr., Interchange"; 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 Michael A. Oliverio, Sr., and to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill No. 278, Redefining "scrap metal".

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 Snyder.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senator Snyder were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Kessler (Mr. President) announced the replacement of Senator Snyder on the Committee on Natural Resources with Senator Cookman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, January 17, 2014, at 10 a.m.

FRIDAY, JANUARY 17, 2014

The Senate met at 10 a.m.

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

Prayer was offered by the Reverend Tom Bias, Van United Methodist Church, Van, West Virginia.

Pending the reading of the Journal of Thursday, January 16, 2014,

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 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 Senate 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. Com. Sub. for House Bill No. 4175—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to providing emergency assistance to small businesses during existence of a state of emergency; authorizing promulgation of an emergency rule by Director of the Division of Homeland Security and Emergency Management, in consultation with the secretaries of the Department of Commerce and the Department of Revenue establishing the criteria under which assistance to small businesses may be provided; providing factors to be considered or required in establishing criteria; providing for recovery by the state for certain assistance.

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

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. 3, Creating Uniform Real Property Transfer on Death Act.

And reports the same back with the recommendation that it 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. 12, Relating to expedited partner therapy treatment.

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

Com. Sub. for Senate Bill No. 12 (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 certain treatment for sexually transmitted diseases for sexual partners of a patient.

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. 12), 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. 29, 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. 29 (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 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. 118, Authorizing Board of Sanitarians promulgate legislative rule relating to practice of public health sanitation.

Senate Bill No. 152, Authorizing DHHR promulgate legislative rule relating to Medical Examiner's rule for post-mortem inquiries.

Senate Bill No. 153, Authorizing Health Care Authority promulgate legislative rule relating to Health Information Network.

And,

Senate Bill No. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

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. 149, Authorizing DHHR promulgate legislative rule relating to medication administration by unlicensed personnel.

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 an amendment from the Committee on Health and Human Resources 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 McCabe, Barnes, Beach, Cann, Green, D. Hall, Laird, Miller, Palumbo, Walters and Wells:

Senate Bill No. 374—A Bill to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to prohibiting a local levying body from holding a special election for the purpose of submitting a levy question to the voters if the date of the special election is one hundred eighty days or less before a regular primary or general election.

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

By Senators Cann and Snyder:

Senate Bill No. 375—A Bill to amend and reenact §7-11B-3 of the Code of West Virginia, 1931, as amended, relating to tax increment financing; and adding items to those which are excluded from base assessed value and current assessed value of real and personal property.

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

By Senators Yost, Fitzsimmons, Kessler (Mr. President) and Wells:

Senate Bill No. 376—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 works construction projects to complete an Occupational Safety and Health Administration-approved ten-hour construction safety program; requiring the retention of training records; providing for incremental implementation period for mandate; providing the Commissioner of Labor to issue cease and desist notices; providing civil penalties for violations; providing criminal penalties for exhibiting false documents; exempting certain construction activities and persons; and requiring report from Commissioner of Department of Labor on effectiveness of safety training.

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

By Senator Jenkins:

Senate Bill No. 377—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark.

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

By Senator Cookman:

Senate Bill No. 378—A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to including garbage trucks and other sanitation vehicles in the definition of “authorized emergency vehicle”.

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

By Senators Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and Plymale:

Senate Bill No. 379—A Bill to amend and reenact §7-7-1, §7-7-3, §7-7-4, §7-7-4a and §7-7-6b of the Code of West Virginia, 1931, as amended, all relating to counties; reclassifying counties from ten classes to five classes; increasing the salaries of county commissioners and elected county officials; authorizing an automatic salary increase every two years; clarifying that the automatic salary increases only take effect with the new term of office; clarifying prosecuting attorneys’ full-time and part-time compensation; and clarifying assessors’ additional compensation classifications.

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

Senators Cann, Stollings, Plymale and Wells offered the following resolution:

Senate Concurrent Resolution No. 8—Requesting the Division of Highways to name bridge number S317-27-0.73 on Route 270 in West Milford, Harrison County, West Virginia, the “USMC Cpl. Gene William Somers, Jr., Memorial Bridge”.

Whereas, Corporal Gene William Somers, Jr., was born on July 27, 1948, in Harrison County, West Virginia, the son of Alice Marie Peet-Somers and the late Gene William Somers of West Milford, West Virginia; and

Whereas, Corporal Gene William Somers, Jr., attended Unidis and South Harrison High Schools in Harrison County; and

Whereas, Corporal Gene William Somers, Jr., enlisted in the United States Marines September 18, 1967, and began his tour of duty in Vietnam on February 6, 1968, as a member of 1st Marine Division, Fleet Marine Forces; and

Whereas, Corporal Gene William Somers, Jr., was one of three brothers and two sisters of which brother Todd also served in the United States Marine Corps; and

Whereas, Corporal Gene William Somers, Jr., was killed on March 19, 1969, by hostile fire in the Quang Nam Province, South Vietnam; and

Whereas, Corporal Gene William Somers, Jr., gave the ultimate sacrifice for his country and it is fitting and proper that he be remembered and acknowledged for his courageous action and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number S317-27-0.73 on Route 270 in West Milford, Harrison County, West Virginia, the “USMC Cpl. Gene William Somers, 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 “USMC Cpl. Gene William Somers, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Cookman, Stollings, Plymale, Wells and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 9—Requesting the Division of Highways to name a portion of U. S. Route 522 near the West Virginia State Police barracks in Berkeley Springs, Morgan County, between West Virginia State Route 13, south of the West Virginia State Police barracks, and West Virginia State Route 9, north of the barracks, the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”.

Whereas, Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson both served in the West Virginia State Police in Morgan County, West Virginia; and

Whereas, Trooper First Class Thomas Dean Hercules served with the United States Marines and had nineteen years of service as a West Virginia State Trooper; and

Whereas, Trooper Charles Henry Johnson served in the Air Force for four years, graduated from the State Police Academy at Institute in 1970 and lived in Berkeley Springs for three years; and

Whereas, On the snowy, cold afternoon of January 12, 1977, Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson were gunned down in the line of duty in Paw Paw, West Virginia, while serving an arrest warrant on a burglary suspect; and

Whereas, Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson made the ultimate sacrifice for the safety of their community and state; and

Whereas, Trooper First Class Thomas Dean Hercules was survived by his wife, Shirley, and their sons Allen and David; and

Whereas, Trooper Charles Henry Johnson was the son of John J. and Rowena Robinson Johnson and was survived by his wife, Lynda Sue Lively Johnson, daughter, Lori Necole, and son, Jeffrey Bryan, both at home; sister, Mrs. Leah Rae Wallace, brother, John J. Johnson, Jr., and grandmother, Mrs. Mary C. Robinson; and

Whereas, The Legislature acknowledges the service and sacrifice of Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson, as well as the sacrifice of their families who endured their loss of life; and

Whereas, It is fitting to honor the lives of Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson by naming this highway in their memory as an everlasting tribute to their service and sacrifice to their community and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of U. S. Route 522 near the West Virginia State Police barracks in Berkeley Springs, Morgan County, between West Virginia State Route 13, south of the West Virginia State Police barracks, and West Virginia State Route 9, north of the barracks, the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying this section of the highway as the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson 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 Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 7, Requesting Star City interchange on I-79 in Morgantown be named “Michael A. Oliverio, Sr., Interchange”.

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. 278, Redefining “scrap metal”.

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.

Senate Bill No. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

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 Monday, January 20, 2014, at 1 p.m.

MONDAY, JANUARY 20, 2014

The Senate met at 1 p.m.

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

Prayer was offered by Pastor Walter E. Clay, First Baptist Church of Lester, Lester, West Virginia, and Mercy Seat Missionary Baptist Church, Kyle, West Virginia.

Pending the reading of the Journal of Friday, January 17, 2014,

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 Senate then proceeded to the fourth order of business.

Senator Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 184, Authorizing Consolidated Public Retirement Board promulgate legislative rule relating to Public Employees Retirement System.

And,

Senate Bill No. 197, Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation.

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,

Art Kirkendoll,
Chair.

The bills, under the original triple committee references, were referred to the Committee on Finance; 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 were introduced, read by their titles, and referred to the appropriate committees:

By Senators Beach and Stollings:

Senate Bill No. 380—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-6-1 of said code, all relating to redefining “all-terrain vehicle” and “utility terrain vehicle”.

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

By Senators Stollings, Plymale and Unger:

Senate Bill No. 381—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation.

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

By Senators Blair and Cookman:

Senate Bill No. 382—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to exempting certain veterans' organizations and active duty United States military organizations from local health boards' regulations restricting indoor smoking.

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

By Senators Tucker, Barnes, D. Hall and Snyder:

Senate Bill No. 383—A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to permitting certain owners of residential real estate a limited exemption from the licensing requirements of the West Virginia Safe Mortgage Licensing Act for self-financed home financing.

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

By Senators Tucker, Stollings and Barnes:

Senate Bill No. 384—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend and reenact §33-16-3q of said code; to amend and reenact §33-24-7h of said code; to amend and reenact §33-25-8f of said code; and to amend and reenact §33-25A-8g of said code, all relating generally to group accident and sickness insurance, hospital service corporations, medical service corporations, dental service corporations, health service corporations, health care corporations and health maintenance organizations; and prohibiting certain contracts of insurance from requiring subscribers to obtain prescription drugs from a mail-order pharmacy in order to obtain benefits for drugs.

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

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

Senate Bill No. 385—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §29-22A-10d and §29-22A-10e; to amend said code by adding thereto a new section, designated §29-22B-1409; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the redirection of certain lottery revenues to the State Excess Lottery Revenue Fund; changing the distribution to the West Virginia Infrastructure Fund to \$20 million for three years beginning in fiscal year 2014; reducing certain racetrack video lottery and limited video lottery net terminal income distributions by fifteen percent; reducing certain table games adjusted gross receipts distributions by fifteen percent; and reducing certain distributions from adjusted gross receipts and net terminal income from the historic resort hotel by fifteen percent.

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

By Senators Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Barnes:

Senate Bill No. 386—A Bill to repeal §9-2-1a, §9-2-6a, §9-2-9b, §9-2-9c and §9-2-12a of the Code of West Virginia, 1931, as amended; to repeal §9-4C-2, §9-4C-2a, §9-4C-2b, §9-4C-3, §9-4C-4, §9-4C-5, §9-4C-6, §9-4C-7, §9-4C-8, §9-4C-9, §9-4C-10 and §9-4C-11 of said code; to repeal §9-5-8a, §9-5-11a, §9-5-11b, §9-5-11c and §9-5-16a of said code; to repeal §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-12, §9-6-13, §9-6-14 and §9-6-15 of said code; to repeal §9-7-3a, §9-7-5a and §9-7-6a of said code; to amend and reenact §9-1-1 and §9-1-2 of said code; to amend said code by adding thereto two new sections, designated §9-1-3 and §9-1-4; to amend and reenact §9-2-1, §9-2-4, §9-2-5, §9-2-7, §9-2-8, §9-2-9, §9-2-10, §9-2-11 and §9-2-12 of said code; to amend said code by adding thereto three new sections, designated §9-2-13, §9-2-14 and

§9-2-15; to amend and reenact §9-3-1, §9-3-2, §9-3-3, §9-3-4 and §9-3-5 of said code; to amend and reenact §9-4-1, §9-4-2, §9-4-3 and §9-4-4 of said code; to amend said code by adding thereto nine new sections, designated §9-4-5, §9-4-6, §9-4-7, §9-4-8, §9-4-9, §9-4-10, §9-4-11, §9-4-12 and §9-4-13; to amend and reenact §9-4A-1, §9-4A-2, §9-4A-3 and §9-4A-4 of said code; to amend said code by adding thereto a new section, designated §9-4A-5; to amend and reenact §9-4B-1, §9-4B-2, §9-4B-3, §9-4B-4, §9-4B-5, §9-4B-6, §9-4B-7 and §9-4B-8 of said code; to amend and reenact §9-4C-1 of said code; to amend and reenact §9-4D-1, §9-4D-2, §9-4D-3, §9-4D-4, §9-4D-5, §9-4D-6, §9-4D-7, §9-4D-8 and §9-4D-9 of said code; to amend said code by adding thereto a new section, designated §9-4D-10; to amend and reenact §9-4E-1, §9-4E-2 and §9-4E-3 of said code; to amend said code by adding thereto nine new sections, designated §9-4E-4, §9-4E-5, §9-4E-6, §9-4E-7, §9-4E-8, §9-4E-9, §9-4E-10, §9-4E-11 and §9-4E-12; to amend and reenact §9-5-1, §9-5-2, §9-5-3, §9-5-4, §9-5-5, §9-5-6, §9-5-7, §9-5-8, §9-5-9, §9-5-10, §9-5-11, §9-5-12, §9-5-13, §9-5-14, §9-5-15, §9-5-16, §9-5-17, §9-5-18, §9-5-19, §9-5-20 and §9-5-21 of said code; to amend said code by adding thereto a new section, designated §9-5-22; to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5 and §9-6-6 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-7, §9-7-8 and §9-7-9 of said code; and to amend said code by adding thereto seven new sections, designated §9-7-10, §9-7-11, §9-7-12, §9-7-13, §9-7-14, §9-7-15 and §9-7-16, all relating to the Department of Health and Human Resources.

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

Senators Palumbo, Kessler (Mr. President), Unger, Plymale, Stollings, Jenkins, Walters, Cole, Barnes and Carmichael offered the following resolution:

Senate Resolution No. 7—Designating Monday, January 20, 2014, 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 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 Monday, January 20, 2014, 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 8, Requesting DOH name bridge on Rt. 270 in West Milford, Harrison County, “USMC Cpl. Gene William Somers, 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. 9, Requesting DOH name portion of U.S. Rt. 522 “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson 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. 278, Redefining “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, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, Green, 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: None.

Absent: Beach, Chafin, Facemire and D. Hall—4.

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. 278) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, Green, 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: None.

Absent: Beach, Chafin, Facemire and D. Hall—4.

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. 278) 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. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

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.

Senate Bill No. 3, Creating Uniform Real Property Transfer on Death 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. 29, Clarifying requirements for certain motor vehicle searches.

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 Snyder and Barnes.

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.

On motion of Senator Unger, leaves of absence for the day were granted Senators Beach, Chafin, Facemire and D. Hall.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, January 21, 2014, at 11 a.m.

TUESDAY, JANUARY 21, 2014

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, January 20, 2014,

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 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. 4014—A Bill to amend and reenact §22-15A-2 and §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to the offense of littering; amending definition of litter; and increasing criminal penalties for littering.

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. 58, Relating to basis for voidable marriages and annulments.

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

Com. Sub. for Senate Bill No. 58 (originating in the Committee on the Judiciary)—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; 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; clarifying grounds for voiding marriages; and modifying and removing certain language related to voiding of marriages.

And,

Senate Bill No. 310, 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. 310 (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 two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Kirkendoll, 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. 129, Authorizing DEP promulgate legislative rule relating to ambient air quality standards.

Senate Bill No. 130, 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. 131, Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.

Senate Bill No. 132, Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.

Senate Bill No. 133, Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas.

Senate Bill No. 134, Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

Senate Bill No. 135, Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.

And,

Senate Bill No. 138, Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to assessing health and safety violation penalties.

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,
Vice 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. 145, Authorizing Commissioner of Agriculture promulgate legislative rule relating to schedule of charges for inspection services: fruit.

Senate Bill No. 146, Authorizing Commissioner of Agriculture promulgate legislative rule relating to auctioneers.

Senate Bill No. 189, Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to farm wineries.

And,

Senate Bill No. 190, Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to sale of wine.

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,

Ronald F. Miller,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Cookman, 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. 251, Implementing terms of Uniform Arbitration 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 the Judiciary.

Respectfully submitted,

Donald H. Cookman,
Vice 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. 350, Requiring Agriculture Commissioner propose legislative rules for Rural Rehabilitation Loan Program.

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 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. 7, Requesting Star City interchange on I-79 in Morgantown be named “Michael A. Oliverio, Sr., Interchange”.

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. 7) 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.

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 Cole, Blair, Carmichael, D. Hall, M. Hall, Jenkins, McCabe, Walters, Williams and Nohe:

Senate Bill No. 387—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-8-15, relating to clarifying that duly authorized officers of the United States, the District of Columbia or other states have legal custody of their prisoners while they are in West Virginia.

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

**By Senators Prezioso, Blair, Walters, Carmichael and Cole:
Senate Bill No. 388**—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 Yost, Kirkendoll, Wells, Snyder, Beach and D. Hall:

Senate Bill No. 389—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-11b; to amend said code by adding thereto a new section, designated §11-12-87; to amend and reenact §29-3-23 and §29-3-24 of said code; and to amend and reenact §61-3E-1 of said code, all relating to legalizing and regulating the sale and use of fireworks; creating the West Virginia Veterans Program Fund; imposing a ten percent fee for the sale of fireworks; and using the proceeds of that fee to fund the Veterans Program Fund.

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. 390—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-19b, relating to providing criminal penalties for the dissemination of false, misleading or deceptive information through automated telephone calls during a declared state of emergency.

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. 391—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school service personnel salary increases; adjusting effective dates; and revising state minimum salary schedules for teachers and school service personnel.

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. 392—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to amending the annual salary schedule for members of the State Police beginning on July 1, 2014, and continuing thereafter.

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. 393—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to levels of funding to the Revenue Shortfall Reserve Fund; and specifying date

by which the Governor may borrow from the Revenue Shortfall Reserve Fund.

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

By Senators Laird, Stollings, Plymale, Wells, Beach, Chafin, Tucker, Boley, Carmichael and Jenkins:

Senate Bill No. 394—A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Health Sciences Service Program; continuing special revolving fund account and designating new name of fund; modifying fund expenditure provisions; modifying certain defined term; and expanding and modifying program eligibility.

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

By Senator Palumbo:

Senate Bill No. 395—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-5-8b and §9-5-22; to amend and reenact §9-9-6 of said code; and to amend said code by adding thereto a new section, designated §61-4-9, all relating to the operation and oversight of certain benefit programs; granting certain subpoena power to the Investigations and Fraud Management Division to investigate welfare fraud; authorizing the Investigations and Fraud Management Division to request search warrants, swear to complaints and seek relevant orders from circuit court in certain situations; providing access to out-of-state documents in certain circumstances; prohibiting disclosure of persons under investigation by the Investigations and Fraud Management Division; opting out of a federal statute that would otherwise not allow a state resident who has been convicted of a felony involving a controlled substance from receiving certain benefits; requiring the Department of Health and Human Resources to seek a waiver of federal law to implement a prohibition on the purchase of certain items with certain benefits; requiring the

Department of Health and Human Resources to seek a waiver of federal regulations to implement an incentive program for the purchase of certain fresh fruits, vegetables and meats; defining terms; creating misdemeanor and felony offenses for certain unlawful use of certain benefits or benefit access devices; stating certain presumptions and calculations permissible in prosecution of these offenses; and providing an alternative to confinement for individuals convicted of the offenses associated with unlawful use of certain benefits.

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. 396—A Bill to repeal §5-1C-2, §5-1C-3, §5-1C-4 and §5-1C-5 of the Code of West Virginia, 1931, as amended; to repeal §5B-2-2 and §5B-2-3 of said code; to repeal §15-8-1, §15-8-2, §15-8-3, §15-8-4, §15-8-5, §15-8-6, §15-8-7, §15-8-8, §15-8-9, §15-8-10, §15-8-11 and §15-8-12 of said code; to repeal §16-5J-5 of said code; to repeal §16-5P-7 of said code; to repeal §16-29H-1, §16-29H-2, §16-29H-3, §16-29H-4, §16-29H-5, §16-29H-6, §16-29H-7, §16-29H-8, §16-29H-9 and §16-29H-10 of said code; to repeal §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5 and §16-42-6 of said code; to repeal §18-2J-1, §18-2J-2, §18-2J-3, §18-2J-4, §18-2J-5, §18-2J-6 and §18-2J-7 of said code; to repeal §18B-1C-3 of said code; to repeal §18B-14-11 of said code; to repeal §18B-16-6 of said code; to repeal §20-2B-2a of said code; to repeal §21-3A-10 of said code; to repeal §23-1-1a of said code; to repeal §29-12B-4 and §29-12B-5 of said code; to repeal §29-12C-1 and §29-12C-2 of said code; to repeal §31-16-1, §31-16-2, §31-16-3 and §31-16-4 of said code; to repeal §33-16G-1, §33-16G-2, §33-16G-3, §33-16G-4, §33-16G-5, §33-16G-6, §33-16G-7, §33-16G-8 and §33-16G-9 of said code; to repeal §33-48-2 and §33-48-3 of said code; to repeal §47A-1-1, §47A-1-2, §47A-1-3 and §47A-1-4 of said code; to repeal §55-15-1, §55-15-2, §55-15-3, §55-15-4, §55-15-5 and §55-15-6 of said code; to repeal §62-11E-1, §62-11E-2 and §62-11E-3 of

said code; to amend and reenact §15-5-28 of said code; to amend and reenact §18A-3-2c of said code; and to amend and reenact §33-16D-16 of said code, all relating to eliminating unnecessary boards, councils, committees, panels, task forces and commissions; repealing the Science and Technology Advisory Council; repealing the Council for Community and Economic Development; repealing the Statewide Mutual Aid Committee; repealing the Sheriffs' Bureau; repealing the Clinical Laboratories Quality Assurance Advisory Board; repealing the Council on Aging; repealing the Governor's Office of Health Enhancement and Lifestyle Planning; repealing the Comprehensive Behavioral Health Commission; repealing the Governor's Advisory Council for Educational Technology; repealing the Principal Standards Advisory Council; repealing the West Virginia Consortium for Undergraduate Research and Engineering; repealing the Governor's Commission on Graduate Study in Science, Technology, Engineering and Mathematics; repealing the West Virginia Rural Health Advisory Panel; repealing the Ohio River Management Fund Advisory Board; repealing the Occupational Safety and Health Review Commission; repealing the Workers' Compensation Board of Managers; repealing the State Medical Malpractice Advisory Panel; repealing the Patient Injury Compensation Plan Study Board; repealing the Steel Advisory Commission; repealing the West Virginia Small Employer Group Health Benefit Plan Policy Advisory Committee; repealing the West Virginia Health Benefit Exchange Governing Board; repealing the West Virginia Health Insurance Plan Board; repealing the West Virginia Lending and Credit Rate Board; repealing the Alternative Dispute Resolution Commission; and repealing the Sexually Violent Predator Management Task Force.

Referred to the Committee on Government Organization.

By Senators Williams, Laird, Unger, Tucker, Plymale, Palumbo and Stollings:

Senate Bill No. 397—A Bill to amend and reenact §61-2-29b of the Code of West Virginia, 1931, as amended, relating to expanding the scope of activities considered to be financial exploitation of the elderly

or certain other protected persons; and redefining the age of an elderly person for purposes of the statute, reducing it from sixty-five to sixty.

Referred to the Committee on the Judiciary.

By Senator Cookman:

Senate Bill No. 398—A Bill to amend and reenact §19-20-23 of the Code of West Virginia, 1931, as amended, relating to providing that a state public school with an animal and veterinary science program may obtain impounded dogs and cats for humane use in furtherance of the school's curriculum and may provide any appropriate attendant care and adoption assistance for the animals.

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

By Senator Cookman (By Request):

Senate Bill No. 399—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, relating to providing that mental hygiene commissioners are employees under the Public Employees Retirement System and may receive one year of service credit for each year served and prorated service for any partial year served, up to a maximum of fifteen years credited service.

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

By Senators Laird, Miller and Unger:

Senate Bill No. 400—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 Health and Human Resources; and then to the Committee on Finance.

Senators Kirkendoll, Stollings, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 10—Requesting the Division of Highways to name bridge number 23-044/00-0.13.14, crossing Island Creek in Switzer, Logan County, the “James Melvin ‘Pete’ Spradlin Memorial Bridge”.

Whereas, Pete Spradlin was born on November 29, 1946, in Stirrat, West Virginia; and

Whereas, Pete Spradlin wed Ruby Lee Crum and together they had seven children who have blessed them with six grandchildren; and

Whereas, Pete Spradlin spent three years as a Corporal in the Army 3rd Battery, 4th Platoon, earning a National Defense Service Medal; and

Whereas, Pete Spradlin was a longtime coal miner and proud member of the United Mine Workers of America; and

Whereas, Pete Spradlin gained fame in Logan County after he was featured in a November, 1991, *Time Magazine* article about the perils of coal mining; and

Whereas, Pete Spradlin retired from Kedco Coal Company in June, 1998, and later bought a cabin in Greenbrier County where he enjoyed spending most of his time; and

Whereas, Pete Spradlin served as a board member of Logan Regional Medical Center in the 1990s; and

Whereas, Pete Spradlin passed away on March 10, 2013, in Monaville, Logan County, West Virginia; and

Whereas, It is fitting and proper that the national and community service of Pete Spradlin be acknowledged; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-044/00-0.13.14, crossing Island Creek in Switzer, Logan County, the “James Melvin ‘Pete’ Spradlin 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 containing bold and prominent letters proclaiming the bridge the “James Melvin ‘Pete’ Spradlin 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 the surviving family members of Pete Spradlin.

Which, under the rules, lies over one day.

Senators Kirkendoll, Stollings, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 11—Requesting the Division of Highways to name bridge number 23-10/20-0.23, located on County Route 110/20 in Logan, West Virginia, crossing a tributary of the Guyandotte River and locally known as the Logan High School Bridge, the “Army Major Thomas McElwain Memorial Bridge”.

Whereas, Thomas McElwain was born in Logan, West Virginia, November 25, 1940, and was raised primarily by his maternal grandparents; and

Whereas, Thomas McElwain attended Logan High School for a year, but later obtained a high school equivalency diploma; and

Whereas, Thomas McElwain enlisted in the United States Army in 1958, at the age of eighteen, and underwent basic training at Fort Jackson, South Carolina; and

Whereas, Thomas McElwain later attended Drury College in Springfield, Missouri, and the University of Maryland Far East Branch, obtaining two Master's Degrees; and

Whereas, Thomas McElwain rose through the ranks as an enlisted soldier and became a commissioned officer, completing numerous training assignments, including airborne training and special forces training, and completing officer candidate school at Fort Benning, Georgia, in 1963; and

Whereas, Army Major Thomas McElwain was commanding officer of Company C, 1st Battalion (Airborne), 503rd Infantry in Vietnam in 1967 and 1968; and

Whereas, Army Major Thomas McElwain was awarded the Silver Star for gallantry in action during a search-and-destroy mission November 11, 1967, near Dak To, Republic of Vietnam. When his company came under a heavy enemy mortar, rocket and small arms attack, Major (then Captain) McElwain distinguished himself on several occasions during the seven-hour battle, exposing himself to enemy fire to drag a wounded man to safety and to carry out the requirements of his command, although wounded himself; and

Whereas, In addition to the Silver Star, Major Thomas McElwain was awarded the Bronze Star for Valor (three awards), Army Commendation Medal for Valor (two awards), Purple Heart, Vietnamese Cross of Gallantry with Silver Star, the Vietnamese Cross of Gallantry with Gold Star, the Good Conduct Medal, National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Air Medal, Combat Infantry Badge and the Senior Parachutist Badge; and

Whereas, After his second tour of duty in Vietnam as a military advisor to 36,000 Montagnards, Major Thomas McElwain was chosen by General William Westmoreland for a National Speakers Tour. He traveled extensively throughout West Virginia,

Kentucky and Ohio to local civic organizations to share information about the war; and

Whereas, After his stint as a speaker for the Army, Major Thomas McElwain became Commandant of Cadets at the University of Nebraska in Omaha. After this, Major McElwain was assigned to the ROTC program at Marquette University in Milwaukee, Wisconsin. Since his office was located in the gym, he developed a friendship with Al McGuire, the head basketball coach at Marquette at that time. Having earned two Master's Degrees while in the Army and upon retiring from the Army, Major Thomas McElwain taught at Park College, taught at Webster College Graduate School, supervised student teachers at the University of Texas at El Paso (UTEP) and taught fourth grade at Radford School for Girls; and

Whereas, Major Thomas McElwain was a 32nd Degree Mason and was a member of the Grand Lodge of Texas Ancient Free and Accepted Masons, Wallace Hughton Lodge Number 1393. He was also active in the Shriners. Following retirement Major McElwain moved to Henderson, Nevada, where he lived and enjoyed playing golf with family and friends, shooting his pistols and cooking; and

Whereas, Army Major Thomas McElwain died September 24, 2013; and

Whereas, It is fitting that an enduring memorial be established in the community he considered home to commemorate this native son's service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/20-0.23, located on County Route 110/20 in Logan, West Virginia, crossing a tributary of the Guyandotte River and locally known as the Logan High School Bridge, the "Army Major Thomas McElwain 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 containing bold and prominent letters proclaiming the bridge the “Army Major Thomas McElwain 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; to James W. Mullins; and to family members of Army Major Thomas McElwain.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill No. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

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.

The Senate proceeded to the ninth order of business.

Senate Bill No. 3, 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.

Com. Sub. for Senate Bill No. 29, 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 twelfth order of business.

Remarks were made by Senators Miller and Unger.

Thereafter, at the request of Senator Laird, 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, Wednesday, January 22, 2014, at 11 a.m.

WEDNESDAY, JANUARY 22, 2014

The Senate met at 11 a.m.

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

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

Pending the reading of the Journal of Tuesday, January 21, 2014,

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. House Bill No. 4135—A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to designating the first Thursday in May the West Virginia Day of Prayer.

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

Com. Sub. for Senate Bill No. 12, Relating to expedited partner therapy treatment.

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. 117, Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.

And,

Senate Bill No. 155, Authorizing DHHR promulgate legislative rule relating to child care centers' licensing.

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,

Herb Snyder,
Chair.

The bills, under the original triple 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. 156, Authorizing Fire Commission promulgate legislative rule relating to State Fire Code.

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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 208, Relating to Rural Health Initiative 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,

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 reference of the bill contained in the foregoing report from the Committee on Education.

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. 209, Allowing special needs students to participate in graduation ceremonies.

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

Respectfully submitted,

Robert H. Plymale,
Chair.

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. 315, Allowing Military Authority to receive funds from special revenue accounts.

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

Com. Sub. for Senate Bill No. 315 (originating in the Committee on Military)—A Bill to amend and reenact §15-1J-3 and §15-1J-4 of the Code of West Virginia, 1931, as amended, all relating to authorizing the West Virginia Military Authority to administer national security, homeland security and other military-related or military-sponsored programs; redefining “employee”; expanding with whom the authority may contract to include any state, territory or the District of Columbia; and authorizing the authority to accept and use funds from the federal government, any state and other specified entities for the purposes of national security, homeland security and other military-related or military-sponsored programs.

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.

The bill (Com. Sub. for S. B. No. 315), 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. 316, Relating to tolling with regard to civil actions.

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

Com. Sub. for Senate Bill No. 316 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to tolling the statute of limitations in certain cases; limiting the circumstances within which the statute of limitations is tolled for the institution of third-party complaints associated with pending civil actions; and clarifying that this section does not limit the doctrine of equitable tolling or the discovery rule.

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. 318, Setting fees for manufacture, distribution, dispensing and research of controlled substances.

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

Com. Sub. for Senate Bill No. 318 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §60A-3-301 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-3-301a, all relating to setting registration fees for the manufacture, distribution, dispensing and conducting research of controlled substances; and providing certain boards with 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,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 318), 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. 323, Relating to professional board licensure requirements for military and spouses.

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,

Erik P. Wells,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

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. 354, Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs.

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

Senate Bill No. 359, Removing hand canvassing requirements of electronic voting machines.

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. 365, Excepting certain Ethics Acts provisions for elected conservation district supervisors.

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

Com. Sub. for Senate Bill No. 365 (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 §6B-2-5c; and to amend said code by adding thereto a new section, designated §61-10-15a, all relating to elected conservation district supervisors; exempting elected conservation district supervisors who participate in West Virginia Conservation Agency programs from certain provisions of the West Virginia Ethics Act and pecuniary interest requirements.

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. 365), 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. 372, Permitting certain auxiliary lighting on motorcycles.

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 Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 376, Requiring certain construction workers complete OSHA safety program.

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 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. 381, Requiring CPR instruction in public schools.

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

Com. Sub. for Senate Bill No. 381 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation and the Heimlich maneuver.

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,

Ron Stollings,
Chair.

The bill (Com. Sub. for S. B. No. 381), under the original double committee reference, was then referred to the Committee on Education.

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. 386, Revising laws relating to DHHR and Bureau of Medical Services.

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.

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. 4, Requesting DOH name new bridge crossing West Fork of Monongahela River at Shinnston “Veterans Memorial Bridge”.

And,

Senate Concurrent Resolution No. 5, Requesting DOH name bridge in Kanawha County “Army PFC William Floyd Harrison 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 Beach, unanimous consent being granted, the resolutions (S. C. R. Nos. 4 and 5) 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 Cookman and Plymale:

Senate Bill No. 401—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, Youth Services and the West Virginia Division of Juvenile Services to develop, coordinate and implement a standardized comprehensive universal assessment that will assess the needs and strengths of children as well as their caregivers 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; requiring reports to

the Governor and Legislature; requiring this comprehensive assessment tool to be a free copyrighted instrument that has acceptable proven reliability and validity, national credibility and proven demonstration for using the assessed needs and strengths of children and families to guide decisionmaking at the individual child and family level, agency level and system level; and requiring it to be an acceptable total clinical outcome measurement system tool that lends itself to evaluation as well as be respectful to and accepted by children and families, be reliable at the item level, be customizable at the state and/or program level, be free, be easy to train and use as well as work as a communication tool across child serving systems.

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

By Senators Prezioso, Edgell and Plymale:

Senate Bill No. 402—A Bill to amend and reenact §11-10-5n of the Code of West Virginia, 1931, as amended, relating to recovery of service charges and fees charged to the Tax Commissioner by financial institutions relating to all permitted forms of payment returned or not duly paid; and authorizing rulemaking.

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

By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Miller and Beach:

Senate Bill No. 403—A Bill to amend and reenact §20-2-64 of the Code of West Virginia, 1931, as amended, relating to regulating the importation and possession of certain injurious aquatic species.

Referred to the Committee on Natural Resources.

By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Yost, Miller, Plymale, Beach and Wells:

Senate Bill No. 404—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

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

By Senators Cookman, Miller and Plymale:

Senate Bill No. 405—A Bill to amend and reenact §52-1-9 of the Code of West Virginia, 1931, as amended, relating to availability of jury qualification forms; and limiting availability after conclusion of trial.

Referred to the Committee on the Judiciary.

By Senators Plymale and Jenkins:

Senate Bill No. 406—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to state recognition of Native American tribes; defining terms; recognizing certain tribes by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark.

Referred to the Committee on the Judiciary.

By Senator Tucker:

Senate Bill No. 407—A Bill to amend and reenact §33-37-2 of the Code of West Virginia, 1931, as amended, relating to licensure of managing general agents of insurers; removing unnecessary language; providing for retroactive renewal of lapsed licenses; establishing license application and renewal fees; extending period of some initial licenses; and clarifying that the appointment of the Secretary of State to receive process applies to administrative actions and actions involving license applications.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senator Plymale:

Senate Bill No. 408—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Parole Board; eligibility for parole; and the procedure for granting parole.

Referred to the Committee on the Judiciary.

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

Senate Bill No. 409—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-7 of said code; to amend said code by adding thereto two new sections, designated §18A-3-1e and §18A-3-1f; to amend and reenact §18A-3-2a of said code; and to amend and reenact §18B-1D-4 of said code, all relating to education reform; modifying time frame for county and school strategic plans; aligning the school system and school accreditation; alternative teaching certificates; adding to the duties of the Higher Education Policy Commission and the Council for Community and Technical College Education; creating a more seamless transfer process; and making it easier for students to finish a Bachelor's Degree program when transferring credit.

Referred to the Committee on Education.

By Senators Unger, Miller, Beach and McCabe:

Senate Bill No. 410—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to the State Board of Education; screening for dyslexia and other reading disabilities; and providing for assessment and intervention.

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

By Senators Yost, Miller, Cookman, Kessler (Mr. President), Beach and Cann:

Senate Bill No. 411—A Bill to amend and reenact §21-5C-1 and §21-5C-2 of the Code of West Virginia, 1931, as amended, all relating to raising the minimum wage and indexing it to inflation; and removing language exempting certain employers covered by federal minimum wage from definition of “employer” for state minimum wage purposes.

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

By Senators Unger, Yost, Miller and McCabe:

Senate Bill No. 412—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to the State Board of Education; and requiring the board to define “dyslexia” consistent with International Dyslexia Association’s definition to effectuate special education programs and services.

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

By Senators Unger, Miller and McCabe:

Senate Bill No. 413—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to the State Board of Education; professional development opportunities for dyslexia and other reading disabilities; and requiring certain school personnel annually complete two hours of such training.

Referred to the Committee on Education.

By Senators Prezioso, Edgell and Plymale:

Senate Bill No. 414—A Bill to amend and reenact §11-11-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§44-1-14 of said code, all relating to eliminating the filing of nonprobate inventory with the Tax Commissioner for decedents dying on and after July 1, 2014; providing the filing of a nonprobate inventory with the clerk of the county commission or fiduciary representative only; providing criminal offenses and penalties for failure to comply; and specifying effective dates.

Referred to the Committee on the Judiciary.

By Senators Wells, McCabe and Palumbo:

Senate Bill No. 415—A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended, relating to the preparation and publication of county financial statements; and changing the due date of a certain tax report to October 15 of each fiscal year.

Referred to the Committee on Government Organization.

By Senators Prezioso and Edgell:

Senate Bill No. 416—A Bill to amend and reenact §11-6K-4 and §11-6K-5 of the Code of West Virginia, 1931, as amended, all relating to tentative appraisals of natural resources property by the Tax Commissioner for ad valorem property tax purposes; clarifying that notice requirements apply to all oil and natural gas property in production and reserve; and clarifying that informal review procedures do not apply to oil or natural gas property in production and reserve.

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. 417—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17,

§22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24, §22-30-25, §22-30-26, §22-30-27 and §22-30-28, all relating to the protection of source water supplies and systems generally through regulation of industrial aboveground storage tanks; short title; applicability; legislative findings and purposes; defining terms; authorizing a source water protection program; requiring public water systems to remit an annual fee and submit a source water protection plan for joint approval by the Secretary of the Department of Environmental Protection and the Secretary of the Department of Health and Human Resources every three years; permitting the Secretary of the Department of Environmental Protection to request studies from public water systems regarding potential contaminant sources; providing emergency and legislative rule-making authority to the secretary to adopt and implement an industrial aboveground storage tank program; setting forth powers and duties of the secretary to implement an industrial aboveground storage tank program; setting forth notification requirements for owners and operators of industrial aboveground storage tanks; providing emergency and legislative rule-making authority; setting forth registration requirements, including an annual registration fee, for industrial aboveground storage tanks; prohibiting the operation or use of an unregistered industrial aboveground storage tank; prohibiting the delivery or deposit of regulated material into an unregistered industrial aboveground storage tank; requiring annual inspection and certification by a registered professional engineer of minimum safety standards for industrial aboveground storage tanks, associated equipment, leak detection systems and secondary containment structures; providing rule-making authority to ensure financial responsibility for corrective action for releases of regulated material from industrial aboveground storage tanks; providing rule-making authority for performance standards for new and existing industrial aboveground storage tanks; authorizing the secretary to ensure corrective action be taken regarding a release or threatened release of regulated material from an industrial aboveground storage tank; permitting the secretary to use funds from the Leaking Industrial Aboveground Storage Tank Response Fund to pay for the costs of

corrective action to prevent contamination of a source water supply; requiring written notice from the secretary to a responsible party regarding liability for reimbursement to the Leaking Industrial Aboveground Storage Tank Response Fund; requiring spill prevention response plans for each industrial aboveground storage tank to be submitted for approval by the secretary; requiring owners or operators of industrial aboveground storage tanks to provide public notice to certain public water systems, the local municipality and the local county regarding regulated material; requiring signage on industrial aboveground storage tanks; providing rule-making authority; creating a special revenue fund entitled the Industrial Aboveground Storage Tank Administrative Fund and authorizing the secretary to collect an annual registration fee for deposit into this fund; creating a special revenue fund entitled the Leaking Industrial Aboveground Storage Tank Response Fund and authorizing the secretary to collect an annual fee for deposit into this fund; authorizing expenditures from the funds; providing public access to information collected under this article pursuant to the Freedom of Information Act; permitting the secretary to require the owners or operators of industrial aboveground storage tanks to furnish information, conduct reasonable monitoring or testing and allow access to records to facilitate implementation of the provisions of this article; permitting the secretary to issue orders to enforce this article, including temporary and permanent injunctions; providing for civil and criminal penalties; providing for appeals to the Environmental Quality Board; prohibiting duplicative enforcement; requiring the secretary to report to the Legislature every three years on the effectiveness of this article and annually on the accounting of the funds; requiring interagency coordination; permitting the secretary to bring a civil action against an owner or operator of an industrial aboveground storage tank upon receipt of evidence of imminent and substantial endangerment to human health or the environment; providing for immediate notice to appropriate state and local agencies and public water systems; and severability.

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

Senators Laird, Kessler (Mr. President), Palumbo, Unger and Plymale offered the following resolution:

Senate Concurrent Resolution No. 12—Requesting the Joint Committee on Government and Finance authorize a study of the funding sources currently in place for law-enforcement training and certification programs within the state, the status of those funding sources and whether additional funding is necessary to ensure the continued training and certification of West Virginia law-enforcement officers.

Whereas, In 1981 the Legislature enacted West Virginia Code §30-29-4, which created a special revenue account known as the Law-Enforcement Professional Standards (LEPS) Fund, which consisted of a \$2 fee added to court costs in all criminal proceedings and a \$2 fee added to the amount of any cash or property bond posted to be deposited into the LEPS Fund upon forfeiture of the bond. The revenue source for the LEPS Fund has not been adjusted for inflation or amended in any way since 1981; and

Whereas, Individual law-enforcement entities are currently charged \$1,500 for the entry-level training program required to gain initial certification as a West Virginia law-enforcement officer to help pay for the training. The demands on law-enforcement officers have changed significantly since 1981 due to changes in, among other things, technology and national security. The changing law-enforcement world has created a need for more specified training focusing on, among other things, homeland security and computer crimes; and

Whereas, Funds for the traditional law-enforcement training and certification are expended at a greater rate than funds are being deposited into the LEPS Fund. The LEPS Fund previously needed an emergency deposit of funds from a legal settlement in order to continue the law-enforcement training and certification program. Without any changes to the revenue sources, the State of West Virginia will be unable to pay for the law-enforcement training and certification program in Fiscal Year 2016-2017; and

Whereas, The current funding mechanism for the LEPS Fund does not fully meet the expenses of the current entry-level training and certification program and does not allow for any expenses toward the ongoing professional development and training of officers over their careers. A direct budget allotment may provide the necessary financial stability for the LEPS Fund and allow for elimination of fees, all while providing for a comprehensive and effective law-enforcement training and certification program for new and experienced officers; 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 the funding sources currently in place for law-enforcement training and certification programs within the state, the status of those funding sources and whether additional funding is necessary to ensure the continued training and certification of West Virginia law-enforcement officers; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Cann, Prezioso and Beach offered the following resolution:

Senate Concurrent Resolution No. 13—Requesting the Division of Highways to name the new bridge on Route 58, bridge number

17-58-238, in Anmoore, West Virginia, the “PFC Nick Cavallaro Memorial Bridge”.

Whereas, Nick Cavallaro was born in Caulonia, Reggio Calabria, Italy, in 1920, and came to the United States in August, 1922, with his brother Celestino (Charley) and mother Maria Rosa Strangio Cavallaro and settled in Anmoore, West Virginia; and

Whereas, When World War II broke out, Nick Cavallaro, having become an American citizen by then, immediately enlisted in the United States Army and was assigned to the 82nd Airborne; and

Whereas, Nick Cavallaro participated in battles in North Africa and Sicily, Italy, and was one of the thousands of paratroopers dropped behind German lines the night before the invasion of Normandy, France; and

Whereas, Nick Cavallaro was scheduled to come home on leave when the Battle of the Bulge broke out and his leave was canceled; and

Whereas, Sadly, Nick Cavallaro lost his life in battle at Fosse, Belgium, on January 3, 1945, leaving behind his mother, brother, sister Louise and a host of other family and friends; and

Whereas, Nick Cavallaro was an Italian immigrant and a citizen of Anmoore, West Virginia, and the United States and made the ultimate sacrifice for his adopted hometown and country; and

Whereas, It is fitting to recognize the service and sacrifice of Nick Cavallaro by naming this bridge in his honor as an everlasting tribute to his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new bridge on Route 58, bridge number 17-58-238, in Anmoore, West Virginia, the “PFC Nick Cavallaro 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 “PFC Nick Cavallaro 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.

Which, under the rules, lies over one day.

Senators Fitzsimmons, Kessler (Mr. President), Unger, Cookman, Stollings, Yost, Miller, Plymale, Jenkins, Prezioso, Beach, Cann and McCabe offered the following resolution:

Senate Resolution No. 8—Designating January 22, 2014, 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 the 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 Virginia 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 facilities, 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 West Virginia 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 January 22, 2014, 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 all appropriate officials, including those representing the West Virginia Child Care Association.

At the request of Senator Fitzsimmons, 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 Unger, and by unanimous consent, the remarks by Senator Fitzsimmons regarding the adoption of Senate Resolution No. 8 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 10, Requesting DOH name bridge crossing Island Creek in Switzer, Logan County, "James Melvin 'Pete' Spradlin 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. 11, Requesting DOH name bridge on County Rt. 110/20 in Logan “Army Major Thomas McElwain 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. 3, 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, Fitzsimmons, Green, M. Hall, 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: None.

Absent: Facemire, D. Hall and Jenkins—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 3) 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. 29, 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, Fitzsimmons, Green, M. Hall, 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: None.

Absent: Facemire, D. Hall and Jenkins—3.

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. 29) 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, M. Hall, 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: None.

Absent: Facemire, D. Hall and Jenkins—3.

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. 29) 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. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of 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, Fitzsimmons, Green, M. Hall, 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: None.

Absent: Facemire, D. Hall and Jenkins—3.

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. 346) 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, M. Hall, 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: None.

Absent: Facemire, D. Hall and Jenkins—3.

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. 346) 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 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. 58, Relating to basis for voidable marriages and annulments.

Com. Sub. for Senate Bill No. 310, Adjusting penalties for willful failure to pay child support.

And,

Senate Bill No. 350, Requiring Agriculture Commissioner propose legislative rules for Rural Rehabilitation Loan Program.

On motion of Senator Unger, leaves of absence for the day were granted Senators Facemire, D. Hall and Jenkins.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, January 23, 2014, at 11 a.m.

THURSDAY, JANUARY 23, 2014

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 Wednesday, January 22, 2014,

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 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. 7, Requesting Star City interchange on I-79 in Morgantown be named “Michael A. Oliverio, Sr., Interchange”.

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. 4003—A Bill to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to jurisdiction to enforce compulsory school attendance; granting jurisdiction in either county when county of residence and school of enrollment are different.

Referred to the Committee on Education; 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. 42—Expressing support of the House of Delegates urging Congress to revise the “Biggert-Waters Flood Insurance Reform Act of 2012”.

Referred to the Committee on Banking and Insurance.

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. 59, Relating to claims against counties, school districts or municipalities.

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. 136, Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards.

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 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. 143, Authorizing DEP promulgate legislative rule relating to voluntary remediation and redevelopment.

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,

Bob Williams,
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. 148, Authorizing DHHR promulgate legislative rule relating to clinical laboratory technician and technologist licensure and certification.

Senate Bill No. 150, Authorizing DHHR promulgate legislative rule relating to AIDS-related medical testing and confidentiality.

And,

Senate Bill No. 151, Authorizing DHHR promulgate legislative rule relating to Cancer 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,

Roman W. Prezioso, Jr.,
Chair.

The bills, under the original triple 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. 154, Authorizing Bureau of Senior Services promulgate legislative rule relating to In-Home Care Worker Registry.

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 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 Finance 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. 158, Authorizing Regional Jail and Correctional Facility Authority promulgate legislative rule relating to determination of projected cost per day for inmates.

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,

Roman W. Prezioso, Jr.,
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 Finance 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. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

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

Com. Sub. for Senate Bill No. 196 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 4, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Education and the Arts; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and 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; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to the Ron Yost Personal Assistance Services Board.

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. 251, Implementing terms of Uniform Arbitration Act.

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. 267, Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

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 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. 313, Requiring gubernatorial appointment of PSC Consumer Advocate Director.

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

Com. Sub. for Senate Bill No. 313 (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 §24-1-10, relating to the Director of the Consumer Advocate Division of the Public Service Commission; requiring the director be appointed by the Governor with advice and consent of the Senate; and specifying the director's term of office is to mirror the Governor's term of office.

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. 313), 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. 322, Providing state compensate officials, officers and employees every two weeks.

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

Your Committee on Finance has had under consideration

Senate Bill No. 341, Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.

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

Senate Bill No. 373, Amending Water Resources Protection and Management Act.

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

Com. Sub. for Senate Bill No. 373 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §22-26-2, §22-26-

3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24, §22-30-25 and §22-30-26, all relating to water resources and water protection; clarifying the Water Resources Protection and Management Act; establishing the Aboveground Storage Tank Water Resources Protection Act; making certain legislative findings; clarifying definitions; amending definition of "large-quantity user"; eliminating certain variance provisions; requiring certain reports from secretary; requiring cooperating state agencies to continue funding levels for stream-gaging network; requiring notification of inability to continue funding of stream-gaging network; requiring information regarding private wells and depth to groundwater; requiring secretary to provide annual update on implementation of State Water Resources Management Plan; adopting State Water Resources Management Plan; requiring the Department of Environmental Protection to report biennially to commission regarding implementation of plan, survey results and act; requiring large-quantity users to submit reports annually; applying to aboveground storage tanks containing fluids except water; providing exemptions; establishing definitions; requiring registration and inventory of certain aboveground storage tanks; making it unlawful to construct, maintain or use any aboveground storage tank without a permit; requiring annual inspections of tanks; requiring financial resources to take corrective action; requiring corrective action for releases; requiring a spill prevention response plan; providing notice to local governments, water companies and industrial users; mandating signage; establishing registration fees and administrative fund; creating leaking response fund; permitting public access to information; establishing requirements for inspections, monitoring and testing; providing for administrative orders and injunctive relief; providing for civil and criminal penalties; permitting appeals to Environmental Quality Board; prohibiting duplicative enforcement; reporting to Legislature; requiring interagency cooperation; permitting

action for imminent and substantial danger; requiring source water protection plan; authorizing rulemaking; and setting forth powers and duties of secretary.

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,

William R. Laird IV,
Chair.

The bill (Com. Sub. for S. B. No. 373), 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. 414, Redirecting nonprobate appraisement filings.

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

Com. Sub. for Senate Bill No. 414 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-11-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-1-14 of said code, all relating to eliminating the filing of a nonprobate inventory form with the Tax Commissioner for decedents dying on and after July 1, 2014; providing for the filing of the nonprobate inventory form with the clerk of the county commission or fiduciary supervisor only; providing criminal penalties for failure to comply; and specifying effective dates.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

On motion of Senator Palumbo, the bill (Com. Sub. for S. B. No. 414) contained in the foregoing report from the Committee on the Judiciary 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 were introduced, read by their titles, and referred to the appropriate committees:

By Senator Stollings:

Senate Bill No. 418—A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, relating to licensing of medical corporations by the Board of Medicine; setting forth licensing requirements; requiring an application; setting forth shareholder requirements; allowing fees to be set by the board; setting forth procedures for medical corporations formed outside of the state; setting out notice and procedural requirements for the Secretary of State; allowing for employees of a medical corporation; providing for a certificate of authorization; setting forth conditions under which the medical corporation cease operations; and providing for criminal penalties for a violation of the section.

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

By Senators Stollings, Laird, Boley, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins, Cookman, Barnes and Fitzsimmons:

Senate Bill No. 419—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated

§16-46-1, §16-46-2 and §16-46-3, all relating to creating a Good Samaritan policy for certain offenses.

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

By Senators Plymale, Kessler (Mr. President), Beach, Cann, Chafin, Cookman, Facemire, Edgell, Kirkendoll, Laird, McCabe, Miller, Palumbo, Prezioso, Snyder, Stollings, Tucker, Williams, Wells and Barnes:

Senate Bill No. 420—A Bill to amend and reenact §18B-1D-10 of the Code of West Virginia, 1931, as amended, relating to adding Workforce West Virginia and the West Virginia Supreme Court of Appeals to the existing entities that are to enter into a state data-sharing compact; adding workforce data to the data that is to be included in the P-20W Longitudinal Data System; revising legislative findings; adding definitions; creating a governing board of the P-20W Longitudinal Data System; setting forth membership of the board; setting forth authority and duties of the board; adding requirements for the State Board of Education, the Higher Education Policy Commission, the Council for Community and Technical College Education and Workforce West Virginia; requiring the data warehouse to be housed within the West Virginia Network for Educational Telecomputing; and adding components to the state data-sharing compact.

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

By Senators Snyder, Blair, Beach and Barnes:

Senate Bill No. 421—A Bill to amend and reenact §11-14C-23 of the Code of West Virginia, 1931, as amended, relating to the removal of certain tax discounts from the motor fuel excise tax.

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

By Senators Plymale, Kessler (Mr. President), Kirkendoll, Stollings and Cookman:

Senate Bill No. 422—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 Cookman, Miller and Edgell:

Senate Bill No. 423—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating generally to the expungement of criminal convictions; 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 the conviction may not be reinstated due to an expungement; declaring that information related to the conviction is to be kept confidential and accessible to certain officials to ensure that only one expungement may be had per person; 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 is sufficient to prove existence of prior convictions; establishing a fee to offset State Police administrative costs and to operate the Criminal Identification Bureau and other criminal justice services; establishing a special revenue account in the State Treasury for funds received; allowing funds not to expire; defining terms; and expanding a sixty-day time limit to ninety days.

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

By Senators Stollings and Kirkendoll:

Senate Bill No. 424—A Bill to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating to authorization and regulation of unlicensed off-road motorcycles upon public streets, roads and highways by cities and counties within the Hatfield-McCoy recreation area.

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

By Senators Stollings and Edgell:

Senate Bill No. 425—A Bill to amend and reenact §30-3-16 and §30-3-16a of the Code of West Virginia, 1931, as amended, all relating to the licensure, supervision and regulation of physician assistants by the West Virginia Board of Medicine; defining term; providing for rule-making authority; setting forth licensing requirements; providing for a temporary license; providing for a practice agreement; setting out practice agreement requirements; setting forth requirements for a supervising physician; setting forth requirements for an alternate supervisory physician; providing for prescriptive authority for physician assistants; setting limits on the number of full-time physician assistants which may be supervised by a single supervisory physician; providing for emergency practice provisions; and providing for a summer camp license.

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

By Senator Plymale:

Senate Bill No. 426—A Bill to amend and reenact §18B-1B-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-2A-1 of said code; and to amend and reenact §18B-2B-4 of said code, all relating to higher education; appointment of members to the Higher Education Policy Commission; appointment of members to the institutional boards of governors; and appointment of members to the West Virginia Council for Community and Technical College Education.

Referred to the Committee on Education.

Senators Kirkendoll, Stollings, Beach, Jenkins, Edgell and Plymale offered the following resolution:

Senate Concurrent Resolution No. 14—Requesting the Division of Highways to name the bridge crossing Madison Creek between Logan and Man, approximately five hundred to six hundred feet below the new bridge at Rita Mall, in Logan County, known as the Midway Plate Girder Bridge, 0.01 mile south of West Virginia Route 10 near the intersection with the Guyandotte River, and NS Rail Road, bridge number 023-10-12.56, the “Tech 4 Grade, 185th Chemical Co., Bernard C. Maynard Memorial Bridge”.

Whereas, Bernard C. Maynard was born May 18, 1918, and raised by his grandmother. He died June 27, 2010. He served in the United States Army from June 15, 1942, until November 29, 1944. He was awarded the WWII Victory Medal, Philippine Liberation Ribbon, two Bronze Stars, American Theater Ribbon, Asiatic Pacific Theater Ribbon and a Good Conduct Medal. He married Maggie Hatfield in 1946. They had seven children, adopted two and also took in three other children in need of a home. All of the children are surviving except for one. There are twenty-three grandchildren and thirty-four great grandchildren. He worked in the coal mines, had black lung and retired from the board of education after ten years as a custodian. He helped with the recovery after the Buffalo Creek flood, attended Madison Creek Church until it flooded and then attended Neibert Missionary Baptist. He was also a member of a ham radio club; and

Whereas, It is only fitting that we so honor Bernard C. Maynard for his dedicated and selfless service to his country and for his contributions to Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge crossing Madison Creek between Logan and Man,

approximately five hundred to six hundred feet below the new bridge at Rita Mall, in Logan County, known as the Midway Plate Girder Bridge, 0.01 mile south of West Virginia Route 10 near the intersection with the Guyandotte River, and NS Rail Road, bridge number 023-10-12.56, the “Tech 4 Grade, 185th Chemical Co., Bernard C. Maynard 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 “Tech 4 Grade, 185th Chemical Co., Bernard C. Maynard 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 children and relatives of Bernard C. Maynard.

Which, under the rules, lies over one day.

Senators Plymale, Beach, Stollings, Jenkins and Edgell offered the following resolution:

Senate Concurrent Resolution No. 15—Requesting the Division of Highways to name bridge number 6-2-16.38, 0.73 miles south of County Route 1, on Route 2 in Cabell County, West Virginia, the “Army PFC Homer ‘Clyde’ Farley, Silver Star Recipient, and Army PFC Max O. Farley, Double Bronze Star Recipient, Memorial Bridge”.

Whereas, Private Homer Farley was born in 1929; and

Whereas, In 1950 Private Homer Farley was in Japan with the 25th I.D., 35th Infantry Regiment; and

Whereas, When war broke out in Korea on June 24, 1950, the 24th Division was the only unit in Korea and was quickly overrun by the masses of NKPA Innum Gun units marching southward

toward Pusan. Private Homer Farley's division arrived in Korea on or about July 10, 1950, along with some small numbers of infantry of the 1st Cavalry Division; and

Whereas, The United States forces were pressed into an area and were in jeopardy of being pushed off the Korea peninsula by the overwhelming forces against them when Lt. General Walton Walker, under the command of Supreme Commander Douglas MacArthur, gave a "stand or die" order to troops in Korea and stated, "We will not have another Dunkirk"; and

Whereas, Private Homer Farley's company was attacked on August 18, 1950, and while many of his unit fled the NKP Army, Private Homer Farley got up in the back of a jeep and started firing a .50 caliber machine gun into the enemy. He most certainly took out many of the enemy soldiers to help hold the position but was killed in action that day. For his instantaneous and selfless actions he was awarded the Silver Star for Gallantry in Action, the third-highest military award; and

Whereas, Private Homer Farley was also awarded the Purple Heart, the Combat Infantryman's Badge, the National Defense Service Medal, the Korean Service Medal, the United Nations Service Medal, the Korean Presidential Unit Citation and the Republic of Korea Service Medal; and

Whereas, It is a sad coincidence that Private Homer Farley was killed on his brother Max Owen Farley's eighteenth birthday, August 18, 1950. His family was sent a letter from Ira P. Swift, later the Major General commanding the 25th I.D., expressing sorrow and regret for Private Homer Farley's death; and

Whereas, Private Homer Farley is buried in Greenbottom Cemetery, Greenbottom, in Cabell County; and

Whereas, Private Max Farley enlisted in March, 1951, and was sent to Germany for the Allied Occupation of that country following World

War II. He was prevented from going to Korea, as he wanted to fight, by his mother when she called her U. S. Senator and told him that she had one son killed in Korea and did not want another one to suffer the same fate; and

Whereas, Private Max Farley was blocked from entering the Korean War for months until it was opened up to volunteer status and his mother could not prevent him from going there and fighting in the war effort. Private Max Farley was assigned to the 40th Infantry Division and received two Bronze Stars for Valor which is given for “Heroism in action against an armed enemy of the United States”. The Bronze Star is the fourth-highest military medal that a soldier can receive; and

Whereas, Private Max Farley also served with the 3rd Armored Division’s 894th Tank Destroyer Battalion at Fort Knox for three years with one year in Iceland to provide security to that country against a possible Soviet attack; and

Whereas, Private Max Farley passed away of lung cancer on June 29, 2007, at the Hospice House in Huntington; and

Whereas, Both Farley brothers served their country and their state with great distinction of honor, Private Homer Farley having made the ultimate sacrifice. It is fitting and proper that they be remembered and acknowledged for their courageous actions and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 6-2-16.38, 0.73 miles south of County Route 1, on Route 2 in Cabell County, West Virginia, the “Army PFC Homer ‘Clyde’ Farley, Silver Star Recipient, and Army PFC Max O. Farley, Double Bronze Star Recipient, 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 PFC Homer ‘Clyde’ Farley, Silver Star Recipient, and Army PFC Max O. Farley, Double Bronze Star Recipient, 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, C. David Farley and the families of Army PFC Homer “Clyde” Farley and Army PFC Max O. Farley.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 12, Requesting Joint Committee on Government and Finance study funding sources for law-enforcement training and certification programs.

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. 13, Requesting DOH name new bridge on Rt. 58 in Anmoore “PFC Nick Cavallaro 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. 58, Relating to basis for voidable marriages and annulments.

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. 310, Adjusting penalties for willful failure to pay child support.

On second 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.

Senate Bill No. 350, Requiring Agriculture Commissioner propose legislative rules for Rural Rehabilitation Loan Program.

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:

On page two, section eleven, line sixteen, after the word “agricultural” by inserting the words “or related”.

On motion of Senator Miller, the following amendment to the bill (S. B. No. 350) was next reported by the Clerk and adopted:

On page two, section eleven, line five, by striking out the words “rules for legislative” and inserting in lieu thereof the words “emergency and legislative rules for”.

At the request of Senator Unger, and by unanimous consent, the bill (S. B. No. 350), as amended, was advanced to third reading with the right for further amendments to be considered on that 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. 12, Relating to expedited partner therapy treatment.

Senate Bill No. 208, Relating to Rural Health Initiative Act.

Senate Bill No. 209, Allowing special needs students to participate in graduation ceremonies.

Com. Sub. for Senate Bill No. 316, Relating to tolling with regard to civil actions.

And,

Senate Bill No. 359, Removing hand canvassing requirements of electronic voting machines.

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 Cann, Blair and Miller.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Cann were ordered printed in the Appendix to the Journal.

At the request of Senator Cookman, unanimous consent being granted, the remarks by Senator Blair 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, January 24, 2014, at 10 a.m.

FRIDAY, JANUARY 24, 2014

The Senate met at 10 a.m.

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

Prayer was offered by Dr. William McCoy, First Presbyterian Church, Charleston, West Virginia.

Pending the reading of the Journal of Thursday, January 23, 2014,

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. Com. Sub. for House Bill No. 2757—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20D-1, §19-20D-2, and §19-20D-3, all relating to the creation of a private cause of action in magistrate court for the purpose of seeking humane destruction of a violent dog; elements of action; proceeding; attorney fees; limitations of action; and order of the court.

Referred to the Committee on the Judiciary.

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. 157, Authorizing Fire Commission promulgate legislative rule relating to certification of home inspectors.

And,

Senate Bill No. 164, Authorizing State Fire Marshal promulgate legislative rule relating to certification of electrical inspectors.

And reports the same back with the recommendation that they each 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 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

Com. Sub. for Senate Bill No. 373 (originating in the Committee on Natural Resources), Relating to water resources protection.

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

Com. Sub. for Com. Sub. for Senate Bill No. 373 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24, §22-30-25 and §22-30-26, all relating to water resources and water protection generally; revising the Water Resources Protection and Management Act; establishing the Aboveground Storage Tank Water Resources Protection Act; making certain legislative findings; clarifying definitions; amending definition of “large-quantity user”; eliminating certain variance provisions; requiring certain reports from the secretary; requiring cooperating state agencies to continue funding levels for stream-gaging network; requiring notification of inability to continue funding of stream-gaging network; requiring information regarding private wells and depth to groundwater; requiring secretary to provide annual update on implementation of State Water Resources Management Plan; adopting State Water Resources Management Plan; requiring the Department of Environmental Protection to report annually to commission regarding implementation of plan and survey results; requiring large-quantity users to submit reports annually; creating certain requirement for aboveground storage tanks containing fluids except water; providing certain exemptions; defining terms; requiring registration and inventorying of certain aboveground storage tanks; making it unlawful to construct, maintain or use any aboveground storage tank without a permit; setting forth regulatory framework for aboveground storage tanks; requiring annual inspections of tanks; requiring financial resources to take corrective action; requiring corrective action for releases and corrective action in the event of a release; authorizing the secretary to take corrective action in certain circumstances; requiring of certain facts spill prevention response plans; providing notice to local governments, water companies and industrial users; mandating signage and aboveground storage tanks sites reflecting contents of the tanks and hazards associated therewith; establishing registration fees and administrative fund; creating Leaking Aboveground Storage Tank Response Fund and setting forth mechanisms for funding and expenditure; permitting public access to information subject to Freedom of Information Act; establishing

requirements for inspections, monitoring and testing; requiring secretary to perform mandatory annual inspection; providing for administrative orders and injunctive relief; providing for civil penalties and creating certain criminal offenses and setting forth penalties therefor; permitting appeals to Environmental Quality Board; prohibiting certain duplicative enforcement; requiring reports to Legislature; requiring interagency cooperation; permitting civil action in case of imminent and substantial danger; requiring source water protection plans from public water systems; requiring annual fees by public water systems; requiring Department of Health and Human Resources and Department of Environmental Protection to jointly approve protection plan; authorizing emergency rulemaking; requiring legislative rulemaking for purposes of implementing act; and setting forth powers and duties of secretary.

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. 373) 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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.

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 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 Education.

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 Beach:

Senate Bill No. 427—A Bill to amend and reenact §17D-2A-2, §17D-2A-5 and §17D-2A-7 of the Code of West Virginia, 1931, as amended, all relating to 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 policyholder'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; directing that fees

collected for reinstatement of a driver's license be deposited in the Motor Vehicle Fees Fund; 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 Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Beach and Laird:

Senate Bill No. 428—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.

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

By Senators Boley, Nohe, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Sypolt and Walters:

Senate Bill No. 429—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to public school curricular standards and assessments; establishing a Legislative Common Core Study Committee to study issues relating to implementation of Common Core standards and assessments in West Virginia and report to the Governor and

Legislature no later than six months after the final public hearing, or on or before the first day of the 2016 Regular Session of the Legislature, whichever comes first; requiring State Board of Education to undertake a study of fiscal costs associated with implementing Common Core standards and assessments and report to the Governor and Legislature on or before the first day of the 2016 Regular Session; placing a two-year moratorium on implementation of Common Core assessments; prohibiting the State Board of Education from sharing personally identifiable information of students or teachers except as provided; and definitions.

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

By Senators Edgell, Green, Kirkendoll, Laird, McCabe, Snyder, Tucker, Unger, Yost and Stollings:

Senate Bill No. 430—A Bill to amend and reenact §12-1-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §12-2-2 of said code; and to amend and reenact §12-3-1 of said code, all relating to the State Treasurer's Office; changing Cash Management Improvement Act reports from quarterly to annually; establishing standards and reviews for receipting of moneys for all spending units except the Department of Revenue; assisting spending units in developing and improving their internal controls for receipting moneys; authorizing the Treasurer to review internal control procedures for receipting moneys and to make revisions or suggestions; reviewing internal controls by auditors when auditing receipted moneys and ensuring copies of audits are submitted to the State Treasurer and Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; updating language that deposit information no longer needs to be manually forwarded since the Enterprise Resource System will automatically perform functions; adding the Board of Treasury Investments to the entities managing investments; clarifying when state checks are presumed stale and the process for dealing with stale checks; and requiring spending units to monitor checks issued on their behalf and to ensure stale checks with federal funds are properly reported.

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

By Senator Beach:

Senate Bill No. 431—A Bill to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to issuance and renewal of driver's licenses; changing renewal cycle for driver's licenses from five to eight years; allowing the commissioner to provide a program for online renewal of driver's licenses; and providing an additional fee for the issuance of driver's license issued for federal use.

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

Senators Edgell, Kessler (Mr. President), Unger, Plymale, Stollings, D. Hall, Jenkins and Fitzsimmons offered the following resolution:

Senate Concurrent Resolution No. 16—Expressing the support of the Legislature of urging Congress to revise the Biggert-Waters Flood Insurance Reform Act of 2012.

Whereas, In 1968, the United States Congress created the National Flood Insurance Program, allowing the purchase of flood insurance as an alternative to disaster relief; and

Whereas, This program is now deeply in debt following the widespread devastation caused by Hurricane Katrina and Superstorm Sandy; and

Whereas, In 2012, the United States Congress passed the Biggert-Waters Flood Insurance Reform Act of 2012 to bolster the National Flood Insurance Program; and

Whereas, Due to this act, many West Virginia residents and businesses have seen their flood insurance premiums greatly increase; and

Whereas, Many of those affected by increasing flood insurance premiums have historically lived outside of a recognized floodplain; and

Whereas, Floodplain maps are created and administered by the Federal Emergency Management Agency, located outside of West Virginia; and

Whereas, There is a large cost being placed on West Virginia cities and property owners to appeal the incorrect maps; and

Whereas, Traditionally, flood insurance rates have been regionally based, where similar risk factors and like properties are insured; and

Whereas, There is a distinct difference between inland flooding in West Virginia, which often results in permanent residences being cleaned and rehabbed, and coastal flooding, which primarily affects vacation homes that are completely lost; and

Whereas, Under the new law, inland areas and coastal regions are insured together; and

Whereas, This has caused property owners of low-risk primary residences to subsidize flood insurance for vacation homes that are intentionally built in high-risk coastal areas; and

Whereas, While this act is laudable in its intent, it has resulted in an unfair burden and hardship placed on West Virginia residents and businesses; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature expresses the support of urging Congress to revise the Biggert-Waters Flood Insurance Reform Act of 2012; and, be it

Further Resolved, That the Legislature hereby strongly urges the United States Congress to revisit and revise the Biggert-Waters Flood Insurance Reform Act of 2012, in hopes that the unfair burden and hardship placed on West Virginia residents and businesses can be removed; 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 West Virginia congressional delegation, the Majority Leader of the United States Senate and the Speaker of the United States House of Representatives.

Which, under the rules, lies over one day.

Senators Laird, Miller, Unger, Plymale, Stollings, Cole and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 17—Requesting the Division of Highways to name bridge number 13-2-0.01, located in Greenbrier County, the “Sgt. James Lee Holcomb Memorial Bridge”.

Whereas, James Lee Holcomb was born and raised in Russellville, West Virginia; and

Whereas, After attending Nuttall High School, James Lee Holcomb enlisted in the United States Army; and

Whereas, James Lee Holcomb completed his basic training in Fort Benning, Georgia, and went on to serve in the Panama Canal Zone and then in Korea for thirteen months; and

Whereas, James Lee Holcomb answered the call of duty in Vietnam, where he was wounded twice and received the Combat Infantry Badge and the Bronze Star Medal; and

Whereas, On November 1, 1966, James Lee Holcomb made the ultimate sacrifice for his country when he was killed in action in

Vietnam, leaving behind a wife, two children, his siblings and a host of family and friends; and

Whereas, It is fitting to honor the life of James Lee Holcomb by naming this bridge as an everlasting tribute to his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-2-0.01, located in Greenbrier County, the “Sgt. James Lee Holcomb 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. James Lee Holcomb 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.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 14, Requesting DOH name bridge crossing Madison Creek, Logan County, “Tech 4 Grade, 185th Chemical Co, Bernard C. Maynard 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. 15, Requesting DOH name bridge on Rt. 2, Cabell County, “Army PFC Homer ‘Clyde’ Farley, Silver Star Recipient, and Army PFC Max O. Farley, Double Bronze Star Recipient, 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. 58, Relating to basis for voidable marriages and annulments.

On third reading, 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, Fitzsimmons, Green, D. Hall, 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: None.

Absent: Chafin and Facemire —2.

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. 58) passed with its title.

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

Senate Bill No. 350, Requiring Agriculture Commissioner propose legislative rules for Rural Rehabilitation Loan Program.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, January 23, 2014, for further amendments to be received on third reading, was reported by the Clerk.

There being no further amendments offered,

The bill, as amended on yesterday, Thursday, January 23, 2014, was ordered to engrossment.

Engrossed Senate Bill No. 350 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, Fitzsimmons, Green, D. Hall, 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: Facemire —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. 350) 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: None.

Absent: Facemire —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. 350) 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. 12, Relating to expedited partner therapy treatment.

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

Senate Bill No. 208, 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.

Senate Bill No. 209, Allowing special needs students to participate in graduation ceremonies.

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. 310, 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. 316, Relating to tolling with regard to civil actions.

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

Senate Bill No. 359, Removing hand canvassing requirements of electronic voting machines.

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. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

Senate Bill No. 251, Implementing terms of Uniform Arbitration Act.

And,

Senate Bill No. 341, Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.

The Senate proceeded to the thirteenth order of business.

Senator Prezioso called attention to today being the birthdays of the senators from Berkeley and Harrison and on behalf of the Senate extended felicitations and good wishes to Senators Unger and Cann, with Senator Stollings leading the members in singing “Happy Birthday”.

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, January 27, 2014, at 1:30 p.m.

MONDAY, JANUARY 27, 2014

The Senate met at 1:30 p.m.

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

Prayer was offered by Minister Donnie Chapman, Dunbar Church of Christ, Dunbar, West Virginia.

Pending the reading of the Journal of Friday, January 24, 2014,

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 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. 2020—A Bill to amend and reenact §62-1C-17c of the Code of West Virginia, 1931, as amended, relating to conditions of bond for defendants in cases of crimes between family or household members generally; and setting forth certain specific statutory conditions in lieu of allowing the issuing authority to set conditions of bail.

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. 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 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 Plymale, Kessler (Mr. President), Kirkendoll, Prezioso, Stollings, Edgell, Beach, Fitzsimmons, D. Hall, Williams, Yost and Wells:

Senate Bill No. 432—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-2, §18-9A-2a and §18-9A-11 of said code, all relating to calculating local share; changing the deadline for Tax Commissioner to report the total assessed values to the State Board of Education; delaying use of assessment ratio study for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; creating assumption that all property in a county is assessed at sixty percent for the purpose of determining whether to use the sales ratio analysis in the calculation of local share when a valid sales ratio analysis cannot be obtained due to a lack of arm's length sales of property in a county; allowing Tax Commissioner to waive the use of the sales ratio analysis for calculating local share upon a showing by the assessor of that county that the preliminary sales ratio for the next succeeding year would meet the minimum ratio; delaying the increase in the percent of local levy rate for county boards of education used for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; and requiring the state to use the most recent projections or estimations that may be available from the

Tax Department for any estimation or preliminary computations of local share required prior to the report to the state board by the Tax Commissioner.

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

By Senators Nohe and Tucker:

Senate Bill No. 433—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to exempting sales of precious metals from the sales tax under certain conditions.

Referred to the Committee on Finance.

By Senator Beach:

Senate Bill No. 434—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to the establishment of and participation in the Motor Vehicle Alcohol Test and Lock Program; allowing driving under the influence offenders to forgo the applicable revocation period for their offense and waive the right to their administrative hearing to expedite participation in the program; and making technical and descriptive corrections to this section of the code.

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

By Senators Palumbo, Kessler (Mr. President) and Beach:

Senate Bill No. 435—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code reference resulting from a recent amendment to said code requiring certain court personnel to complete certain handgun safety and training requirements before carrying a concealed handgun.

Referred to the Committee on the Judiciary.

By Senators Laird, M. Hall, Miller, Plymale and Stollings:

Senate Bill No. 436—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-4-6 of said code, all relating to providing that the salary of the Executive Director of the West Virginia Prosecuting Attorneys Institute shall be established by the executive council of the institute, with a minimum salary of \$70,000.

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

By Senators Tucker, McCabe, Palumbo and Plymale:

Senate Bill No. 437—A Bill to amend and reenact §31-17-11 of the Code of West Virginia, 1931, as amended, relating to the filing of reports, data and other information deemed necessary by the Commissioner of Financial Institutions with the Division of Financial Institutions; permitting the commissioner to determine when those reports, data or information are filed; and providing that in addition to the reports not being public records, the filed data and information are also not public records.

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

By Senators Tucker, McCabe, Palumbo and Plymale:

Senate Bill No. 438—A Bill to amend and reenact §32A-2-1, §32A-2-3, §32A-2-4, §32A-2-5, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-18, §32A-2-19, §32A-2-22 and §32A-2-27 of the Code of West Virginia, 1931, as amended, all relating to definitions for “commissioner”, “currency transmission” and “money transmission”; providing an exemption from licensing for the State Regulatory Registry, LLC; providing that the authorized delegate of a licensee may only conduct business on behalf of the licensee and may not have subdelegates; authorizing the commissioner to require use of the Nationwide Mortgage Licensing System and Registry for license applications and renewals; reducing the renewal fee for a delegate from \$20 to \$5; adding an assessment of \$.001 for every dollar of transmission services provided in the

prior year; raising the cap on fees to \$25,000; correcting citations to federal regulations and laws; requiring that tangible net worth be required of licensees; eliminating the need for a delegate to be located in this state; amending the bond required of licensees by replacing the increase for each delegate location with the ability to increase the bond by one percent of the annual volume of business in this state exceeding \$10 million while retaining the existing bond cap of \$1 million; eliminating the ability to provide a cash deposit or pledge of securities in lieu of a surety bond while allowing for the continuation of any cash deposit or pledge in existence prior to April 1, 2014; eliminating the charge of \$50 per hour of examination time; requiring a licensee to report to the commissioner any enforcement action taken against the licensee by another state or federal regulator and any change in the licensee's business activities or principals; authorizing the commissioner to assess an administrative penalty of up to \$5,000 for a violation of this article and providing that in the case of a continuing violation a penalty may be assessed for each day the violation continues and that any penalty imposed is subject to appeal and judicial review under chapter twenty-nine-a, article five of this code; and authorizing the commissioner to issue a cease and desist order for any violation of federal law or regulation pertaining to the business of currency exchange, money transportation or transmission or check cashing.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senators Fitzsimmons, Kessler (Mr. President), Beach, Edgell and Yost:

Senate Bill No. 439—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.

Senators Prezioso, Plymale, Edgell, Unger, Stollings, Laird, Kessler (Mr. President), Snyder, Jenkins, McCabe, Beach, Fitzsimmons and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 18—Recognizing that any additional cuts to the funding for higher education institutions would be detrimental to the growth and the financial well being of West Virginia.

Whereas, Tuition rates have risen five to ten percent each year, both within the state and nationwide; and

Whereas, Future cuts to higher education would perpetuate the perplexing problem of tuition rate increases, making higher education less accessible to West Virginia students; and

Whereas, Retention rates among West Virginia higher education institutions are falling, and higher tuition rates will continue the downward trend of students not completing their two-year and four-year degrees; and

Whereas, Textbook prices have risen threefold the rate of inflation since 1960; and

Whereas, Last year's seven and one-half percent cuts created fiscal hurdles for West Virginia higher education institutions during a time of economic instability; and

Whereas, West Virginia's higher education institutions give a substantial return on investment for every dollar spent; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes that any additional cuts to the funding for higher education institutions would be detrimental to the growth and the financial well being of West Virginia; and, be it

Further Resolved, That budgetary cuts to higher education in West Virginia will not help the serious economic and educational issues that face the state, nor would cuts allow an optimal return on investment; and, be it

Further Resolved, That to achieve a modern and robust economy, educational investment must be a priority; and, be it

Further Resolved, That maintaining reasonable tuition rates that are directly correlated to the retention rates among students in higher education institutions will result in significant economic benefits; 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.

Which, under the rules, lies over one day.

Senators Green, D. Hall, Laird, Miller, Tucker, Yost, Wells, Stollings, Jenkins and Carmichael offered the following resolution:

Senate Resolution No. 9—Urging construction of a 120-bed state veterans’ nursing home on the Department of Agriculture property in Beckley, West Virginia, adjacent to the state-owned Jackie Withrow Hospital, formerly known as Pinecrest Hospital.

Whereas, The West Virginia Veterans Coalition was established in 1996 to bring the veterans’ service organizations together to present issues concerning the 220,000 veterans residing in the State of West Virginia to the Governor and the Legislature; and

Whereas, The West Virginia Veterans Coalition established a prioritized list of issues to be addressed and their top priority is the construction of a 120-bed state veterans’ nursing home on the Department of Agriculture property in Beckley beside the state Jackie Withrow Hospital, formerly known as Pinecrest Hospital; and

Whereas, The current West Virginia veterans' nursing home located in Clarksburg, adjacent to the Louis A. Johnson Veterans' Administration Medical Center, is currently at its maximum capacity and has a large waiting list for admission; and

Whereas, With a veteran population of over 220,000 there is an overwhelming need for additional nursing home beds to accommodate our veterans as they become unable to take care of themselves; and

Whereas, The current number of veterans in the Beckley Veterans Administration Medical Center catchment area is in excess of 39,000 veterans and the Beckley VAMC only has fifty extended care rehabilitation care beds; and

Whereas, The construction of the West Virginia veterans' nursing home in Clarksburg gave our veterans in that area an outstanding place to spend their final years with fellow veterans, and veterans have the same need in the Beckley area; and

Whereas, The veterans of West Virginia should be treated with dignity and respect and be allowed to spend their final days with fellow veterans in a facility which reflects our state's appreciation for their service and sacrifices; therefore, be it

Resolved by the Senate:

That the Senate hereby urges construction of a 120-bed state veterans' nursing home on the Department of Agriculture property in Beckley, West Virginia, adjacent to the state-owned Jackie Withrow Hospital, formerly known as Pinecrest Hospital; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Veterans Coalition, the Governor of West Virginia and the Secretary of the West Virginia Department of Veterans' Assistance.

Which, under the rules, lies over one day.

Senators Unger, Kessler (Mr. President), Plymale, Snyder, Stollings and Beach offered the following resolution:

Senate Resolution No. 10—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 2014 membership of Leadership Berkeley consists of Catherine E. Barton, United Bank; Stephanie Clark; Bruce M. Avery, Jr., CPA; Robin A. Collo, Bank of Charles Town; Kylee L. Eshbaugh, Kelley Allstate Agency; Kimberly A. Foore, WVU Online; Ian B. Gingold; Sam W. Gudex, VA Medical Center; Felicia L. Harmison, VA Medical Center; Oren Hilty, Berkeley Medical Center; Lesley Hower, Essroc; Gina M. Hudock, Williamsport Retirement Village; Cynthia K. Hull, Blue Ridge Community and Technical College; William Igoe III, Farmers and Mechanics Insurance Cos.; Keisha N. Jackson, Steptoe & Johnson PLLC; Sara R. Koontz, Shenandoah Community Health; Michael D. McCarty, Historic McFarland House; Carol L. McDonald, Ecolab; Dana W. Phelps, Martinsburg-Berkeley County Public Library-North

Berkeley Branch; Julia E. Quodala, Berkeley County Fire Service Board, Inc.; Karen A. Richards, CNB Bank, Inc.; Tracey A. Rohrbaugh, Bowles Rice LLP; Amanda B. Ryder, BB&T; Sean D. Speer, MVB Bank; Rebecca S. Thompson, Ecolab; Mary E. Zufall, Valley Health System; Tina H. Combs, Martinsburg-Berkeley County Chamber of Commerce; and Todd McKinney, Outdoor Education Center; 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. 16, Urging Congress revise Biggert-Waters Flood Insurance Reform Act of 2012.

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

Senate Concurrent Resolution No. 17, Requesting DOH name bridge in Greenbrier County “Sgt. James Lee Holcomb 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. 12, Relating to expedited partner therapy treatment.

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. 208, Relating to Rural Health Initiative Act.

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. 209, Allowing special needs students to participate in graduation ceremonies.

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. 310, Adjusting penalties for willful failure to pay child support.

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. 316, Relating to tolling with regard to civil actions.

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. 359, Removing hand canvassing requirements of electronic voting machines.

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.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

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

Senate Bill No. 251, 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.

Senate Bill No. 341, Making supplementary appropriation from State Excess Lottery Revenue Fund to 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 Com. Sub. for Senate Bill No. 373, Relating to water resources protection.

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

On motion of Senator Prezioso, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages thirty-nine and forty, section thirteen, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) The secretary shall collect annual registration fees from owners or operators of each aboveground storage tank in an amount sufficient to cover the regulatory oversight and services to be provided by designated agencies, including necessary technical and administrative personnel, as set forth by rule. All registration and permit fees and the net proceeds of all fines, penalties and forfeitures collected under this article, including accrued interest, shall be paid into a special revenue account, hereby created within the State Treasury, designated the Aboveground Storage Tank Administrative Fund, and shall be used solely to defray the cost of administering this act.;

And,

On page forty, section fourteen, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) Each owner or operator of an aboveground storage tank located in this state shall pay an annual fee to establish a fund to assure adequate response to leaking aboveground storage tanks. The amount of fees assessed pursuant to this section shall be set forth by rule. The fees must be sufficient to cover the regulatory oversight and services to be provided by designated agencies, including necessary technical and administrative personnel. The proceeds of the assessment shall be paid into a special revenue account, hereby created within the State Treasury, designated the Leaking Aboveground Storage Tank Response Fund, and shall be used solely to respond to leaking aboveground storage tanks.

On motion of Senator Palumbo, the following amendments to the bill (Com. Sub. for Com. Sub. for S. B. No. 373) were next reported by the Clerk, considered simultaneously, and adopted:

On page twenty-five, section three, line four, by striking out the word “and”;

On page twenty-five, section three, by striking out all of subdivision (19) and inserting in lieu thereof two new subdivisions, designated subdivisions (19) and (20), to read as follows:

(19) Tanks regulated under Section 1321 of the federal Water Pollution Control Act (Section 311 of the federal Clean Water Act) and the regulations promulgated thereunder, 40 C. F. R. §112, *et seq.*; and

(20) Tanks used for the storage of fluids that are gases at standard temperature and pressure.;

On page twenty-seven, section five, lines fourteen and fifteen, by striking out the words “during the 2014 Regular Session of the 81st Legislature”;

On page thirty-three, section nine, lines twenty-one and twenty-two, by striking out the words “water resources and” and inserting in lieu thereof the words “safety, water resources or”;

On page thirty-six, section ten, line five, by striking out the words “contain, at a minimum, the following” and inserting in lieu thereof the words “at a minimum”;

On page thirty-seven, section ten, line nine, by striking out the word “Pertinent” and inserting in lieu thereof the word “Provide”;

On page thirty-seven, section ten, line fourteen, by striking out the words “The owner or operator shall provide” and inserting in lieu thereof the word “Provide”;

On page thirty-eight, section ten, line twenty-two, after the word “number” by striking out the comma and “1-800-642-3074”;

On page forty-one, section fourteen, line thirteen, after the word “health,” by inserting the word “safety,”;

On pages forty-two and forty-three, section sixteen, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) For the purposes of developing or assisting in the development of any rule, conducting any study, taking any corrective action or enforcing any provision of this article, any owner or operator of an aboveground storage tank shall, upon request of the secretary:

(1) Furnish information relating to the aboveground storage tanks, their associated equipment and contents;

(2) Conduct reasonable monitoring or testing;

(3) Permit the secretary, at all reasonable times, to inspect and copy records relating to aboveground storage tanks; and

(4) Permit the secretary to have access to the aboveground storage tanks for corrective action.;

On page forty-three, section sixteen, line thirteen, by striking out the word “act” and inserting in lieu thereof the word “article”;

On page forty-three, section sixteen, line twenty-five, by striking out the word “act” and inserting in lieu thereof the word “article”;

On page forty-six, section twenty, line eight, after the word “unless” by inserting the word “the”;

On page forty-six, section twenty-one, line twenty-three, by striking out the word “specific” and inserting in lieu thereof the word “detailed”;

On page forty-eight, section twenty-three, line eight, after the word “health,” by inserting the word “safety,”;

On page forty-eight, section twenty-three, line ten, by striking out the words “public health” and inserting in lieu thereof the words “human health, safety,”;

On page forty-eight, section twenty-three, line fifteen, after the word “health,” by inserting the word “safety,”;

On page forty-nine, section twenty-four, line five, by striking out the words “Within ninety days of the effective date of this article” and inserting in lieu thereof the words “By July 1, 2015”;

On page fifty, section twenty-four, 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 the Department of Health and Human Resources shall accept a plan submitted pursuant to this section and provide a copy to the secretary. Thereafter, within ninety days, the

secretary and the Secretary of the Department of Health and Human Resources may reject the plan and require modifications as may be necessary and reasonable to satisfy the purposes of this article. Failure by a public water system to comply with a plan approved pursuant to this section is a violation of this article.;

On page fifty, section twenty-four, by striking out all of subsection (g);

And,

On page fifty-one, section twenty-five, line one, by striking out the word “propose” and inserting in lieu thereof the word “promulgate”.

The bill (Com. Sub. for Com. Sub. for S. B. No. 373), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Senate Bill No. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.

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, January 28, 2014, at 11 a.m.

TUESDAY, JANUARY 28, 2014

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 Monday, January 27, 2014,

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 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. 4006—A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes pertaining to the possession, transmission, transportation, distribution and exhibiting of material depicting minors in sexually explicit conduct; adding the accessing of such materials with intent to view as a defined offense; creating an enhanced felony offense and penalty for possessing, accessing with intent to view, transporting, receiving or distributing files or materials which contain more than five hundred images in digital, photographic or video format which depict minors engaging 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. House Bill No. 4177—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, 2014, to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2014, organization 0510, to the Department of Military Affairs and Public Safety, Adjutant General - West Virginia National Guard Counterdrug Forfeiture Fund, fund 8785, fiscal year 2014, organization 0603, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2014, organization 0612, and to the Department of Veterans' Assistance, fund 8858, fiscal year 2014, organization 0613, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the budget bill.

Referred to the Committee on Finance.

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. 166, Authorizing Tax Department promulgate legislative rule relating to municipal sales and service and use tax administration.

And,

Senate Bill No. 167, Authorizing Tax Department promulgate legislative rule relating to special reclamation tax credit.

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 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. 177, Authorizing Insurance Commissioner promulgate legislative rule relating to utilization review and benefit determination.

And has amended same.

Senate Bill No. 178, Authorizing Insurance Commissioner promulgate legislative rule relating to health plan insurer internal grievance procedure.

And has amended same.

And,

Senate Bill No. 179, Authorizing Insurance Commissioner promulgate legislative rule relating to external review of adverse health insurance 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.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance 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. 280, Expanding Military Incentive Program to all economically disadvantaged veterans.

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 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. 349, Prohibiting nonrenewal or cancellation of certain property insurance coverage policies.

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.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Banking and Insurance pending.

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. 402, Providing Tax Commissioner's recovery charges and fees due to insufficient funds or nonpayment apply to all payment methods.

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.

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 Palumbo, Cookman, Laird, Barnes, Unger, Kessler (Mr. President), Tucker, Plymale, Stollings, Wells, M. Hall and Chafin:

Senate Bill No. 440—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-1G-1, §62-1G-2, §62-1G-3, §62-1G-4, §62-1G-5 and §62-1G-6, all relating to the requirement of the electronic audio and video or audio recording of all law-enforcement questioning of felony suspects; creating a presumption of inadmissibility to statements taken which are not in compliance with the article; setting forth exceptions thereto; requiring preservation of electronic recordings; and establishing an effective date.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill No. 441—A Bill to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; increasing the limit on the size of voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; permitting an increase in the size of standard receiving boards in enlarged precincts; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election.

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

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

Senate Bill No. 442—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds if the vehicles are locked and the weapons are out of normal view.

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

By Senators Kirkendoll, Cann, Edgell and Carmichael:

Senate Bill No. 443—A Bill to amend and reenact §15-2A-2, §15-2A-5 and §15-2A-11a of the Code of West Virginia, 1931, as amended, all relating to the West Virginia State Police Retirement System; providing definitions; removing the requirement to set the employer contribution rate by legislative rule; requiring that a disability retiree's annuity be terminated when the board determines that the recipient has engaged in substantial gainful activity; requiring that a partially disabled retiree's annuity be terminated when they become employed as a law-enforcement officer; providing for reapplication of disability retirement within ninety days of effective termination; and clarifying that application for regular retirement benefits may be made by those terminated upon meeting eligibility requirements.

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

By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale:

Senate Bill No. 444—A Bill to amend and reenact §5-10-2, §5-10-31 and §5-10-48 of the Code of West Virginia, 1931, as amended, all relating to the Public Employees Retirement System; defining “compensation” and “employee” in this article; removing the requirement to set employer contribution rate by legislative rule; and allowing employee and employer retirement contributions to be

credited to the participating public employer when a retirant is reemployed for less than one year.

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

By Senators Beach, Kessler (Mr. President), Fitzsimmons, Williams and Cann:

Senate Bill No. 445—A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, all relating to clarifying circumstances under which a person may possess certain firearms while afield engaging in outdoor recreational activities.

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

Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 19—Requesting the Division of Highways to name bridge number 022-11/00-7.59, known as the Branchland Beam Span, located 0.12 miles north of State Route 10 in Lincoln County, the “Sergeant Paul Norman Chapman Memorial Bridge”.

Whereas, Paul Norman Chapman was born October 18, 1919, in Lincoln County, the son of Albert and Norma Chapman of Branchland, Lincoln County. He had a brother, Corporal Lyle Chapman, and sister, Virginia Chapman. He graduated from Guyan Valley High School. He enlisted in the United States Army in Huntington, West Virginia, at age twenty. He was mortally wounded while effecting a landing under fire at Casablanca on November 9, 1942. An award of the Purple Heart was made posthumously; and

Whereas, Sergeant Paul Norman Chapman made the ultimate sacrifice for his country and in doing so represented Branchland, Lincoln County, West Virginia, and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed, and naming the bridge in Lincoln County for him is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 022-11/00-7.59, known as the Branchland Beam Span, located 0.12 miles north of State Route 10 in Lincoln County, the “Sergeant Paul Norman Chapman 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 “Sergeant Paul Norman Chapman 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 surviving family members of Sergeant Paul Norman Chapman.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 20—Recognizing the value and importance of the state’s innovation industry, which is interested in realizing the long-term economic opportunities that an innovation-based economy can provide our state’s citizens.

Whereas, Research and innovation continue to be bedrocks of America'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, In 2013, West Virginia continued to make good progress toward a broader, more robust innovation economy; 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, Innovations in manufacturing, such as 3D printing, are opening new opportunities for West Virginia's small manufacturing firms to develop new products and processes to improve their bottom lines; and

Whereas, There is growing interest in entrepreneurship across our state as business plan competitions are attracting record-setting numbers of applications and other groups are exploring ways to bring entrepreneurship education into the K-12 system; and

Whereas, Improving access to risk capital is a critical need that is being addressed by existing and new public and private programs, such as the West Virginia Capital Access Program, the 1NNOVA Fund, the West Virginia Growth Investment LLC and the Appalachian Community Capital; and

Whereas, More than one hundred 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; and

Whereas, Many of these innovation drivers are here at the Capitol today as part of the "Innovation & Entrepreneurship Day" hosted by Industries of the Future–West Virginia and TechConnect WV; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the value and importance of the state's innovation industry, which 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 Legislature 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 & Entrepreneurship Day" at the Capitol; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Industries of the Future–West Virginia and TechConnect WV.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 18, Recognizing additional higher education funding cuts to be detrimental.

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

Senate Resolution No. 9, Urging construction of state veterans' nursing home in Beckley.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 12, Relating to expedited partner therapy 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, Fitzsimmons, Green, D. Hall, 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: Facemire–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. 12) 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. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 196) 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: None.

Absent: Facemire–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. 196) 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, 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, Fitzsimmons, Green, D. Hall, 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: Facemire–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. 208) passed.

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

Eng. Senate Bill No. 208—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; modifying goals; discontinuing the Rural Health Advisory Panel 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.

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

Eng. Senate Bill No. 209, Allowing special needs students to participate in graduation ceremonies.

On third reading, 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: None.

Absent: Facemire—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. 209) 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: None.

Absent: Facemire—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. 209) 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. 251, 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, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Green, D. Hall, 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: Facemire—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. 251) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Green, D. Hall, 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: Facemire—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. 251) takes effect July 1, 2014.

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. 310, 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, 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: None.

Absent: Facemire—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. 310) 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. 316, Relating to tolling with regard to civil actions.

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. Senate Bill No. 341, Making supplementary appropriation from State Excess Lottery Revenue Fund to 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 341) 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: None.

Absent: Facemire—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. 341) 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. 359, Removing hand canvassing requirements of electronic voting machines.

On third reading, 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: None.

Absent: Facemire—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. 359) 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: None.

Absent: Facemire—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. 359) 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 Com. Sub. for Senate Bill No. 373,
Relating to water resources protection.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 pass?”

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: None.

Absent: Facemire—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. 373) 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 Sypolt, and by unanimous consent, the remarks by Senators Wells, Walters, Kirkendoll, Jenkins, M. Hall and Cann regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senator Unger regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 were ordered printed in the Appendix to the Journal.

At the request of Senator Walters, and by unanimous consent, the remarks by Senator Green regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

Senate Bill No. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service 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 twelfth order of business.

Remarks were made by Senator Stollings.

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, January 29, 2014, at 11 a.m.

WEDNESDAY, JANUARY 29, 2014

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 Tuesday, January 28, 2014,

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.

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. 2387—A Bill to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of the Code of West Virginia, 1931, as amended, all relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals; providing for the submission of documentation of the disability related need for the assistive animal; providing for the sufficiency of the requested documentation; prohibiting a request for access to medical records or providers; providing for the denial of a request for an accommodation of an assistance animal; requiring a determination of a direct threat or substantial physical damage to be based on individualized assessment; prohibiting an unreasonable denial of accommodation; and replacing the term “handicapped” with the term “disability”.

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. 4182—A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2014, to a new item of appropriation designated to the Auditor’s Office, Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund, fund 1239, fiscal year 2014, organization 1200, 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 2014, organization 0932, to the Department of Health and Human Resources, Division of Health, Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2014, organization 0511, to the Department of Revenue, Racing Commission - General

Administration, fund 7305, fiscal year 2014, organization 0707, to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses, fund 8517, fiscal year 2014, organization 0906, to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2014, organization 0926, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the budget bill.

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. 4217—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-5-22 and §9-5-23, all relating to Medicaid; requiring the Bureau of Medical Services to submit an annual report to the Legislature; requiring certain information to be included in the report; requiring website publication of certain information.

Referred to the Committee on Health and Human Resources.

The Senate 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. 1, Updating controlled substances schedules.

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

Com. Sub. for Senate Bill No. 1 (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; 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 controlled substances; modifying scheduled controlled substances; modifying and including definitions; updating West Virginia schedules of controlled substances; and modifying manner in which buprenorphine and naloxone may be prescribed.

And,

Senate Bill No. 395, Relating to operation and oversight of certain human services benefit programs.

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

Com. Sub. for Senate Bill No. 395 (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 section, designated §9-5-8b; and to amend said code by adding thereto a new section, designated §61-4-9, all relating generally to the operation and oversight of certain benefit programs; granting certain subpoena power to the Investigations and Fraud Management Division within the Department of Health and Human Resources to investigate welfare fraud; authorizing the Investigations and Fraud Management Division to request search warrants, swear to complaints and seek relevant orders from circuit court in certain situations; providing access to out-of-state documents in certain circumstances; prohibiting disclosure of persons under investigation by the Investigations and Fraud Management Division; defining terms; creating misdemeanor and felony offenses for certain unlawful use of certain benefits or benefit access devices; stating certain presumptions and calculations permissible in prosecution of these offenses; and providing an alternative to confinement for individuals

convicted of the offenses associated with unlawful use of certain benefits.

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. 1 and 395), 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. 147, Authorizing Commissioner of Agriculture promulgate legislative rule relating to inspection of meat and poultry.

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 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. 267, Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

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

Com. Sub. for Senate Bill No. 267 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of purchasing cards; establishing jurisdiction; defining the conduct as a continuing offense; adjusting the penalties such that a conviction is punished the same as a larceny conviction; and allowing for restitution.

With the recommendation that the committee substitute 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. 380, Redefining “all-terrain and utility terrain 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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Com. Sub. for Senate Bill No. 381 (originating in the Committee on Health and Human Resources), Requiring CPR and Heimlich maneuver instruction in public schools.

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

Com. Sub. for Com. Sub. for Senate Bill No. 381 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation and the Heimlich maneuver.

With the recommendation that the committee substitute for committee substitute 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

Senate Bill No. 405, Requiring presiding judge's permission to release juror qualification forms after trial's conclusion.

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

Com. Sub. for Senate Bill No. 405 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §52-1-5a and §52-1-9 of the Code of West Virginia, 1931, as amended, all relating to availability of jury qualification forms; limiting availability after conclusion of trial; and removing a conflict with another section of the code.

With the recommendation that the committee substitute 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. 420, Relating to data sharing in P-20W Longitudinal Data System.

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

Com. Sub. for Senate Bill No. 420 (originating in the Committee on Education)—A Bill to amend and reenact §18B-1D-10 of the Code of West Virginia, 1931, as amended, relating to adding the Bureau for Children and Families, Workforce West Virginia and the West Virginia Supreme Court of Appeals to the existing entities that are to enter into a state data-sharing compact; adding child care and workforce data to the data that is to be included in the P-20W Longitudinal Data System; revising legislative findings; adding definitions; creating a governing board of the P-20W Longitudinal Data System; setting forth membership of the board; setting forth authority and duties of the board; adding requirements for the Bureau for Children and Families, the State Board of Education, the Higher Education Policy Commission, the Council for Community and Technical College Education and Workforce West Virginia; requiring the data warehouse to be housed within the West Virginia Network for Educational Telecomputing; and adding components to the state data-sharing compact.

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. 420), 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. 432, Relating to calculating local share.

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

Com. Sub. for Senate Bill No. 432 (originating in the Committee on Education)—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-2, §18-9A-2a and §18-9A-11 of said code, all relating to calculating local share; changing the deadline for Tax Commissioner to report the total assessed values to the State Board of Education; delaying use of assessment ratio study for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; creating assumption that all property in a county is assessed at sixty percent for the purpose of determining whether to use the sales ratio analysis in the calculation of local share when a valid sales ratio analysis cannot be obtained due to a lack of arm's length sales of property in a county; allowing Tax Commissioner to waive the use of the sales ratio analysis for calculating local share upon a showing by the assessor of that county that the preliminary sales ratio for the next succeeding year would meet the minimum ratio; delaying the increase in the percent of local levy rate for county boards of education used for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; clarifying language pertaining to the amount that assumed assessed values is to be added to for the purpose of calculating local share; and requiring the state to use the most recent projections or estimations that may be available from the Tax Department for any estimation or preliminary computations of local share required prior to the report to the state board by the Tax Commissioner.

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. 432), 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. 435, Correcting code reference relating to handgun safety training for certain court personnel.

And reports the same back with the recommendation that it 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. 1, Requesting DOH name Becky's Creek Bridge, Randolph County, "Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge".

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 1 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 42-43-0.16, the Becky’s Creek Bridge on Route 43 crossing over the Tygart Valley River in Huttonsville, Randolph County, the “U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge”.

Whereas, Sergeant Kittle was born on March 15, 1940, in Randolph County to Cecil Wilbert Kittle, Sr., and Omega Virginia Armentrout Kittle. He had a brother, Master Sergeant Floyd A. Kittle, and two sisters, Carolyn Darlene Kittle and Eva Fae Knight; and

Whereas, In July, 1962, Sergeant Kittle married Betty Irene Wilt Kittle. They had two children, Richard Nicholas Kittle and Randall Lee Kittle; and

Whereas, Sergeant Kittle was a career soldier who first entered the Army in July, 1958, after attending Tygarts Valley High School. He served several tours of duty in Europe with the Seventh Army and, in 1961, was involved with activities surrounding the Berlin Wall Crisis while serving with the 51st Infantry in Germany; and

Whereas, In 1965 Sergeant Kittle arrived in Vietnam where he served as a helicopter gunner and a paratrooper in Company C, Second Battalion, Seventh Cavalry, and First Air Cavalry Division (Airmobile). This unit was involved in the heaviest fighting at the Battle of Ia Drang Valley and Chu Pong Mountain, the first major battle in the Vietnam War; and

Whereas, American leaders had decided to use newly developed airmobile tactics by flying in American troops by helicopter and Lieutenant General Hal Moore’s First Battalion of the Seventh Cavalry was given this assignment in the Battle of Ia Drang Valley; and

Whereas, The Battle at Ia Drang Valley began on November 14, 1965, and Sergeant Kittle was part of the military's operation to bring troops into Ia Drang Valley to locate the North Vietnamese Army. Lieutenant General Moore had sixteen helicopters to bring in troops which took four hours to get all of his men on the ground. Heavy fire began immediately and the first American soldiers who were dropped off into a small clearing in the Ia Drang Valley, known as Landing Zone X-Ray, were immediately surrounded and attacked by two thousand North Vietnamese soldiers. Dozens of men died within this first wave of attacks during the battle, which continued for three more days; and

Whereas, On November 17, 1965, American military operations were moved to Landing Zone Albany, where U. S. troops were again attacked by the North Vietnamese Army. This second wave of attacks was considered the deadliest ambush of a U. S. unit during the entire course of the Vietnam War. During the night North Vietnamese soldiers walked through the woods executing all wounded American soldiers; and

Whereas, Air strikes and artillery eventually allowed U. S. troops to secure the area and rescue the survivors. More than three hundred of the four hundred fifty U. S. soldiers were killed in the Battle of Ia Drang Valley; and

Whereas, Sergeant Kittle was killed as a result of hostile action while on a search-and-destroy mission during the Battle of Ia Drang Valley. He died during the second wave of North Vietnamese attacks on November 17, 1965, at the age of twenty-five. A month later, December 24, 1965, his second son, Randall Lee Kittle, was born; and

Whereas, Sergeant Kittle was one of nine West Virginia soldiers who died at the Battle of Ia Drang Valley. Being a native of Huttonsville, he was also the first Randolph County soldier to be killed in the Vietnam War. He is buried at the Old Brick Cemetery in Huttonsville along with his parents and other family members; and

Whereas, The Battle at Ia Drang Valley set the tone for the remainder of the Vietnam War as American forces continued to rely on air mobility and heavy fire support; and

Whereas, Sergeant Kittle was awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, the Army Good Conduct Medal, the Seventh Cavalry Garry Owen Patch and the Combat Infantry Badge; and

Whereas, Sergeant Kittle's name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 3E, Row 82; and

Whereas, The battle in which Sergeant Kittle died was documented in the 1965 CBS Special Report "Battle of Ia Drang Valley" and in the book "We Were Soldiers Once . . . and Young" by Lieutenant General Hal Moore and reporter Joseph Galloway, who was also at the battle. That book also served as the basis of the 2002 movie "We Were Soldiers" starring Mel Gibson; and

Whereas, Two local articles also chronicled the book and movie's significance to West Virginia and the people of Randolph County. The headlines read: "Current Vietnam Film has Personal Meaning for Area Residents" in the March 9, 2002, issue of *The Elkins Inter-Mountain* newspaper and "We Were Solders: West Virginia Veterans Remember Battle at Ia Drang Valley" in the March 7, 2002, issue of *the Charleston Gazette* newspaper. They are archived at the Culture Center in Charleston and in the Wise Library in Morgantown. Sergeant Kittle's November 22, 1965, obituary is also archived at *The Elkins Inter-Mountain* newspaper library (Vol. LIX No. 45); and

Whereas, It is fitting to honor Sergeant Cecil W. Kittle, Jr., for his commitment, dedication and service to his country and to his state, having given 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 42-43-0.16, the Becky's Creek Bridge on Route 43 crossing over the Tygart Valley River in Huttonsville, Randolph County, the "U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U. S. Army Sgt. Cecil W. Kittle, 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 Sergeant Kittle's son, Randall Lee Kittle.

Senate Concurrent Resolution No. 2, Requesting DOH name bridge in Harrison County "Kevin S. Rux Memorial Bridge".

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 2 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 17-131-3.99, located in Harrison County, the "U. S. Navy Petty Officer First Class Kevin S. Rux Memorial Bridge".

Whereas, Kevin S. Rux was born in Coronado, California, on October 31, 1969, the son of James A. Rux, a veteran of the United States Navy, and Sandra Rux Flanagan, a native of Chub Run, West Virginia; and

Whereas, Kevin S. Rux enlisted in the Navy in October of 1988; and

Whereas, Kevin S. Rux attended boot camp in Great Lakes, Illinois, and went on to serve in the Persian Gulf during Operation Desert Shield; and

Whereas, Kevin S. Rux served ten years on active duty, had a brief stint of civilian life and then reenlisted in the Navy on October 27, 1999; and

Whereas, Upon reenlistment, Kevin S. Rux was assigned to the USS Cole as an Electronics Warfare Technician (SW) and reached the rank of Petty Officer First Class; and

Whereas, On October 12, 2000, the USS Cole was attacked by terrorists while refueling in Aden Harbor, Yemen, killing seventeen sailors and severely injuring thirty-nine more; and

Whereas, Sadly, Kevin S. Rux was one of the seventeen sailors killed in the blast; and

Whereas, It is fitting to honor the life of Kevin S. Rux by naming this bridge in his memory as an everlasting tribute to his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-131-3.99, located in Harrison County, the “U. S. Navy Petty Officer First Class Kevin S. Rux Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy Petty Officer First Class Kevin S. Rux 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.

Senate Concurrent Resolution No. 3, Requesting DOH name bridge in Gypsy, Harrison County, “Sergeant First Class Sam Lopez Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 3 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 17-19-23.26 in Gypsy, Harrison County, the “U. S. Navy Seaman First Class Sam Lopez Bridge”.

Whereas, Sam Lopez was born September 27, 1924, in Shinnston, West Virginia, the son of Pete and Mary Lopez; and

Whereas, After being raised in Shinnston, Sam Lopez enlisted in the United States Navy in May of 1943 and was assigned to the USS Indianapolis in August of the same year; and

Whereas, The USS Indianapolis was the pride of the United States Navy and was chosen to be the flagship of the Pacific Fleet, carrying a crew of one thousand two hundred men; and

Whereas, While stationed on the USS Indianapolis, Sam Lopez took part in the battles of Saipan, Tinian, Guam, Iwo Jima, Okinawa and the key battles of Midway and the Philippine Sea; and

Whereas, In July of 1945, after completing a top-secret mission, the USS Indianapolis set sail for Guam where it was to take part in gunnery practice with the USS Idaho in preparation for the invasion of Japan; and

Whereas, On July 30, 1945, at 12:15 a.m., the USS Indianapolis was hit by enemy fire; and

Whereas, The USS Indianapolis quickly began taking on water and the order was given to abandon ship; and

Whereas, After jumping in the water that night, Sam Lopez spent four desperate days floating in the Pacific before being rescued; and

Whereas, Out of one thousand two hundred men aboard, only three hundred seventeen survived, and Sam Lopez was among the survivors of the Navy's worst tragedy at sea; and

Whereas, Sam Lopez married his beloved wife Joanne, with whom he shared the joy of having two children, Linda and Sam Jr., and four grandchildren, James, Bryan, Shawn and Shane; and

Whereas, It is fitting to recognize the service and sacrifice of Sam Lopez by naming this bridge as an everlasting tribute to him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-19-23.26 in Gypsy, Harrison County, the "U. S. Navy Seaman First Class Sam Lopez Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Navy Seaman First Class Sam Lopez 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.

Senate Concurrent Resolution No. 8, Requesting DOH name bridge on Rt. 270 in West Milford, Harrison County, "USMC Cpl. Gene William Somers, Jr., Memorial Bridge".

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 bridge number S317-270-0.73 on Route 270 in West Milford, Harrison

County, West Virginia, the “USMC Cpl. Gene William Somers, Jr., Memorial Bridge”.

Whereas, Corporal Gene William Somers, Jr., was born on July 27, 1948, in Harrison County, West Virginia, the son of Alice Marie Peet-Somers and the late Gene William Somers of West Milford, West Virginia; and

Whereas, Corporal Gene William Somers, Jr., attended Unidis and South Harrison High Schools in Harrison County; and

Whereas, Corporal Gene William Somers, Jr., enlisted in the United States Marine Corps on September 18, 1967, and began his tour of duty in Vietnam on February 6, 1968, as a member of the 1st Marine Division, Fleet Marine Forces; and

Whereas, Corporal Gene William Somers, Jr., was one of three brothers and two sisters of which brother Todd also served in the United States Marine Corps; and

Whereas, Corporal Gene William Somers, Jr., was killed on March 19, 1969, by hostile fire in the Quang Nam Province, South Vietnam; and

Whereas, Corporal Gene William Somers, Jr., gave the ultimate sacrifice for his country and it is fitting and proper that he be remembered and acknowledged for his courageous action and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number S317-270-0.73 on Route 270 in West Milford, Harrison County, West Virginia, the “USMC Cpl. Gene William Somers, 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 “USMC Cpl. Gene William Somers, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Senate Concurrent Resolution No. 9, Requesting DOH name portion of U. S. Rt. 522 “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 9 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name a portion of U. S. Route 522 near the West Virginia State Police barracks in Berkeley Springs, Morgan County, between West Virginia State Route 13, south of the West Virginia State Police barracks, and West Virginia State Route 9, north of the barracks, the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”.

Whereas, Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson both served in the West Virginia State Police in Morgan County, West Virginia; and

Whereas, Trooper First Class Thomas Dean Hercules served with the United States Marine Corps and had nineteen years of service as a West Virginia State Trooper; and

Whereas, Trooper Charles Henry Johnson served in the Air Force for four years, graduated from the State Police Academy at Institute in 1970 and lived in Berkeley Springs for three years; and

Whereas, On the snowy, cold afternoon of January 12, 1977, Trooper First Class Thomas Dean Hercules and Trooper Charles

Henry Johnson were gunned down in the line of duty in Paw Paw, West Virginia, while serving an arrest warrant on a burglary suspect; and

Whereas, Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson made the ultimate sacrifice for the safety of their community and state; and

Whereas, Trooper First Class Thomas Dean Hercules was survived by his wife, Shirley, and their sons Allen and David; and

Whereas, Trooper Charles Henry Johnson was the son of John J. and Rowena Robinson Johnson and was survived by his wife, Lynda Sue Lively Johnson; daughter, Lori Necole, and son, Jeffrey Bryan, both at home; sister, Mrs. Leah Rae Wallace; brother, John J. Johnson, Jr.; and grandmother, Mrs. Mary C. Robinson; and

Whereas, The Legislature acknowledges the service and sacrifice of Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson, as well as the sacrifice of their families who endured their loss of life; and

Whereas, It is fitting to honor the lives of Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson by naming this highway in their memory as an everlasting tribute to their service and sacrifice to their community and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of U. S. Route 522 near the West Virginia State Police barracks in Berkeley Springs, Morgan County, between West Virginia State Route 13, south of the West Virginia State Police barracks, and West Virginia State Route 9, north of the barracks, the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying this section of the highway as the “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson 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 Commissioner of the Division of Highways.

Senate Concurrent Resolution No. 10, Requesting DOH name bridge crossing Island Creek in Switzer, Logan County, “James Melvin ‘Pete’ Spradlin Memorial 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 bridge number 23-044/00-0.13.14, crossing Island Creek in Switzer, Logan County, the “U. S. Army Cpl. James Melvin ‘Pete’ Spradlin Memorial Bridge”.

Whereas, Pete Spradlin was born on November 29, 1946, in Stirrat, West Virginia; and

Whereas, Pete Spradlin wed Ruby Lee Crum and together they had seven children who have blessed them with six grandchildren; and

Whereas, Pete Spradlin spent three years as a Corporal in the Army 3rd Battery, 4th Platoon, earning a National Defense Service Medal; and

Whereas, Pete Spradlin was a longtime coal miner and proud member of the United Mine Workers of America; and

Whereas, Pete Spradlin gained fame in Logan County after he was featured in a November, 1991, *Time Magazine* article about the perils of coal mining; and

Whereas, Pete Spradlin retired from Kedco Coal Company in June, 1998, and later bought a cabin in Greenbrier County where he enjoyed spending most of his time; and

Whereas, Pete Spradlin served as a board member of Logan Regional Medical Center in the 1990s; and

Whereas, Pete Spradlin passed away on March 10, 2013, in Monaville, Logan County, West Virginia; and

Whereas, It is fitting and proper that the national and community service of Pete Spradlin be acknowledged; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-044/00-0.13.14, crossing Island Creek in Switzer, Logan County, the “U. S. Army Cpl. James Melvin ‘Pete’ Spradlin 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 containing bold and prominent letters proclaiming the bridge the “U. S. Army Cpl. James Melvin ‘Pete’ Spradlin 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 the surviving family members of Pete Spradlin.

And,

Senate Concurrent Resolution No. 11, Requesting DOH name bridge on County Rt. 110/20 in Logan “Army Major Thomas McElwain Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 11 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 23-110/20-0.23, located on County Route 110/20 in Logan, West Virginia, crossing a side channel of the Guyandotte River and locally known as the Logan High School Bridge, the “U. S. Army Major Thomas McElwain Memorial Bridge”.

Whereas, Thomas McElwain was born in Logan, West Virginia, November 25, 1940, and was raised primarily by his maternal grandparents; and

Whereas, Thomas McElwain attended Logan High School for a year, but later obtained a high school equivalency diploma; and

Whereas, Thomas McElwain enlisted in the United States Army in 1958, at the age of eighteen, and underwent basic training at Fort Jackson, South Carolina; and

Whereas, Thomas McElwain later attended Drury College in Springfield, Missouri, and the University of Maryland Far East Branch, obtaining two Master’s Degrees; and

Whereas, Thomas McElwain rose through the ranks as an enlisted soldier and became a commissioned officer, completing numerous training assignments, including airborne training and special forces training, and completing officer candidate school at Fort Benning, Georgia, in 1963; and

Whereas, Army Major Thomas McElwain was commanding officer of Company C, 1st Battalion (Airborne), 503rd Infantry in Vietnam in 1967 and 1968; and

Whereas, Army Major Thomas McElwain was awarded the Silver Star for gallantry in action during a search-and-destroy mission November 11, 1967, near Dak To, Republic of Vietnam. When his company came under a heavy enemy mortar, rocket and small-arms attack, Major (then Captain) McElwain distinguished himself on several occasions during the seven-hour battle, exposing himself to enemy fire to drag a wounded man to safety and to carry out the requirements of his command, although wounded himself; and

Whereas, In addition to the Silver Star, Major Thomas McElwain was awarded the Bronze Star for Valor (three awards), Army Commendation Medal for Valor (two awards), Purple Heart, Vietnamese Cross of Gallantry with Silver Star, the Vietnamese Cross of Gallantry with Gold Star, the Good Conduct Medal, National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Air Medal, Combat Infantry Badge and the Senior Parachutist Badge; and

Whereas, After his second tour of duty in Vietnam as a military advisor to thirty-six thousand Montagnards, Major Thomas McElwain was chosen by General William Westmoreland for a National Speakers Tour. He traveled extensively throughout West Virginia, Kentucky and Ohio to local civic organizations to share information about the war; and

Whereas, After his stint as a speaker for the Army, Major Thomas McElwain became Commandant of Cadets at the University of Nebraska in Omaha. After this, Major McElwain was assigned to the ROTC program at Marquette University in Milwaukee, Wisconsin. Since his office was located in the gym, he developed a friendship with Al McGuire, the head basketball coach at Marquette at that time. Having earned two Master's Degrees while in the Army and upon retiring from the Army, Major Thomas McElwain taught at Park College, taught at Webster College Graduate School, supervised student teachers at the University of Texas at El Paso (UTEP) and taught fourth grade at Radford School for Girls; and

Whereas, Major Thomas McElwain was a 32nd Degree Mason and was a member of the Grand Lodge of Texas Ancient Free and Accepted Masons, Wallace Hughton Lodge Number 1393. He was also active in the Shriners. Following retirement Major McElwain moved to Henderson, Nevada, where he lived and enjoyed playing golf with family and friends, shooting his pistols and cooking; and

Whereas, Army Major Thomas McElwain died September 24, 2013; and

Whereas, It is fitting that an enduring memorial be established in the community he considered home to commemorate this native son's service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-110/20-0.23, located on County Route 110/20 in Logan, West Virginia, crossing a side channel of the Guyandotte River and locally known as the Logan High School Bridge, the "U. S. Army Major Thomas McElwain 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 containing bold and prominent letters proclaiming the bridge the "U. S. Army Major Thomas McElwain 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; to James W. Mullins; and to family members of Army Major Thomas McElwain.

With the recommendation that the seven committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 1, 2, 3, 8, 9, 10 and 11) 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 Miller, Cann and Laird:

Senate Bill No. 446—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; increasing possible penalties for acts of reprisal; and clarifying that participation in proceedings is considered work time.

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

By Senators Chafin, Cole, Kirkendoll and Stollings:

Senate Bill No. 447—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 thirtieth judicial circuit consisting of Mingo County.

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

By Senators Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, D. Hall, M. Hall, Nohe, Sypolt, Tucker, Williams, Snyder, Stollings, Wells and Jenkins:

Senate Bill No. 448—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22I; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a one-time supplement to retired public employees and teachers seventy years of age or older equal to three percent of their retirement benefits; setting forth conditions; and providing for exceptions.

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

By Senators Wells, Yost, Jenkins and Fitzsimmons:

Senate Bill No. 449—A Bill to amend and reenact §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of the Code of West Virginia, 1931, as amended, all relating to the administration of veterans' assistance generally; redesignating employment positions; providing additional power and authority of Secretary of Department of Veterans' Assistance; modifying duties of Veterans' Council; authorizing compensation of volunteer drivers; revising language related to the Veterans Facilities Support Fund; and conforming terminology used in existing statutory provisions.

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

Senators Green, Stollings, Cole, D. Hall and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 21—Requesting the Division of Highways name bridge number 41-1-13.03, located on Route 1 over Clear Creek at the mouth of Toney’s Fork Road adjacent to the Presbyterian Church in Raleigh County, known as Artie Bridge Number 2, the “Army PFC Shelby Dean Stover Memorial Bridge”.

Whereas, PFC Stover was born on July 15, 1948, in Ameagle, West Virginia; and

Whereas, PFC Stover was killed in Vietnam by enemy forces on October 21, 1968, the only member of his community to die in action; and

Whereas, PFC Stover represented the best of his community, being a friend to others, a good athlete and most of all willing to serve his country without hesitation; and

Whereas, It is fitting to honor PFC Stover for his commitment, dedication and service to his country and to his state, having given 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 41-1-13.03, located on Route 1 over Clear Creek at the mouth of Toney’s Fork Road adjacent to the Presbyterian Church in Raleigh County, known as Artie Bridge Number 2, the “Army PFC Shelby Dean Stover Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the “Army PFC Shelby Dean Stover 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, Dennis Williams and the family of Army PFC Shelby Dean Stover.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall offered the following resolution:

Senate Resolution No. 11—Recognizing the value and importance of the state’s innovation industry on “Innovation & Entrepreneurship Day” at the Capitol.

Whereas, Research and innovation continue to be bedrocks of America’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, In 2013, West Virginia continued to make good progress toward a broader, more robust innovation economy; 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, Innovations in manufacturing, such as 3D printing, are opening new opportunities for West Virginia's small manufacturing firms to develop new products and processes to improve their bottom lines; and

Whereas, There is growing interest in entrepreneurship across our state as business plan competitions are attracting record-setting numbers of applications and other groups are exploring ways to bring entrepreneurship education into the K-12 system; and

Whereas, Improving access to risk capital is a critical need that is being addressed by existing and new public and private programs, such as the West Virginia Capital Access Program, the 1NNOVA Fund, the West Virginia Growth Investment LLC and the Appalachian Community Capital; and

Whereas, More than one hundred 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; and

Whereas, Many of these innovation drivers are here at the Capitol today as part of the "Innovation & Entrepreneurship Day" hosted by Industries of the Future—West Virginia and TechConnect WV; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the value and importance of the state's innovation industry on "Innovation & Entrepreneurship Day" at the Capitol; and, be it

Further Resolved, That the innovation industry 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 & Entrepreneurship Day" at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Industries of the Future–West Virginia and TechConnect WV.

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. 19, Requesting DOH name bridge in Lincoln County "Sergeant Paul Norman Chapman 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, Recognizing value and importance of state's innovation industry.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 316, Relating to tolling with regard to civil actions.

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. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.

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.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, January 30, 2014, at 11 a.m.

THURSDAY, JANUARY 30, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Frank Shomo, Elizabeth Memorial United Methodist Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, January 29, 2014,

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 Clerk presented a communication from the Development Office, submitting its annual Neighborhood Investment Program report as required by chapter eleven, article thirteen-j, section four-a 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 concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill No. 346, Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

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. 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, except ex officio members are paid the same compensation and expense reimbursement 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; then 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. 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, §21-5G-3 and §21-5G-4, 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; 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; and duties not created under this article.

Referred to the Committee on Labor; then 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. 4002—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 the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions requiring the use of assumed assessed real property values that are based upon an assessment ratio study instead of actual real property values for the purpose of the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions that require that the annual amount of local share for which a county board of education is responsible be increased where, during the prior year, the real property assessments in that county were not at least fifty-four percent of market value as indicated by the assessment ratio study; revising definitions; reducing the amount deducted as an allowance for usual losses in collections, due to discounts, exonerations, delinquencies and the like, for purposes of calculating local share; expressing legislative intent to continue the computation of local share for public school support based upon actual real property values rather assumed assessed real property values; expressing legislative intent that the annual amount of local share for which a county board of education is responsible continue to be computed without reference to whether the real property assessments in that county were at least fifty-four percent of market value in the prior year; and removing provisions requiring county school boards to provide funding for public libraries from local share.

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. 4139—A Bill to amend and reenact §48-9-209 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-9-209a, all relating to restricted parental rights of child custody and visitation when a child was conceived as a result of a sexual assault or sexual abuse; denying custody and visitation rights to a natural parent convicted of sexual assault when a child is produced as a result of the offense, unless the victim or guardian consents and it is in the best interests of the child; providing limited exceptions when the biological parents cohabit; creating a rebuttable presumption against the granting of sole or joint custody to the perpetrator of the offense under certain circumstances; providing a mechanism to petition the court for consideration of additional factors and protections in a parenting plan when a child is the product of a sexual assault or sexual abuse; burden of proof to met by the petitioner; and clarifying the natural parent's continuing support obligations.

Referred to the Select Committee on Children and Poverty; and then 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. 32, Authorizing Legislative Auditor to collect sunrise application review fees.

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

Com. Sub. for Senate Bill No. 32 (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 sunrise application review process; authorizing the Legislative Auditor to establish and charge fees for the sunrise application review process; and reporting requirements.

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. 165, Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.

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

Com. Sub. for Senate Bill No. 165 (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 in the form that the rules were filed in the State Register; authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures; and authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

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. 257, Relating to real property possessor's liability for harm to trespassers.

And,

Senate Bill No. 380, Redefining "all-terrain and utility terrain vehicles".

And reports the same back with the recommendation that they each 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. 314, Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

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.

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. 325, Providing State Fire Marshal serve at will and pleasure of Fire Commission.

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

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

Senate Bill No. 328, Terminating Strategic Research and Development Tax Credit.

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 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. 353, Relating to timber theft in state forests.

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

Com. Sub. for Senate Bill No. 353 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-3b, relating to timber theft in state forests; providing the Division of Forestry authority to investigate and enforce timber theft

violations in state forests; and setting forth 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 the Judiciary.

Respectfully submitted,

William R. Laird IV,
Chair.

The bill (Com. Sub. for S. B. No. 353), 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. 356, Relating to purchasing reforms.

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

Com. Sub. for Senate Bill No. 356 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-1-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-1-10; to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-5, §5A-3-11, §5A-3-17, §5A-3-28, §5A-3-30 and §5A-3-31 of said code; and to amend said code by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60, all relating generally to purchasing; revising the definition of “commodities”; eliminating the definition of “contractual services”; defining “contract”, “grant”,

“procurement”, “public funds” and “services”; revising the definition of “vendor”; requiring state spending units to purchase commodities and services on a competitive basis; authorizing the Secretary of the Department of Administration to issue a notice to cease and desist when purchases are not made on a competitive basis; clarifying the purposes and policies of the Purchasing Division; clarifying applicability of article; clarifying that procurements must include adequate specifications and descriptions; authorizing the Director of Purchasing to issue a notice to cease and desist when purchases are not made on a competitive basis; adding the term “services” to where “commodities” is referenced throughout the code; removing reference to “contractual services”; authorizing reverse auctions 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 auctions; authorizing master contracts and direct order process for the direct procurement of certain commodities; defining “information technology”, “state”, “master agreement”, “prequalified vendor” and “direct ordering process”; requiring approval of the Director of the Purchasing Division for master contracts, direct order of commodities pursuant to a master contract anticipated to cost in excess of \$50,000 and information technology procurements anticipated to cost in excess of \$1,000,000; affording the Director of the Purchasing Division rule-making authority to establish procedures regarding master contracts, preapproval, direct ordering process and related matters; clarifying circumstances in which grants are exempt from competitive bidding requirements; imposing personal liability upon spending officers and other responsible individuals who have knowingly and willfully violated competitive bidding requirements; expanding criminal penalties for undermining competition; requiring certain executive department officials to attend annual training on purchasing procedures; and making technical corrections.

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. 356), under the original double committee reference, was 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. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

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 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. 393, Amending funding levels and date Governor may borrow from Revenue Shortfall Reserve Fund.

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

Com. Sub. for Senate Bill No. 393 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to the Revenue Shortfall Reserve Fund; increasing the percentage of surplus revenue paid into the fund for fiscal years 2014 and 2015; and changing the October 31 deadline that the Governor may borrow money from the fund to April 1 for a limited period.

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. 393), 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. 408, Relating to parole.

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

Com. Sub. for Senate Bill No. 408 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to powers and

duties of the Parole Board; eligibility for parole; clarifying the procedures for granting parole; and clarifying that a parole-eligible inmate is entitled to a timely parole hearing regardless of where he or she is housed.

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. 415, Changing due date of certain county commission tax reports.

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

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. 4175, West Virginia Small Business Emergency 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.

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, Blair, Carmichael, McCabe, Palumbo and Wells:

Senate Bill No. 450—A Bill to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended, relating to the sale and consumption of alcoholic liquors in outdoor dining areas adjoining an Alcohol Beverage Control Administration-licensed facility.

Referred to the Committee on the Judiciary.

By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale:

Senate Bill No. 451—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 and §7-14D-21 of said code; to amend and reenact §8-22A-22 and §8-22A-23 of said code; to amend and reenact §15-2-33 of said code; to amend and reenact §15-2A-12 of said

code; and to amend and reenact §16-5V-25 and §16-5V-26 of said code, all relating to retirement burial and scholarship benefits awarded on behalf of deceased uniformed service officers as they relate to the distribution of marital property under a qualified domestic relations order.

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

By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale:

Senate Bill No. 452—A Bill to amend and reenact §5-13-2 and §5-13-4 of the Code of West Virginia, 1931, as amended, all relating to the Teachers Retirement System annuity calculation for reciprocal service credit; defining “teacher final average salary”; and providing procedure for annuity calculation for reciprocal service.

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

By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale:

Senate Bill No. 453—A Bill to amend and reenact §18-7A-14, §18-7A-17, §18-7A-18 and §18-7A-18a of the Code of West Virginia, 1931, as amended, all relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board; providing procedure for contributions by members and employers; requiring payment of compounded interest by members of the Public Employees Retirement System when granting service credit in the Teachers Retirement System; closing the Teachers Employers Contribution Collection Account on or before June 30, 2014, and transferring any balance of employer contributions to the Teachers Retirement System Fund; depositing employer contributions through state appropriations to the Teachers Retirement System Fund beginning July 1, 2014; and directing additional funds from the Teachers Employers Contribution Collection Account to the Teachers Retirement System Fund.

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

By Senators Miller, Cookman, D. Hall, Laird, Tucker, Williams and Snyder:

Senate Bill No. 454—A Bill to amend and reenact §22-14-3 of the Code of West Virginia, 1931, as amended, relating to dams; and defining the owner of a dam for purposes of the Dam Control Act.

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

By Senators Unger, Plymale, Stollings, Kessler (Mr. President), Yost, Edgell, Laird, Kirkendoll, Cann, Miller, Beach and Fitzsimmons:

Senate Bill No. 455—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, relating to creation of the West Virginia Move to Improve Act; establishing legislative findings; providing for integration of thirty minutes of moderate to vigorous physical activity in school day; setting minimum amount of moderate to vigorous physical exercise in physical education classes; defining terms; removing expired requirements; requiring accountability for the physical education and physical activity required herein; and providing for collaboration with teachers and administrators in establishing rules or policy to effectuate the professional development opportunities and training required by this act.

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

Senators Cookman, Plymale and Blair offered the following resolution:

Senate Concurrent Resolution No. 22—Requesting the Division of Highways to name the I-81 Exit 23 overpass in DOH District 5 the “Deputy John L. Burkett III Memorial Overpass”.

Whereas, John L. Burkett III of Falling Waters, Berkeley County, West Virginia, was born in 1973, the son of John and Jackie Burkett; and

Whereas, John L. Burkett III was a one-year veteran of the Berkeley County Sheriff's Department on January 31, 2001, when he was assigned to extradite a felon from Pennsylvania back to Berkeley County for adjudication on West Virginia charges; and

Whereas, While carrying out his assignment, Deputy John L. Burkett III was struck head on by an impaired driver going northbound in the southbound lane; and

Whereas, Deputy John L. Burkett III was immediately killed as a result of this collision, leaving behind his parents and host of family and friends, all of whom miss him sorely; and

Whereas, Deputy Burkett was survived by his mother and father, who he resided with at the time of his death; and

Whereas, It is fitting and proper to honor Deputy John L. Burkett III and his family for his service to his community and state by naming this overpass in his memory as an everlasting tribute to his sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the I-81 Exit 23 overpass in DOH District 5, the "Deputy John L. Burkett III Memorial Overpass"; 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 "Deputy John L. Burkett III Memorial Overpass"; 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.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 21, Requesting DOH name bridge in Raleigh County “Army PFC Shelby Dean Stover 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. 316, Relating to tolling with regard to civil actions.

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 twenty-one, line fourteen, by striking out the word “ninety” and inserting in lieu thereof the words “one hundred eighty”;

And,

On page three, section twenty-one, line nineteen, by striking out the word “ninety-day” and inserting in lieu thereof the words “one hundred eighty-days”.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 316 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. 316) 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. 316) 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. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service 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. S. B. No. 394) 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. 267, Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

Com. Sub. for Com. Sub. for Senate Bill No. 381, Requiring CPR and Heimlich maneuver instruction in public schools.

Com. Sub. for Senate Bill No. 405, Requiring presiding judge's permission to release juror qualification forms after trial's conclusion.

And,

Senate Bill No. 435, Correcting code reference relating to handgun safety training for certain court personnel.

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.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, January 31, 2014, at 10 a.m.

FRIDAY, JANUARY 31, 2014

The Senate met at 10 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia, Charleston, West Virginia.

Pending the reading of the Journal of Thursday, January 30, 2014,

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 adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 13—Requesting that bridge number 10-16-2.38 (10A301) on Route 16 in Fayette County, West Virginia, be named the “Thomas H. Stafford 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. 27—Requesting that bridge number 1-11-6.35 (01A016), located .01 mile east of County Route 36 on County Route 11 and crossing over the Middle Fork River, be renamed “The Audra Park Bridge In Memory of Army Sergeant John A. Charnoplosky”.

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 new bridge connecting County Route 23/9

to State Route 58 to Stonewood in Harrison County at Anmoore the “Rosalyn Queen Alonso 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. 35—Requesting the Division of Highways to name bridge number 1-12-6.12 (01A119) the Arden Plate Girder carrying Route 12 across the Tygart River in Arden, Barbour County, as “The Arden Bridge in Memory of Abbie Gall”.

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 that bridge number 52-20-16.81 (52A134), located on Route 20, crossing over Fishing Creek, at Pine Grove, Wetzel County, West Virginia, and locally known as the North End Bridge, be named the “Army Sergeant Charles Leo Dulaney Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate 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. 15, Allowing billing for HIV or STD testing by public health agencies.

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

Com. Sub. for Senate Bill No. 15 (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 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,

Senate Bill No. 336, Allowing possession of opioid antagonist by certain public safety personnel.

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

Com. Sub. for Senate Bill No. 336 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; 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; allowing a prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family and caregiver education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking.

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. 15 and 336), 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. 340, Creating EMT-industrial certification.

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

Com. Sub. for Senate Bill No. 340 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-

4C-6 of the Code of West Virginia, 1931, as amended, relating to creating a certification for emergency medical technician-industrial; granting rule-making authority to the Commissioner of the Bureau for Public Health to establish the certification and recertification requirements; period of certification; restricting the practice of emergency medical technician-industrial; and clarifying that emergency medical technician-industrial takes the place of emergency medical technician-miner.

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. 340), 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. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

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

Com. Sub. for Senate Bill No. 357 (originating in the Committee on the Judiciary)—A Bill to repeal §19-1B-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-1B-12a of said code, relating to civil and criminal penalties for violations of

the Logging Sediment Control Act pertaining to timber operations; and establishing a violation for failure to reclaim.

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, Clarifying duly authorized officers have legal custody of their prisoners while in WV.

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

Com. Sub. for Senate Bill No. 387 (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 §15-10-6, relating to clarifying that duly authorized officers of the United States, the District of Columbia or other states have legal custody of their prisoners while they are in West Virginia.

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

Com. Sub. for Senate Bill No. 395 (originating in the Committee on Health and Human Resources), Relating to operation and oversight of certain human services benefit programs.

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

Com. Sub. for Com. Sub. for Senate Bill No. 395 (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 §9-5-8b; and to amend said code by adding thereto a new section, designated §61-4-9, all relating generally to the operation and oversight of certain benefit programs; granting certain subpoena power to the Investigations and Fraud Management Division within the Department of Health and Human Resources to investigate welfare fraud; authorizing the Investigations and Fraud Management Division to request search warrants, swear to complaints and seek relevant orders from circuit court in certain situations; providing access to out-of-state documents in certain circumstances; prohibiting disclosure of persons under investigation by the Investigations and Fraud Management Division; defining terms; creating misdemeanor and felony offenses for certain unlawful use of certain benefits or benefit access devices; stating certain presumptions and calculations permissible in prosecution of these offenses; and providing an alternative to confinement for individuals convicted of the offenses associated with unlawful use of certain benefits.

With the recommendation that the committee substitute for committee substitute 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. 422, Expanding state aid for students of certain health professions.

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 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. 455, Creating Move to Improve 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 Education.

Respectfully submitted,

Ron Stollings,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Education.

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. 4003, Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

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

Eng. House Bill No. 4177, Making a supplementary appropriation to various agencies.

And,

Eng. House Bill No. 4182, Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts.

And reports the same back with the recommendation that they each 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 were introduced, read by their titles, and referred to the appropriate committees:

By Senator Stollings:

Senate Bill No. 456—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.

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

By Senators Cookman, Miller, Laird, Plymale, Kessler (Mr. President), Tucker and Snyder:

Senate Bill No. 457—A Bill to amend and reenact §31-20-5h of the Code of West Virginia, 1931, as amended, relating to programs

for inmates committed to state correctional facilities; requiring programs offered in regional jails to be the same as those offered in a Division of Corrections facility; requiring Division of Corrections employees or designees of the Commissioner of Corrections to provide said courses and classes; and authorizing the Regional Jail and Correctional Facility Authority and Division of Corrections to agree to designate certain facilities where said classes and programs are to be provided.

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

By Senators Kessler (Mr. President), Barnes, Fitzsimmons, Kirkendoll, Walters, Laird, Yost, Cookman and Stollings:

Senate Bill No. 458—A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to imposing additional fees in the circuit courts of the state to be dedicated to the support of civil legal services for low-income persons.

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

By Senators Tucker, Williams, Cookman and Jenkins:

Senate Bill No. 459—A Bill to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13V-4 of said code, all relating to removing the severance tax on timber.

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

By Senators Miller, Laird, Unger, Beach, Snyder, Stollings and Jenkins:

Senate Bill No. 460—A Bill to amend and reenact §12-1-12d of the Code of West Virginia, 1931, as amended, relating to adding West Virginia School of Osteopathic Medicine to the list of state

institutions of higher education that are permitted to invest certain moneys with its foundation; and establishing a cap on the amount of moneys that it may invest.

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

By Senators Kessler (Mr. President), Williams, Tucker, Plymale, Stollings, Snyder, Cookman, Palumbo, Fitzsimmons, Beach, Yost, Miller, D. Hall, Jenkins, McCabe, Wells, Edgell, Barnes, Blair, Boley, Cann, Chafin, Kirkendoll, Laird, Nohe, Prezioso, Sypolt, Unger, Walters, Green and M. Hall:

Senate Bill No. 461—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 the 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, spend, promise or otherwise use any interest from the West Virginia Future Fund for a term of six years following the creation of the West Virginia Future Fund; expressing legislative intent that the principal of the West Virginia Future Fund be inviolable and not be encumbered, spent, promised or otherwise disturbed; requiring moneys to be expended solely for economic development projects, infrastructure projects and supplementing and increasing state salaries for teachers as stated in section two, article four, chapter eighteen-a of this code; 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 Economic Development; and then to the Committee on Finance.

By Senator D. Hall:

Senate Bill No. 462—A Bill to amend and reenact §62-1C-14 of the Code of West Virginia, 1931, as amended, relating to bailpiece; and providing that the surety shall be relieved of acting collateral on the case the bailpiece was applied for.

Referred to the Committee on the Judiciary.

By Senators D. Hall and Kessler (Mr. President):

Senate Bill No. 463—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to property, casualty or surety insurance carriers; and requiring at least seventy-five percent of the claims investigated and settled in West Virginia to be investigated and settled by a resident West Virginia-licensed adjuster.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 22, Requesting DOH name I-81 overpass “Deputy John L. Burkett III Memorial Overpass”.

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. 267, Ensuring state courts’ jurisdiction of fraudulent or unauthorized purchasing card use.

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. 381, Requiring CPR and Heimlich maneuver instruction in public schools.

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

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

On page three, section nine, line thirty-seven, by striking out the words "Heimlich maneuver" and inserting in lieu thereof the words "care for conscious choking".

The bill (Com. Sub. for Com. Sub. for S. B. No. 381), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 405, Requiring presiding judge's permission to release juror qualification forms after trial's conclusion.

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

Senate Bill No. 435, Correcting code reference relating to handgun safety training for certain court personnel.

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. 32, Authorizing Legislative Auditor to collect sunrise application review fees.

Com. Sub. for Senate Bill No. 165, Authorizing Department of Transportation promulgate legislative rules.

Senate Bill No. 257, Relating to real property possessor's liability for harm to trespassers.

Senate Bill No. 314, Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

Senate Bill No. 325, Providing State Fire Marshal serve at will and pleasure of Fire Commission.

Senate Bill No. 380, Redefining “all-terrain and utility terrain vehicles”.

Com. Sub. for Senate Bill No. 408, Relating to parole.

And,

Senate Bill No. 415, Changing due date of certain county commission tax reports.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, February 3, 2014, at 1 p.m.

MONDAY, FEBRUARY 3, 2014

The Senate met at 1 p.m.

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

Prayer was offered by the Reverend Father Leon Alexander, Blessed John XXIII Pastoral Center, Charleston, West Virginia.

Pending the reading of the Journal of Friday, January 31, 2014,

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.

The Clerk presented a communication from the State Lottery Commission, submitting its annual report, in accordance with chapter twenty-nine, article twenty-two, section twenty 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 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. 353 (originating in the Committee on Natural Resources), Relating to timber theft in state forests.

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

Com. Sub. for Com. Sub. for Senate Bill No. 353 (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 §19-1A-3b, relating to creating the offense of timber theft from state forests; providing the Division of Forestry authority to investigate and enforce timber theft violations in state forests;

directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; clarifying that treble damages are applicable to state forest timber thefts; and setting forth criminal and civil penalties.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

Senator Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 443, Relating to SPRS.

Senate Bill No. 444, Relating to PERS.

Senate Bill No. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

And,

Senate Bill No. 453, Relating to TRS.

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,

Art Kirkendoll,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill No. 451, Relating to distribution of certain retirement benefits of deceased uniformed service officers under qualified domestic relations order.

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,

Art Kirkendoll,
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 Pensions pending.

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 D. Hall and Green:

Senate Bill No. 464—A Bill to amend and reenact §6-2-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting officers from taking bonds for persons in custody or from acting as a bail bondsman.

Referred to the Committee on the Judiciary.

By Senators Laird, Plymale, McCabe, Yost, Wells, Carmichael, Fitzsimmons and Edgell:

Senate Bill No. 465—A Bill to amend and reenact §10-1-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties to impose an additional levy on property within the county for the sole purpose of funding public libraries.

Referred to the Committee on the Judiciary.

By Senators D. Hall, Tucker, Barnes, Green, Cann, Carmichael, Nohe, Stollings, Williams, Beach and Kessler (Mr. President):

Senate Bill No. 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6M-1, §46A-6M-2, §46A-6M-3, §46A-6M-4, §46A-6M-5 and §46A-6M-6, all relating generally to providing consumers with the right to cancel residential roofing contracts where the contract is expected to be paid from a property and casualty insurance policy; providing definitions; establishing a consumer's right to cancel; creating standard disclosure and notice requirements; providing rules for the proscribed cancellation period; prohibiting certain acts; and misdemeanor criminal offense and penalty.

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

By Senators Barnes and Sypolt:

Senate Bill No. 467—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to preventing certain current or former spouses, current or former sexual or intimate partners, parents, guardians and household members from seeking to have their criminal records expunged.

Referred to the Committee on the Judiciary.

By Senators Miller, Yost, Prezioso, Wells, Carmichael, Snyder, Fitzsimmons, Nohe, Jenkins, D. Hall and Edgell:

Senate Bill No. 468—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1G-10, relating to providing for the awarding of a West Virginia Veterans Medal and ribbon and a West Virginia Service Cross and ribbon to certain qualifying West Virginia veterans; and rules.

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

By Senators Miller, Yost, Wells, Carmichael, Snyder, Nohe, Williams, Jenkins, D. Hall, Edgell, Stollings, Laird and Sypolt:

Senate Bill No. 469—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-11, relating to granting the Department of Agriculture the authority to create and maintain a program to encourage, support and develop West Virginia veterans into the field of agriculture; creating the Veterans and Warriors to Agriculture Fund; making findings and establishing intent; exempting the Department of Agriculture from certain competitive bidding requirements; requiring state departments to work together; setting forth funding requirements; and setting forth disbursements.

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

By Senators Cookman, Miller, Snyder, Fitzsimmons, Williams, D. Hall and Stollings:

Senate Bill No. 470—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-16, relating to grand jury juror questionnaire forms; protecting information contained in the forms; and requiring written permission of the circuit court to release the questionnaires.

Referred to the Committee on the Judiciary.

By Senators Miller, Kessler (Mr. President), Beach, Cann, Edgell, Kirkendoll, Snyder, Unger, Walters, Williams, Yost, Wells, Cookman and Stollings:

Senate Bill No. 471—A Bill to amend and reenact §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6 and §24-2F-10 of the Code of West Virginia, 1931, as amended, all relating to alternative and renewable energy portfolio standards; defining terms; establishing standards for the sale of electricity generated from solar renewable energy resources; providing for compliance assessments; creating a system of tradable solar renewable energy resource credits; providing for the awarding of solar renewable energy resource credits based upon electricity generated or purchased from solar renewable energy resource facilities; and establishing a distributed solar renewable energy requirement.

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

By Senators Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons and Cookman:

Senate Bill No. 472—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 Sypolt, Blair, Cookman, Williams, Plymale, McCabe, Nohe and Stollings:

Senate Bill No. 473—A Bill to amend and reenact §17-2A-19 of the Code of West Virginia, 1931, as amended, relating to the sale of real property by the Division of Highways; and providing that property not necessary or desirable for highway purposes must be offered first to public service districts or municipalities for a public utility use without having to follow the public auction provisions of this section.

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

By Senators Cann, Beach, D. Hall, Kirkendoll, Plymale and Edgell:

Senate Bill No. 474—A Bill to amend and reenact §22-15-8 of the Code of West Virginia, 1931, as amended, relating to allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities; permitting the disposal even if it results in the facility going over its maximum monthly permitted limits if the drilling waste is placed in a separate cell dedicated solely for those wastes; and providing that the facility may not refuse municipal waste until its monthly limit is reached.

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

By Senators M. Hall and Carmichael:

Senate Bill No. 475—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 fifth judicial circuit consisting of Mason, Jackson, Roane and Calhoun counties.

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

By Senators Plymale and Chafin:

Senate Bill No. 476—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 Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings:

Senate Bill No. 477—A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time of a planning period; and providing for a definition of “meeting” for purposes of this section.

Referred to the Committee on Education.

By Senators D. Hall, Williams and Sypolt:

Senate Bill No. 478—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to permitting the sale of raw milk; and authorizing rulemaking.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Health and Human Resources.

By Senators Barnes, Blair, Cann, Carmichael, Cole, Facemire, Green, D. Hall, M. Hall, Kirkendoll, Laird, Plymale, Sypolt, Tucker, Walters, Wells, Williams, Yost, Prezioso, Nohe, Miller, Jenkins, Edgell and Stollings:

Senate Joint Resolution No. 9—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 right to hunt and fish; 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, Kirkendoll, Cole, Chafin, Jenkins and Wells offered the following resolution:

Senate Concurrent Resolution No. 23—Requesting the Division of Highways to name bridge number 3-17-8.80, locally known as the Low Gap Bridge, crossing the Spruce Fork of the Little Coal River on Route 17 in Low Gap, Boone County, the “U. S. Marine PFC Marshall Lee King Memorial Bridge”.

Whereas, PFC King was born on July 5, 1924, in Coalwood, McDowell County, and grew up in Low Gap, Boone County; and

Whereas, PFC King was killed in action on May 19, 1945, on the Ryukyu Islands of Okinawa; and

Whereas, During his time serving our nation, PFC King was awarded the Purple Heart, the Asiatic-Pacific Campaign Medal and World War II Victory Medal; and

Whereas, It is fitting and proper that PFC King be remembered and acknowledged for his courageous action and dedicated service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 3-17-8.80, locally known as the Low Gap Bridge, crossing the Spruce Fork of the Little Coal River on Route 17 in Low Gap, Boone County, the “U. S. Marine PFC Marshall Lee King 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 it the “U. S. Marine PFC Marshall Lee King 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 the surviving family of PFC Marshall Lee King.

Which, under the rules, lies over one day.

Senators Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, Nohe and Sybolt offered the following resolution:

Senate Resolution No. 12—Amending Senate Rule No. 28, relating to committee proceedings and setting of committee agendas.

Resolved by the Senate:

That Senate Rule No. 28 be amended to read as follows:

Committees

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.

(e) The chairperson of each standing committee of the Senate shall cause to be published a committee agenda, which shall include and specifically state which bills, resolutions, concurrent resolutions or joint resolutions which will be brought before the respective committee during its meeting. The committee agenda shall be published no later than twenty-four hours prior to the commencement of the committee meeting at which a given bill, resolution, concurrent resolution or joint resolution will be considered. The chairperson may remove any item from consideration by the committee following publication of the committee agenda, but no bill, resolution, concurrent resolution or joint resolution shall be considered by a standing committee of the Senate which has not appeared on a published committee agenda, by reference to its number, at least twenty-four hours prior to the commencement of the meeting at which said bill, resolution, concurrent resolution or joint resolution shall have appeared by its number. Any agenda published under this rule shall be publicly posted and visible near the entrance to the clerk's office, and copies shall be made available to any person requesting such. The foregoing committee agenda requirements do not apply to the final seventy-two hours of the regular session.

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 ye 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.

Which, under the rules, was referred to the Committee on Rules.

Senators Barnes, Tucker, Plymale, Yost, Wells, D. Hall, Stollings, Williams, Miller and Sypolt offered the following resolution:

Senate Resolution No. 13—Designating Monday, February 3, 2014, as Randolph County Day at the Legislature.

Whereas, Randolph County was founded in 1787 and named in honor of Edmund Jennings Randolph; and

Whereas, Randolph County makes vital contributions to the economy of West Virginia, particularly in the valuable hardwoods industry; and

Whereas, Randolph County's role in the West Virginia economy has grown and will continue to expand with the completion of Corridor H; and

Whereas, Randolph County has a significant place in the history and formation of West Virginia, due to the importance of a major Civil War battle fought in the vicinity of Rich Mountain; and

Whereas, Herman Guy Kump, a resident of Elkins in Randolph County, was elected the nineteenth Governor of the Great State of West Virginia and fought to support public education and the rights of property owners; and

Whereas, Randolph County serves as a central hub in the Potomac Highlands for health care, education, commerce, the arts and tourism; and

Whereas, Many citizens of Randolph 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 Randolph County for its economic, cultural, historic and future contributions to the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Monday, February 3, 2014, as Randolph County Day at the Legislature; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens of Randolph County make in the State of West Virginia and encourages those citizens to continue 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 officials representing Randolph 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 resumed business under the sixth order.

Senators Unger, Plymale, Snyder, Yost, Prezioso, Wells, McCabe, Stollings, Williams and Miller offered the following resolution:

Senate Resolution No. 14—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 2014 membership of Leadership Jefferson consists of Amy Allen, JCDA; Diane Armstrong, BCT; Melissa

Baker, Frontier; Mauricia Blackwell, APUS; Mary Burns, Spirit of Jefferson; Daena Carter, Simplified Business Solutions; Debra Hovatter, Spilman, Thomas & Battle; Todd Husson, City National; Jane Jones, JCDA; Tim Lykins, Jefferson County Parks and Recreation; Joshua Miller, Jefferson Medical Center; Chris Puller, United Bank; Paul Rosner, Fast Cash Pawn; Karen Schnably, Teacher of the Year; Jennifer Seely, Shepherd University Wellness; Ben Williams; and Samantha Zubbuch, HFNHP; 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 proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 267, Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

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 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:

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

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.

§6-9-2c. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

It is unlawful for any person to use a local government purchasing card, issued in accordance with the provisions of section two-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section two-a of this article or the rules promulgated pursuant to that section: Provided, That such action is a continuing offense beginning when the purchasing card is issued or obtained by the person and that jurisdiction to prosecute rests with any county where the card was issued, obtained, used fraudulently, used without authorization or where any substantial or material element of the offense occurred. Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility not less than one year nor more than five years, or fined no more than \$5,000, or both fined and imprisoned.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10b. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

It is unlawful for any person to use a state purchase card, issued in accordance with the provisions of section ten-a of this article, to make any purchase of goods or services in a manner which is contrary

to the provisions of section ten-a of this article or the rules promulgated pursuant to that section: Provided, That such action is a continuing offense beginning when the purchasing card is issued or obtained by the person and that jurisdiction to prosecute rests with any county where the card was issued, obtained, used fraudulently, used without authorization or where any substantial or material element of the offense occurred. Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be ~~confined~~ imprisoned in the penitentiary not less than one year nor more than five years, or fined no more than \$5,000, or both fined and imprisoned.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 267 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

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. 267) 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. 267—A Bill to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of

purchasing cards; establishing jurisdiction; and defining the conduct as a continuing offense.

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. 381, Requiring CPR and Heimlich maneuver instruction in public schools.

On third reading, 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, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

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. 381) passed.

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 Com. Sub. for Senate Bill No. 381—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation and care for conscious choking.

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. 405, Requiring presiding judge's permission to release juror qualification forms after trial's conclusion.

On third reading, 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, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

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. 405) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

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. 405) 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. 435, Correcting code reference relating to handgun safety training for certain court 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, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 435) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Blair, Boley, 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)—32.

The nays were: None.

Absent: Cann and Facemire—2.

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. 435) 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. 32, Authorizing Legislative Auditor to collect sunrise application review fee.

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. 165, 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. 257, Relating to real property possessor's liability for harm to trespassers.

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

Senate Bill No. 314, Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

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

Senate Bill No. 325, Providing State Fire Marshal serve at will and pleasure of Fire Commission.

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

Senate Bill No. 380, Redefining “all-terrain and utility terrain vehicles”.

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. 408, Relating to parole.

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

Senate Bill No. 415, Changing due date of certain county commission tax reports.

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. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

Com. Sub. for Senate Bill No. 387, Clarifying duly authorized officers have legal custody of their prisoners while in WV.

Com. Sub. for Com. Sub. for Senate Bill No. 395, Relating to operation and oversight of certain human services benefit programs.

Eng. House Bill No. 4177, Making a supplementary appropriation to various agencies.

And,

Eng. House Bill No. 4182, Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts.

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 Carmichael.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator Carmichael were ordered printed in the Appendix to the Journal.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill No. 440** (*Creating O. C. Spaulding Electronic Recording Act*).

On motion of Senator Unger, leaves of absence for the day were granted Senators Cann and Facemire.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 4, 2014, at 11 a.m.

TUESDAY, FEBRUARY 4, 2014

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 Monday, February 3, 2014,

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.

The Senate then 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. 37, Creating personal income tax checkoff 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 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. 46, Creating informal dispute resolution process to certain behavioral health providers.

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

Com. Sub. for Senate Bill No. 46 (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 §27-1A-13, relating to creating an informal dispute resolution process available to a behavioral health provider licensed by the Department of Health and Human Resources for orders or citations issued by the secretary for deficient practice; setting forth how the process is to function; providing for independent review providers; setting forth how certain costs are to be handled; providing that a licensee is not precluded from utilizing other informal dispute resolution processes provided for by statute or rule; providing that the informal dispute resolution process does not affect the ability of a licensee to seek administrative and judicial review; providing for an effective date of any decision issued by the secretary; and permitting injunctive relief.

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. 46), 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. 137, Authorizing DEP promulgate legislative rule relating to state certification of activities requiring federal licenses and permits.

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. 184, Authorizing Consolidated Public Retirement Board promulgate legislative rule relating to Public Employees Retirement System.

And,

Senate Bill No. 197, Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation.

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,

Roman W. Prezioso, Jr.,
Chair.

The bills, under the original triple 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. 254, Regulating equine boarding facilities.

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

Com. Sub. for Senate Bill No. 254 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-33-1 and §19-33-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-33-6, all relating to equine facilities; defining equine “boarding facility”; establishing standards for equine boarding facilities and contracts; and requiring rulemaking for equine facilities.

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. 254), 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. 336 (originating in the Committee on Health and Human Resources), Relating to possession and administration of opioid antagonist.

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 amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; 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; allowing a prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family and caregiver education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking.

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. 397, Expanding scope of activities considered financial exploitation of elderly.

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

Com. Sub. for Senate Bill No. 397 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-29b of the Code of West Virginia, 1931, as amended, relating to clarifying definition of “financial exploitation” of the elderly or certain other protected persons; and declaring that being a guardian, conservator, trustee or attorney or holding power of attorney is statutorily alone not a defense to financial exploitation.

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. 454, Defining dam “owner”.

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 and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Unger, Kessler (Mr. President), Stollings, Cookman, Yost, Fitzsimmons, Wells and Cann:

Senate Bill No. 479—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2B-6; and to amend said code by adding thereto a new article, designated §18B-20-1 and §18B-20-2, all relating to providing military veterans with vocational certification, licensure or college credit for military training and experience that is close to what they would gain in a corresponding educational setting.

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

By Senators Tucker, Edgell, Palumbo, Cann, Fitzsimmons, Plymale and Chafin:

Senate Bill No. 480—A Bill to amend and reenact §17A-4A-15 of the Code of West Virginia, 1931, as amended, relating to liens on vehicles; expanding the period during which a recorded lien on a vehicle is valid; expanding the period during which a refiled lien on a vehicle is valid; and clarifying that the lienholder may refile a lien or encumbrance without obtaining the owner's consent.

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

By Senators Wells, D. Hall, Tucker, Stollings, Cookman and Chafin:

Senate Bill No. 481—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-16, relating to requiring the Department of Transportation to place signage along highways entering West Virginia honoring fallen veterans and Gold Star Families.

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

By Senator Williams:

Senate Bill No. 482—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-25, relating to food handler examinations and cards; requiring an accredited food safety certification program; requiring a food handler card within thirty days of being hired; and establishing that the cards are valid for three years and in all counties.

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

By Senators Laird, Plymale, Miller and Stollings:

Senate Bill No. 483—A Bill to amend and reenact §18B-1B-6 of the Code of West Virginia, 1931, as amended, relating to renaming

the administrative heads of the Potomac campus of West Virginia University and West Virginia University Institute of Technology.

Referred to the Committee on Education.

By Senators Palumbo, Williams, Cann, Kirkendoll, Tucker, Snyder and Barnes:

Senate Bill No. 484—A Bill to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended, relating to changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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

By Senators Kirkendoll, Beach, D. Hall, Miller, Snyder, Barnes, Stollings and Plymale:

Senate Bill No. 485—A Bill to amend and reenact §22-13-7 of the Code of West Virginia, 1931, as amended, relating to permitting requirements under the Natural Streams Preservation Act; and exempting the Division of Highways under certain circumstances.

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

By Senators Unger, Kessler (Mr. President), Jenkins, D. Hall, Tucker, Stollings, Cookman, Yost, Fitzsimmons, M. Hall, Beach, Prezioso, Miller, Laird, Cann and Williams:

Senate Joint Resolution No. 10—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 right to hunt and fish; 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 D. Hall, Green, Jenkins, Tucker, Yost, Cole and Laird offered the following resolution:

Senate Concurrent Resolution No. 24—Designating the Raleigh County Veterans Museum as the West Virginia Veterans Museum.

Whereas, The Raleigh County Veterans Museum's opening in 2001 saw the realization of a dream for many southern West Virginia veterans; and

Whereas, The museum has a collection of over thirty thousand artifacts and exhibits covering both world wars, the Korean War, the Vietnam War and wars in Afghanistan and Iraq; and

Whereas, Display items in the museum include uniforms, flags, guns and models, among many other relics; and

Whereas, The museum provides the opportunity for people of all ages to learn about our veterans' contributions to our freedom; and

Whereas, West Virginia does not have an officially designated veterans museum, and the Raleigh County Veterans Museum is the largest in the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby designates the Raleigh County Veterans Museum as the West Virginia Veterans Museum; 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 Raleigh County Veterans Museum.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 23, Requesting DOH name bridge in Boone County the “U. S. Marine PFC Marshall Lee King 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. 32, Authorizing Legislative Auditor to collect sunrise application review fees.

On third reading, 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. 32) 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. 32) 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. 165, 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. 165) 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. 165) 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. 257, Relating to real property possessor's liability for harm to trespassers.

On third reading, 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. 257) 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. 257) 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. 314, Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

On third reading, 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. 314) 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. 325, Providing State Fire Marshal serve at will and pleasure of Fire Commission.

On third reading, 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. 325) 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. 380, Redefining “all-terrain and utility terrain 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, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 380) 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. 408, Relating to parole.

On third reading, 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. 408) 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. 408) 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. 415, Changing due date of certain county commission tax reports.

On third reading, 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. 415) 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. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

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. 387, Clarifying duly authorized officers have legal custody of their prisoners while in WV.

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. 395, Relating to operation and oversight of certain human services benefit programs.

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

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

On page ten, section nine, after line seventy-nine, by adding a new subsection, designated subsection (g), to read as follows:

(g) Notwithstanding any provision of this code to the contrary, no person who knowingly acquires benefits or one or more benefit access device contrary to the terms of the benefit program may be subject to prosecution under both this section and section four, article five, chapter nine of this code for conduct arising out of the same transaction or occurrence.

The bill (Com. Sub. for Com. Sub. for S. B. No. 395), as amended, was then ordered to engrossment and third reading.

Eng. House Bill No. 4177, Making a supplementary appropriation to various agencies.

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

Eng. House Bill No. 4182, Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts.

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.

Com. Sub. for Com. Sub. for Senate Bill No. 353, Relating to timber theft in state forests.

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 Senators Unger and Cann.

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.

At the request of Senator Edgell, unanimous consent being granted, the remarks by Senator Cann were ordered printed in the Appendix to the Journal.

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

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senator Sypolt.

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, Wednesday, February 5, 2014, at 11 a.m.

WEDNESDAY, FEBRUARY 5, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor LaDeana Teets, Elkins Church of the Brethren, Elkins, West Virginia.

Pending the reading of the Journal of Tuesday, February 4, 2014,

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 Clerk presented a communication from the Board of Veterinary 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 Senate 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. Com. Sub. for House Bill No. 4147—A Bill to amend and reenact §15-5-1 and §15-5-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6J-1, §46A-6J-2, §46A-6J-3 and §46A-6J-4 of said code, all relating to emergency preparedness; revising the policy statement for the Division of Homeland Security and Emergency Management; authorizing the Governor or the Legislature to declare a state of preparedness; limiting a state of preparedness to thirty days; identifying conditions that permit a declaration of a state of preparedness; adding the term “state of preparedness” to where “state of emergency” is referred throughout the code; providing that a state of preparedness has the same effect as a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; revising the definition of “state of emergency” in the West Virginia Consumer Protection Act; defining “state of preparedness” in the West Virginia Consumer Protection Act; requiring notification of a state of preparedness by the Secretary of State; and making other technical and stylistic revisions.

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. 4186—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the procedures for issuing a concealed weapon license; adding requirements to ensure that an applicant is not prohibited under the provisions of state or federal law from the receipt or possession of a firearm.

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. 4287—A Bill to amend and reenact §16-5O-2, §16-5O-3, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-10 and §16-5O-12, of the Code of West Virginia, 1931, as amended, relating to the performance of certain functions by approved medication assistive personnel; defining terms; updating terminology; requiring the authorizing agency to collaborate with the Board of Respiratory Care; adding requirements to be completed by a registered nurse to become a trainer; requiring the department to maintain a list of unauthorized individuals; and changing the membership of the advisory committee.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 4332—A Bill to amend and reenact §16-2D-5c of the Code of West Virginia, 1931, as amended, relating to extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Referred to the Committee on Health and Human Resources.

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 that bridge number 8-11-0.01 (BARS Number 08A118), crossing Elk River on County Route 11 at Clay, West Virginia, in Clay County, and locally known as the new Dundon Bridge, be named the “Veterans 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. 14—Requesting that bridge number 8-15-4.55 (BARS Number 08A032) crossing Dog Run on West Virginia Route 15, in Clay County, West Virginia, be named the “Army Specialist Fifth Class Elton Dale Workman 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 49-151-0.68 (49A069) on Route 151 in Upshur County, West Virginia, the “Army Specialist 4 William Lewis Reger 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. 23—Requesting the Division of Highways to name bridge number 49-13-1.57 (49A102) in Upshur County as the “Army Sgt. Walter William Smith 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. 40—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.

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

Com. Sub. for House Concurrent Resolution No. 54—Requesting the Division of Highways to name bridge number 25-19-13.93 (25A049), on Route 19 in Rivesville, crossing Paw Paw Creek in Marion County, the “Chief Denzil O. Lockard 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. 55—Requesting that bridge number 25-19-14.29 (25A052) on Route 19 over Pharaoh Run Creek in Marion County, West Virginia, the “Alex Angelino 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 4th day of February, 2014, 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. 346), Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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. 6, Regulating sale of drug products used in manufacture of methamphetamine.

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

Com. Sub. for Senate Bill No. 6 (originating in the Committee on Health and Human Resources)—A Bill to repeal §60A-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-10-2, §60A-10-3, §60A-10-4 and §60A-10-7 of said code, all relating to the Methamphetamine Lab Eradication Act and the prevention of the production of methamphetamine; requiring certain drug products be obtained by prescription only; moving certain drug products from Schedule V to Schedule IV; providing an exception for drug products that cannot be feasibly converted into methamphetamine; making legislative findings; defining terms; prohibiting pharmacies from selling certain drugs that can be used in the production of methamphetamine without a prescription; creating a criminal offense for possession of certain substances without a prescription with intent to transfer to another to make methamphetamine; permitting the sale of certain drugs without a prescription where the Board of Pharmacy determines that the drugs are not feasible for being used for the manufacture of methamphetamine; updating the maximum amounts persons are permitted to purchase of certain drugs that cannot feasibly be converted into methamphetamine; adjusting the requirements of the Multi-State Real-Time Tracking System; removing certain outdated language; and providing rule-making authority to the Board of Pharmacy to implement emergency and legislative rules, which will provide procedures for which products may be sold over the counter and which require a prescription and other information necessary to implement the Methamphetamine Lab Eradication Act.

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. 6), 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. 100, Authorizing operation of low-speed vehicles on certain municipal roads.

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 Yost, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration

Senate Bill No. 139, Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to program for sharing of information between employees.

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,

Jack Yost,
Chair.

The bill, under the original double committee reference, was 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. 140, Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to substance abuse screening, standards and procedure.

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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 252, Allowing certain expelled students to return to school through Juvenile Drug Court.

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

Com. Sub. for Senate Bill No. 252 (originating in the Committee on Education)—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 allowing the county board of education and certain other individuals to refer an expelled pupil to a Juvenile Drug Court; providing for pupil who successfully completes or is certified as making satisfactory progress toward successful completion of Juvenile Drug Court to return to school by a lessening of the period of expulsion; and providing exception when a pupil brings a firearm to or possesses a firearm in a school.

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. 252), under the original double committee reference, was 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. 411, Raising minimum wage.

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,

Jack Yost,
Chair.

The bill, 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. 426, Relating to appointments to certain higher education commissions, councils and boards.

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

Respectfully submitted,

Robert H. Plymale,
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. 431, Relating to issuance and renewal of driver's licenses.

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

Com. Sub. for Senate Bill No. 431 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to issuance and renewal of driver's licenses; changing the renewal cycle for driver's licenses from five to eight years; allowing the commissioner to provide a program for online renewal of driver's licenses; providing an additional fee for the issuance of driver's license issued for federal use; permitting more uses for military identification cards; permitting license expiration notifications by electronic means; and clarifying that a driver's license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter seventeen-e of the West Virginia Code.

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. 431), 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. 434, Eliminating revocation period for certain DUI offenders.

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

Com. Sub. for Senate Bill No. 434 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to the establishment of and participation in the Motor Vehicle Alcohol Test and Lock Program; allowing the deferral of the revocation period for certain driving under the influence offenses through participation in the program; waiving the revocation period for certain driving under the influence offenses upon successful completion of the program for a period including the applicable minimum period for the use of the ignition interlock device plus an additional period equal to the applicable minimum revocation period; providing that acceptance into the program constitutes a waiver of the administrative hearing and that the Office of Administrative Hearings shall conduct no hearing on a matter on which a person is actively participating in the program; and making technical and descriptive corrections.

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. 434), 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. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

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

Com. Sub. for Senate Bill No. 450 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended, relating to the sale and consumption of alcoholic liquors in outdoor dining areas adjoining an Alcohol Beverage Control Administration-licensed facility.

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. 457, Requiring programs for temporarily detained inmates in regional jails.

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 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, Providing completed grand jury questionnaires are confidential.

And reports the same back with the recommendation that it 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. 13, Requesting DOH name new bridge on Rt. 58 in Anmoore “PFC Nick Cavallaro 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 new bridge on Route 58, bridge number 17-58-2.38, in Anmoore, Harrison County, West Virginia, the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”.

Whereas, Nick Cavallaro was born in Caulonia, Reggio Calabria, Italy, in 1920, and came to the United States in August, 1922, with

his brother Celestino (Charley) and mother Maria Rosa Strangio Cavallaro and settled in Anmoore, West Virginia; and

Whereas, When World War II broke out, Nick Cavallaro, having become an American citizen by then, immediately enlisted in the United States Army and was assigned to the 82nd Airborne; and

Whereas, Nick Cavallaro participated in battles in North Africa and Sicily, Italy, and was one of the thousands of paratroopers dropped behind German lines the night before the invasion of Normandy, France; and

Whereas, Nick Cavallaro was scheduled to come home on leave when the Battle of the Bulge broke out and his leave was canceled; and

Whereas, Sadly, Nick Cavallaro lost his life in battle at Fosse, Belgium, on January 3, 1945, leaving behind his mother, brother, sister Louise and a host of other family and friends; and

Whereas, Nick Cavallaro was an Italian immigrant and a citizen of Anmoore, West Virginia, and the United States and made the ultimate sacrifice for his adopted hometown and country; and

Whereas, It is fitting to recognize the service and sacrifice of Nick Cavallaro by naming this bridge in his honor as an everlasting tribute to his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new bridge on Route 58, bridge number 17-58-2.38, in Anmoore, Harrison County, West Virginia, the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge

as the “U. S. Army PFC Nick A. Cavallaro 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.

Senate Concurrent Resolution No. 14, Requesting DOH name bridge crossing Madison Creek, Logan County, “Tech 4 Grade, 185th Chemical Co., Bernard C. Maynard Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 14 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge crossing Madison Creek between Logan and Man, approximately five hundred to six hundred feet below the new bridge at Rita Mall, in Logan County, known as the Midway Plate Girder Bridge, 0.01 miles south of West Virginia Route 10 near the intersection with the Guyandotte River and NS Rail Road, bridge number 023-10-12.56, the “U. S. Army Sergeant Bernard C. Maynard Memorial Bridge”.

Whereas, Bernard C. Maynard was born on May 18, 1918, and was raised by his grandmother. He died on June 27, 2010; and

Whereas, Bernard C. Maynard served in the United States Army from June 15, 1942, until November 29, 1944, and was a Tech 4 Grade with the 185th Chemical Company; and

Whereas, Bernard C. Maynard was awarded the World War II Victory Medal, Philippine Liberation Ribbon, two Bronze Stars, American Theater Ribbon, Asiatic Pacific Theater Ribbon and a Good Conduct Medal; and

Whereas, Bernard C. Maynard married Maggie Hatfield in 1946. They had seven children, adopted two and also took in three other

children in need of a home. All of the children are surviving except for one. There are twenty-three grandchildren and thirty-four great grandchildren; and

Whereas, Bernard C. Maynard worked in the coal mines, had black lung and retired from the board of education after ten years as a custodian. He helped with the recovery after the Buffalo Creek flood, attended Madison Creek Church until it flooded and then attended Neibert Missionary Baptist. He was also a member of a ham radio club; and

Whereas, It is only fitting that we so honor Bernard C. Maynard for his dedicated and selfless service to his country and for his contributions to Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge crossing Madison Creek between Logan and Man, approximately five hundred to six hundred feet below the new bridge at Rita Mall, in Logan County, known as the Midway Plate Girder Bridge, 0.01 miles south of West Virginia Route 10 near the intersection with the Guyandotte River and NS Rail Road, bridge number 023-10-12.56, the “U. S. Army Sergeant Bernard C. Maynard Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Sergeant Bernard C. Maynard 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 children and relatives of Bernard C. Maynard.

Senate Concurrent Resolution No. 15, Requesting DOH name bridge on Rt. 2, Cabell County, “Army PFC Homer ‘Clyde’ Farley,

Silver Star Recipient, and Army PFC Max O. Farley, Double Bronze Star Recipient, Memorial Bridge”.

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 bridge number 6-2-16.38, 0.73 miles south of County Route 1, on Route 2 in Cabell County, West Virginia, the “U. S. Army PFC Homer ‘Clyde’ Farley and U. S. Army PFC Max O. Farley Memorial Bridge”.

Whereas, Private Homer Farley was born in 1929; and

Whereas, In 1950 Private Homer Farley was in Japan with the 25th I.D., 35th Infantry Regiment; and

Whereas, When war broke out in Korea on June 24, 1950, the 24th Division was the only unit in Korea and was quickly overrun by the masses of NKPA Inmum Gun units marching southward toward Pusan. Private Homer Farley’s division arrived in Korea on or about July 10, 1950, along with some small numbers of infantry of the 1st Cavalry Division; and

Whereas, The United States forces were pressed into an area and were in jeopardy of being pushed off the Korean peninsula by the overwhelming forces against them when Lt. General Walton Walker, under the command of Supreme Commander Douglas MacArthur, gave a “stand or die” order to troops in Korea and stated, “We will not have another Dunkirk”; and

Whereas, Private Homer Farley’s company was attacked on August 18, 1950, and while many of his unit fled the NKP Army, Private Homer Farley got up in the back of a Jeep and started firing a .50 caliber machine gun into the enemy. He most certainly took out many of the enemy soldiers to help hold the position but was

killed in action that day. For his instantaneous and selfless actions he was awarded the Silver Star for Gallantry in Action, the third-highest military award for valor; and

Whereas, Private Homer Farley was also awarded the Purple Heart, the Combat Infantryman's Badge, the National Defense Service Medal, the Korean Service Medal, the United Nations Service Medal, the Korean Presidential Unit Citation and the Republic of Korea Service Medal; and

Whereas, It is a sad coincidence that Private Homer Farley was killed on his brother Max Owen Farley's eighteenth birthday, August 18, 1950. His family was sent a letter from Ira P. Swift, later the Major General commanding the 25th I.D., expressing sorrow and regret for Private Homer Farley's death; and

Whereas, Private Homer Farley is buried in Greenbottom Cemetery, Greenbottom, in Cabell County; and

Whereas, Private Max Farley enlisted in March, 1951, and was sent to Germany for the Allied Occupation of that country following World War II. He was prevented from going to Korea, as he wanted to fight, by his mother when she called her U. S. Senator and told him that she had one son killed in Korea and did not want another one to suffer the same fate; and

Whereas, Private Max Farley was blocked from entering the Korean War for months until it was opened up to volunteer status and his mother could not prevent him from going there and fighting in the war effort. Private Max Farley was assigned to the 40th Infantry Division and received two Bronze Stars for Valor which is given for "Heroism in action against an armed enemy of the United States". The Bronze Star is the fourth-highest individual military medal that a soldier can receive; and

Whereas, Private Max Farley also served with the 3rd Armored Division's 894th Tank Destroyer Battalion at Fort Knox for three

years with one year in Iceland to provide security to that country against a possible Soviet attack; and

Whereas, Private Max Farley passed away of lung cancer on June 29, 2007, at the Hospice House in Huntington; and

Whereas, Both Farley brothers served their country and their state with great distinction of honor, Private Homer Farley having made the ultimate sacrifice. It is fitting and proper that they be remembered and acknowledged for their courageous actions and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 6-2-16.38, 0.73 miles south of County Route 1, on Route 2 in Cabell County, West Virginia, the “U. S. Army PFC Homer ‘Clyde’ Farley and U. S. Army PFC Max O. Farley Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Homer ‘Clyde’ Farley and U. S. Army PFC Max O. Farley 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, C. David Farley and the families of U. S. Army PFC Homer “Clyde” Farley and U. S. Army PFC Max O. Farley.

Senate Concurrent Resolution No. 17, Requesting DOH name bridge in Greenbrier County “Sgt. James Lee Holcomb Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 17 (originating in the Committee on Transportation and

Infrastructure)—Requesting the Division of Highways to name bridge number 13-2-0.01, located in Greenbrier County, the “U. S. Army Sgt. James Lee Holcomb Memorial Bridge”.

Whereas, James Lee Holcomb was born and raised in Russellville, West Virginia; and

Whereas, After attending Nuttall High School, James Lee Holcomb enlisted in the United States Army; and

Whereas, James Lee Holcomb completed his basic training in Fort Benning, Georgia, and went on to serve in the Panama Canal Zone and then in Korea for thirteen months; and

Whereas, James Lee Holcomb answered the call of duty in Vietnam, where he was wounded twice and received the Combat Infantry Badge and the Bronze Star Medal; and

Whereas, On November 1, 1966, James Lee Holcomb made the ultimate sacrifice for his country when he was killed in action in Vietnam, leaving behind a wife, two children, his siblings and a host of family and friends; and

Whereas, It is fitting to honor the life of James Lee Holcomb by naming this bridge as an everlasting tribute to his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-2-0.01, located in Greenbrier County, the “U. S. Army Sgt. James Lee Holcomb Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Sgt. James Lee Holcomb 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,

Senate Concurrent Resolution No. 19, Requesting DOH name bridge in Lincoln County “Sergeant Paul Norman Chapman Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 19 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 022-11/00-7.59, known as the Branchland Beam Span, located 0.12 miles north of State Route 10 in Lincoln County, the “U. S. Army Sergeant Paul Norman Chapman Memorial Bridge”.

Whereas, Paul Norman Chapman was born October 18, 1919, in Lincoln County, the son of Albert and Norma Chapman of Branchland, Lincoln County. He had a brother, Corporal Lyle Chapman, and sister, Virginia Chapman. He graduated from Guyan Valley High School; and

Whereas, Paul Norman Chapman enlisted in the United States Army in Huntington, West Virginia, at age twenty; and

Whereas, Paul Norman Chapman was mortally wounded while effecting a landing under fire at Casablanca on November 9, 1942. An award of the Purple Heart was made posthumously; and

Whereas, Paul Norman Chapman made the ultimate sacrifice for his country and in doing so represented Branchland, Lincoln County, West Virginia, and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed; and

Whereas, Naming the Branchland Beam Span bridge in Lincoln County for him is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 022-11/00-7.59, known as the Branchland Beam Span, located 0.12 miles north of State Route 10 in Lincoln County, the “U. S. Army Sergeant Paul Norman Chapman Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Sergeant Paul Norman Chapman 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 surviving family members of Sergeant Paul Norman Chapman.

With the recommendation that the five committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (S. C. R. Nos. 13, 14, 15, 17 and 19) 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 and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

By Senators Snyder, Unger, Kessler (Mr. President), Williams, Wells, Miller, D. Hall, Jenkins, Green and Barnes:

Senate Bill No. 486—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to establishing salaries and providing raises for employees within the West Virginia State Police Forensic Laboratory.

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

By Senators Snyder and Miller:

Senate Bill No. 487—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-13-5b, relating to municipal sales tax; authorizing municipalities to enact a municipal sales tax at a rate of one percent or less; requiring reduction or elimination of municipal business and occupation tax; requiring services of State Tax Commissioner to administer tax; providing rule-making authority for the Tax Commissioner to administer municipal sales tax and charge a fee; requiring a public hearing before enacting a municipal sales tax; and requiring a municipal sales tax be read at least two times prior to enactment.

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

By Senators Edgell, Prezioso, Unger, Kirkendoll, Beach, D. Hall, Miller, Snyder, Wells, Yost, Stollings, Williams and Barnes:

Senate Bill No. 488—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-10E-1, §5-10E-2, §5-10E-3, §5-10E-4, §5-10E-5, §5-10E-6, §5-10E-7, §5-10E-8, §5-10E-9, §5-10E-10, §5-10E-11, §5-10E-12 and §5-10E-13; and to amend and reenact §36-8-13 of said code, all relating to establishing the West Virginia Voluntary Employee Retirement Accounts Program; establishing findings; defining terms; providing for liberal construction; requiring compliance with federal and state law; providing for plan administration; authorizing the Treasurer to propose rules; establishing participation; requiring all federal approvals and filings be received and made before operations begin; creating trust; prohibiting assignment, except for qualified domestic relations orders; authorizing investments; specifying that the corpus, assets and earnings of trust do not constitute public funds; deferring compensation from federal, state and municipal income taxes; authorizing collection of fees; creating administration account; transferring up to \$3 million from the Unclaimed Property Trust Fund; requiring that \$3 million be repaid no later than June 30, 2024; paying program costs; reimbursement of Unclaimed Property Trust Fund; specifying the state and the Treasurer are not liable for losses or changes in value; specifying certain information is confidential; requiring payroll information be provided to the Treasurer; requiring audits; and providing for the transfer of money from the Unclaimed Property Trust Fund for start up of the program.

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

By Senators D. Hall and Green:

Senate Bill No. 489—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 elections for vacancies in county offices; and providing that a county employee may run for a vacant county office without giving up his or her current position.

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

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

Senate Bill No. 490—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38, relating to defining certain key terms; prohibiting insurers from requiring optometrists, ophthalmologists, dentists, chiropractors, podiatrists or any other health care professional to provide discounts on noncovered services; prohibiting optometrists, ophthalmologists, dentists, chiropractors, podiatrists or any other health care professional from charging more for covered persons on noncovered services than his or her customary or usual rate for such services; requiring contractual discounts that do not result in a fee that is less than what an insurer would pay an optometrist, ophthalmologist, dentist, chiropractor, podiatrist or any other health care professional for covered services and materials; and providing that insurers may not provide for a nominal reimbursement for a service in order to claim that a service or material is covered.

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

By Senators Snyder, Kessler (Mr. President), Blair, Cookman, Unger, Plymale and Barnes:

Senate Bill No. 491—A Bill to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating to unfair trade practices; and adding motor fuel to the list of products exempted from unfair trade practices.

Referred to the Committee on the Judiciary.

By Senators Stollings, Laird, Miller, Cookman, Snyder and Prezioso:

Senate Bill No. 492—A Bill to amend and reenact §30-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-35, all relating to specialty drugs; defining “specialty drug”, “pharmacy benefits manager” and “pharmacy benefits management”; requiring State Board of Pharmacy to develop a list of specialty drugs; requiring

pharmacy benefits managers to follow list developed by the Board of Pharmacy; providing certain pharmacies and pharmacists with the opportunity to dispense specialty drugs; and specifying reimbursement requirements for pharmacy benefits managers for specialty drugs.

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

By Senators Palumbo, Tucker and Barnes:

Senate Bill No. 493—A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-1-4 of said code, all relating to excluding days a student is suspended from school from the days required to prove a student as a status offender and for prosecuting a parent for their child's truancy.

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

By Senators Edgell, Facemire, Snyder, Fitzsimmons, Yost and Miller:

Senate Bill No. 494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to payment of lottery prizes; and permitting additional forms of payments consistent with current banking practices.

Referred to the Committee on the Judiciary.

By Senator Edgell:

Senate Bill No. 495—A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to increasing the cap for collections into the Land Division special revenue account of the Department of Agriculture; and dividing amounts in excess of the cap evenly between the special revenue account and General Revenue Fund of the state.

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

By Senators Cann, D. Hall, Prezioso, Carmichael, Cookman, Jenkins, Green and Barnes:

Senate Bill No. 496—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to limiting health insurance coverage for elective abortions to coverage provided through supplemental policies; and elective abortion exceptions.

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

By Senators Edgell, Facemire, Snyder, Yost and D. Hall:

Senate Bill No. 497—A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain lottery games may be played.

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

By Senators Wells and Plymale:

Senate Joint Resolution No. 11—Proposing an amendment to the Constitution of the State of West Virginia, amending section eighteen, article VI thereof; amending section twenty-two, article VI thereof; amending section twenty-three, article VI thereof; amending section thirty-three, article VI thereof; and amending section fifty-one, article VI thereof, all relating to the annual dates when the Legislature may assemble; changing the dates when the Legislature may commence; changing the number of days the Legislature may meet annually; enabling the Legislature to meet and adjourn throughout the year; eliminating interim committee and subcommittee meetings; requiring the Citizens Legislative Compensation Commission to meet and determine appropriate legislator pay; 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 Plymale, Unger, Stollings, Cole and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 25—Requesting that the portion of State Route 37 from the Town of Wayne to the Lincoln County line be named the “Army Spec. 4th Class Darrell W. Sanders Memorial Highway”.

Whereas, Darrell W. Sanders, born October 6, 1945, was the son of Lakie Epling Sanders and Early Sanders; and

Whereas, Darrell W. Sanders was a resident of East Lynn, Wayne County, West Virginia, and was a graduate of Wayne High School; and

Whereas, Darrell W. Sanders had eight brothers and sisters; and

Whereas, Darrell W. Sanders was drafted into the United States Army soon after graduating from Wayne High School and, following training, was deployed to South Vietnam; and

Whereas, Army Specialist 4th Class Darrell W. Sanders was an infantryman in Company C, 2nd Battalion, 7th Cavalry Regiment; and

Whereas, Army Specialist 4th Class Darrell W. Sanders participated in the Battle of Ia Drang Valley, South Vietnam, a five-day battle which was the first major battle of the Vietnam War between regular forces of the United States and regular forces of the Peoples’ Army of North Vietnam; and

Whereas, The Battle of Ia Drang Valley was fought between November 11th and November 18th, 1965; and

Whereas, After two days and nights of heavy fighting on November 14 to November 16, the initial Vietnamese assault was repulsed, but during a surprise followup attack on November 17 the

enemy forces overran Specialist 4th Class Darrell W. Sanders' unit in what was the deadliest ambush of a United States unit during the course of the entire war; and

Whereas, Specialist 4th Class Darrell W. Sanders was killed in the battle November 17, 1965; and

Whereas, Specialist 4th Class Darrell W. Sanders' name appears on the Vietnam War Memorial, Panel 03E Line 091; and

Whereas, It is fitting that an appropriate memorial recognizing this soldier's service and sacrifice be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 37 from the Town of Wayne to the Lincoln County line the "Army Spec. 4th Class Darrell W. Sanders Memorial 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 designated highway containing bold and prominent letters proclaiming that portion of State Route 37 the "Army Spec. 4th Class Darrell W. Sanders 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 Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Plymale, Unger, Stollings, Cole and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 26—Requesting the Division of Highways to rename County Route 35/3 near the community of

Doane in Wayne County from the “Coal Haul Road” to the “Stonewall Veterans Memorial Highway”.

Whereas, It is fitting to honor Stonewall Veterans by renaming this highway in their memory as an everlasting tribute to their service to their community and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename County Route 35/3 near the community of Doane in Wayne County from the “Coal Haul Road” to the “Stonewall Veterans Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying this highway as the “Stonewall Veterans 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 Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Unger, Kessler (Mr. President), Stollings, Plymale, Laird, McCabe, Prezioso, Yost, Wells, Miller, Cookman, Palumbo and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 27—Urging the President of the United States and Congress to protect the nation’s water; to establish provisions that will prevent chemical spills from ever happening here or anywhere else again; to direct FEMA to continue to provide water supplies in affected areas in West Virginia; to direct the CDC, ATSDR and EPA to assemble a team to fully analyze the released chemicals and to determine the effects to human health and the environment from exposure to the chemicals from the date of the spill; and to direct the NIH to work with local health officials to

diagnose and identify the present and future impacts on health due to exposure to these chemicals.

Whereas, An estimated ten thousand gallons of crude 4-methylcyclohexane methanol, known as MCMH, a chemical used to remove impurities from coal, and a mixture of polyglycol ethers, known as PPH, spilled into the Elk River in Kanawha County from a one-inch hole in a tank belonging to Freedom Industries; and

Whereas, The spill took place a mile and a half upstream from a major intake for West Virginia American Water, a private company that provides municipal water in parts of nine counties, including the city of Charleston, the State Capital; and

Whereas, Over three hundred thousand water customers in Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam and Roane counties were negatively affected by a ban on water use from January 9 through January 17, 2014; and

Whereas, Individuals, families, employees, businesses and commerce were negatively affected in these counties, which subsequently caused a disruption to the economy of the entire state; and

Whereas, The short-term and long-term effects to health from exposure to these chemicals have still not been determined, and accurate data related to the makeup of the chemicals remains unavailable for decisionmaking; and

Whereas, Many West Virginians, even those in areas not affected by the spill, are unsure of the safety of their water; and

Whereas, Many West Virginians continue to be afraid to use the water and are incurring additional expenses, such as purchasing bottled water for their homes and businesses; and

Whereas, Schools are also burdened by these additional expenses, and the instructional day is disrupted by the change in routine and by the fears of the students; and

Whereas, A release of harmful substances can happen in any community around the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges the President of the United States and Congress to protect the nation's water; to establish provisions that will prevent chemical spills from ever happening here or anywhere else again; to direct FEMA to continue to provide water supplies in affected areas in West Virginia; to direct the CDC, ATSDR and EPA to assemble a team to fully analyze the released chemicals and to determine the effects to human health and the environment from exposure to the chemicals from the date of the spill; and to direct the NIH to work with local health officials to diagnose and identify the present and future impacts on health due to exposure to these chemicals; 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, members of the West Virginia congressional delegation, the Majority Leader of the United States Senate and the Speaker of the United States House of Representatives.

Which, under the rules, lies over one day.

Senators Stollings, Unger, Plymale, Kessler (Mr. President), Yost, McCabe, Wells, Miller, Laird, Snyder, Beach, D. Hall, Jenkins, Green and Barnes offered the following resolution:

Senate Resolution No. 15—Recognizing the hard work, dedication and commitment of social workers in West Virginia.

Whereas, Social workers are positive change agents who dedicate their careers to helping people transform their lives or improving environments that make such progress possible; and

Whereas, More than six hundred forty thousand trained social work professionals in the United States work tirelessly in agencies,

hospitals, hospices, schools, universities, legislatures, private practices, corporations and the military; and

Whereas, Social workers are advocates for access, equality and fairness; and

Whereas, Social workers improve the fabric of society by caring for those who have been left behind or for those who have lost their voice; and

Whereas, Social workers help people explore new opportunities in the face of serious life changes and challenges; and

Whereas, The social work profession was established more than one hundred years ago to help Americans overcome poverty, illness, addiction, abuse, discrimination and other adversities to reach their full potential; and

Whereas, The social work profession works to change systems and customs that limit the ability of vulnerable individuals and groups to lead fulfilling and productive lives; and

Whereas, Schools of social work train socially conscious people to make a real difference in the world through service and leadership; and

Whereas, Social workers strengthen communities, expand options and work to facilitate humane changes in policies and legislation that improve the lives of everyone; and

Whereas, Every day, social workers wake up believing they give an individual, a family or a community renewed hope in the future; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the hard work, dedication and commitment of social workers in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing social workers.

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, Stollings, Plymale, Kessler (Mr. President), Yost, Williams, Miller, Beach and Barnes offered the following resolution:

Senate Resolution No. 16—Designating February 5, 2014, as Preston County Day at the Legislature.

Whereas, Preston County is rich in agriculture and agricultural heritage; and

Whereas, Preston County agriculture contributes to the economic success of Preston County; and

Whereas, West Virginia leads the nation in both the percentage of family farms and the percentage of small farms; and

Whereas, Preston County leads the state in the number of farms and is third in the amount of farm acreage; and

Whereas, The agricultural producers in Preston County are in the top five counties in West Virginia in other hay tons produced (2), corn for grain bushels produced (5), sheep and lambs (2) and cattle (5); and

Whereas, The West Virginia Department of Agriculture kicked off the statewide Farm to School Initiative at Preston High School; and

Whereas, The citizens of Preston County are proud to be agricultural leaders in the state; and

Whereas, The citizens of Preston County travel to the State Capitol on an annual basis during the legislative session to share this heritage and 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 5, 2014, 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.

Thereafter, at the request of Senator Williams, and by unanimous consent, the remarks by Senator Sypolt regarding the adoption of Senate Resolution No. 16 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 Green, D. Hall, Unger, Stollings, Kessler (Mr. President), Cole, Wells, Miller, Jenkins and Barnes offered the following resolution:

Senate Resolution No. 17—Recognizing the Pinnacle Blue Mine Rescue Team for winning first place at the 2013 National Coal Mine Rescue Competition.

Whereas, The National Coal Mine Rescue Competition is a biannual competition sponsored by the National Mining Association and administered by the United States Department of Labor's Mine Safety and Health Administration; and

Whereas, Established in 1910 by the United States Bureau of Mines, the National Coal Mine Rescue Competition is the largest of its kind; and

Whereas, In its 101st year, more than eighty teams from twelve states competed in the four-day competition that had events ranging from first aid, bench and pre shift to the more complex simulated mine rescue scenarios that involve hypothetical emergency situations and test the rescue and safety abilities of the competitors; and

Whereas, The Pinnacle Blue Team, of Cliffs Natural Resources, completed both days of team events without a single error and achieved the fastest problem-solving time on the second day of the competition; and

Whereas, Due to their hard work, dedication and commitment to perfecting their craft and protecting our miners, the Pinnacle Blue Team won the 2013 National Coal Mine Rescue Competition; and

Whereas, Mine rescue teams are the backbone of readiness for mine emergency response and the Pinnacle Blue Team has proven that not only do they possess the skills and preparedness necessary to keep miners safe, but they do it better than anyone else in the country; and

Whereas, The Pinnacle Blue Team consists of members Dave Jackson, Adam Davis, Cody Palmer, Chad Lester, Greg Meadows, Mike Vickers, Rob Mizok, Cody Lambert, Richard Crockett and Barry Baker; and

Whereas, The Pinnacle Blue Team is a shining example of what can be accomplished with teamwork and a dedication and commitment to ensuring the safety of our miners; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Pinnacle Blue Mine Rescue Team for winning first place at the 2013 National Coal Mine Rescue Competition; and, be it

Further Resolved, That the Senate acknowledges each individual member of this team for the job that they do and thanks each one of them for their efforts; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Pinnacle Blue Mine Rescue Team.

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.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator Green regarding the adoption of Senate Resolution No. 17 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 seventh order of business.

Senate Concurrent Resolution No. 24, Designating Raleigh County Veterans Museum as WV Veterans Museum.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military; and then to the Committee on Government Organization.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

On third reading, 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. 357) 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. 387, Clarifying duly authorized officers have legal custody of their prisoners while in WV.

On third reading, 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. 387) 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. 395, Relating to operation and oversight of certain human services benefit 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 Com. Sub. for S. B. No. 395) 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. 395—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-8b; and to amend said code by adding thereto a new section, designated §61-4-9, all relating generally to the operation and oversight of certain benefit programs; granting certain subpoena power to the Investigations and Fraud Management Division within the Department of Health and Human Resources to investigate welfare fraud; authorizing the Investigations and Fraud Management Division to request search warrants, swear to complaints and seek relevant orders from circuit court in certain situations; providing access to out-of-state documents in certain circumstances; prohibiting disclosure of persons under investigation by the Investigations and Fraud Management Division; defining terms; creating misdemeanor and felony offenses for certain unlawful use of certain benefits or benefit access devices; stating certain presumptions and calculations permissible in prosecution of these offenses; providing an alternative to confinement for individuals convicted of the offenses associated with unlawful use of certain benefits; and precluding certain prosecution under multiple sections for conduct arising out of the same transaction or occurrence.

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

Eng. House Bill No. 4177, Making a supplementary appropriation to various agencies.

On third reading, 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. 4177) 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. 4177) takes effect from passage.

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

Eng. House Bill No. 4182, Supplementing, amending, increasing, decreasing, and adding items of appropriations 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. H. B. No. 4182) 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. 4182) 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 Com. Sub. for Senate Bill No. 353, Relating to timber theft in state forests.

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

On motion of Senator Palumbo, 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 1A. DIVISION OF FORESTRY.

§19-1A-3b. Timber theft on state forests; investigations; criminal and civil penalties.

(a) Timber theft is the misappropriation or taking of timber belonging to another, or proceeds derived from the sale of timber, either taken without the consent of the owner, or by means of fraudulent conduct, practices or representations, with the intent to deprive the owner permanently of the timber or proceeds derived therefrom.

(b) The Division of Forestry has the primary responsibility for the collection, preparation and central registry of information relating to timber theft in state forests. The division has the authority to investigate and enforce the provisions of this section when violations occur in state forests. The division may assist law-enforcement agencies in investigations of violations of the provisions of subsection (b), section forty-eight, article three, chapter sixty-one of this code when requested.

(c) *Criminal and civil penalties.* – A person who commits timber theft in a state forest where the timber taken is of a value of \$25,000 or less is guilty of a misdemeanor and shall be fined not more than \$5,000 or confined in jail for not more than one year, or both. A person who commits timber theft in a state forest where the timber taken is of a value of \$25,000 or more is guilty of a felony and shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not more than five years, or both. In addition to any fines and costs that may be assessed by the court, a person convicted of a violation of this section shall be ordered to pay a \$500 civil penalty to the division within sixty days of the entry of a final order of conviction. The civil penalty shall be collected by the court in which the person is convicted and forwarded to the State Treasurer for deposit in the Division of Forestry Fund (3081) for use in administering the provisions of this section.

The bill (Com. Sub. for Com. Sub. for S. B. No. 353), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Com. Sub. for Senate Bill No. 336, Relating to possession and administration of opioid antagonist.

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

Com. Sub. for Senate Bill No. 397, Expanding scope of activities considered financial exploitation of elderly.

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 Senators Stollings and Snyder.

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senators Stollings and Snyder were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Tucker, the name of Senator Tucker was removed as a sponsor of **Senate Bill No. 440** (*Creating O. C. Spaulding Electronic Recording Act*).

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

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 4, 2014, he had approved **Enr. Senate Bill No. 346**.

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, Thursday, February 6, 2014, at 11 a.m.

THURSDAY, FEBRUARY 6, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Matthew Santen, River Ridge Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, February 5, 2014,

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 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 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. 341, Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.

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. 4196—A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs including jobs traditionally dominated by men or women.

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. 4236—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 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. 4284—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, § 5-11B-3, § 5-11B-4, § 5-11B-5, § 5-11B-6 and § 5-11B-7, all relating to creating the Pregnant Workers' Fairness Act; defining unlawful employment practices; establishing remedies and enforcement for discriminatory conduct; authorizing rule-making by the West Virginia Human Rights Commission; establishing the relationship of the article to other laws; and requiring a report to the Joint Committee on Government and Finance.

Referred to the Committee on Labor; 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. 25—Urging the West Virginia Governor’s Office and the Senate and House Finance Committees to include sufficient funds in the FY2015 budget to eliminate the wait list for the Aged and Disabled Waiver program.

Referred to the Committee on Health and Human Resources.

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. 57—Urging the West Virginia Governor’s Office to direct the Secretary of the Department of Health and Human Resources to amend the Code of State Rules, Title 64, Series 2, to provide for the licensing of adult day health centers that implement a hybrid model of care.

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 adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 58—Requesting that the Joint Committee on Government and Finance authorize a study on the growing needs for in-home care and personal services for West Virginia’s aging population.

Referred to the Committee on Health and Human Resources; 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. 59—Urging the West Virginia Governor’s Office to direct the Director of the Bureau of Senior Services to issue a report on the growing needs for in-home care and personal services for West Virginia’s aging population, and the bureau’s abilities and challenges in meeting those growing needs.

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

Senate Bill No. 90, Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.

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

Com. Sub. for Senate Bill No. 90 (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 the assistance of emergency service personnel; defining terms; and establishing criminal penalties.

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. 187, Authorizing Real Estate Commission promulgate legislative rule relating to schedule of fees.

Senate Bill No. 188, Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to private club licensing.

And,

Senate Bill No. 191, Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures.

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 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. 297, Permitting certain state employees receive higher salary as appointive state officer.

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

Com. Sub. for Senate Bill No. 297 (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.

Senate Bill No. 416, Relating to tentative appraisals of natural resources property.

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

Com. Sub. for Senate Bill No. 416 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-6K-4 and §11-6K-5 of the Code of West Virginia, 1931, as amended, all relating to tentative appraisals of natural resources property by the Tax Commissioner for ad valorem property tax purposes; clarifying that notice requirements apply to all oil and natural gas property in production and reserve; and clarifying that informal review procedures do not apply to oil or natural gas property in production and reserve.

And,

Senate Bill No. 430, Relating to receipting of state moneys.

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

Com. Sub. for Senate Bill No. 430 (originating in the Committee on Government Organization)—A Bill to amend and reenact §12-1-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §12-2-2 of said code; and to amend and reenact §12-3-1 of said code, all relating to the State Treasurer's Office; changing Cash Management Improvement Act

reports from quarterly to annually; establishing standards and reviews for receipting of moneys for all spending units except the Department of Revenue; assisting spending units in developing and improving their internal controls for receipting moneys; authorizing the Treasurer to review internal control procedures for receipting moneys and to make revisions or suggestions; reviewing internal controls by auditors when auditing receipted moneys and ensuring copies of audits are submitted to the State Treasurer and Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; updating language that deposit information no longer needs to be manually forwarded since the Enterprise Resource System will automatically perform functions; adding the Board of Treasury Investments to the entities managing investments; clarifying when state checks are presumed stale and the process for dealing with stale checks; and requiring spending units to monitor checks issued on their behalf and to ensure stale checks with federal funds are properly reported.

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,

Herb Snyder,
Chair.

The bills (Com. Sub. for S. B. Nos. 297, 416 and 430), 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. 307, Authorizing community corrections programs to operate pretrial release program.

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 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. 312, Creating Project Launchpad Act.

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

Com. Sub. for Senate Bill No. 312 (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.

And,

Senate Bill No. 461, Creating Future Fund.

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

Com. Sub. for Senate Bill No. 461 (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 creation of a Future Fund for conserving a portion of proceeds from oil and natural gas severance tax revenues for future expenditures; creating an interest-bearing special revenue account; authorizing the West Virginia Investment Management Board to invest moneys of the fund; providing that the principal of the fund be inviolate and that only the investment income may be expended; providing for contributions to the fund from a portion of revenues collected from oil and natural gas severance taxes; prohibiting appropriation and expenditure from the fund until fiscal year 2020; requiring moneys to be expended solely for economic development projects, infrastructure projects and educational enhancement; and defining certain terms.

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,

Bob Williams,
Chair.

The bills (Com. Sub. for S. B. Nos. 312 and 461), under the original double committee references, were then referred to the Committee on Finance.

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. 403, Regulating importation and possession of certain injurious aquatic species.

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

Respectfully submitted,

William R. Laird IV,
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. 404, Allowing reciprocal use of hunting and fishing licenses with Kentucky on Big Sandy and Tug Fork rivers.

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 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. 418, Relating to Board of Medicine licensing of medical corporations.

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

Com. Sub. for Senate Bill No. 418 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, relating to medical and podiatry corporations; declaring unlawful acts; clarifying the certificate of authorization requirements for in-state and out-of-state medical and podiatry corporations; setting forth the shareholder requirements; setting notice requirements to the Secretary of State; clarifying renewal requirements for certificate of authorization; clarifying conditions under which the medical and podiatry corporations can practice; ceasing operation requirements; clarifying court evidence; 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,

Herb Snyder,
Chair.

The bill (Com. Sub. for S. B. No. 418), 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. 439, Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

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

Senate Bill No. 454, Defining dam "owner".

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 Unger, Carmichael, Cookman, Beach, Fitzsimmons, D. Hall, Tucker, Williams, Green, Cole, Stollings, Plymale, Jenkins, Kessler (Mr. President), Blair, Laird, Nohe and Prezioso:

Senate Bill No. 498—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 and §61-7-6 of said code, all relating to firearms and concealed firearms licenses; permitting persons to possess firearms, other than shotguns and rifles, in a vehicle or conveyance without a concealed deadly weapons permit; changing certain provisions covering all firearms to be limited to shotguns and rifles; removing the provision that a firearm located in a storage area in or on a motor vehicle is deemed to be carried on or about a person who has a concealed handgun license; and permitting a person to transport concealed firearms in a private motor vehicle or a private water-borne conveyance without the necessity of having concealed deadly weapons permit.

Referred to the Committee on the Judiciary.

By Senators Kirkendoll, McCabe, Edgell, Cann, M. Hall, Carmichael, Plymale, Palumbo and Nohe:

Senate Bill No. 499—A Bill to repeal §12-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-6-2 and §12-6-11 of said code, all relating to investment of moneys by the West Virginia Investment Management Board; modifying the

definition of the term “securities”; imposing the prudent investor standard of care set forth in the West Virginia Uniform Prudent Investor Act as the primary standard of care for the trustees of the West Virginia Investment Management Board; removing certain restrictions on investments by the Investment Management Board; and restating certain restrictions on investments by the West Virginia Investment Management Board.

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

By Senators Walters and D. Hall:

Senate Bill No. 500—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the State Department of Health and Human Resources to require public buildings to have at least one restroom that complies with the Americans with Disabilities Act of 1990 (ADA); and requiring signs in other restrooms identifying locations of ADA-compliant restrooms.

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

By Senators Barnes, Yost and Blair:

Senate Bill No. 501—A Bill to amend and reenact §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-2C-9a, all relating to auctioneers and apprentice auctioneers generally; redefining auctioneer exceptions; adding definitions; amending license renewal for expired licenses; allowing certain fees to be set by legislative rule; increasing length of record retention; clarifying qualifying test scores; restricting length of apprenticeship; adding duties of sponsoring auctioneer; increasing criminal penalties; requiring contracts to have certain provisions; and requiring escrow accounts.

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

By Senator Snyder:

Senate Bill No. 502—A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203, §36B-1-204, §36B-1-206 and §36B-1-207 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §36B-1-115, §36B-1-116, §36B-1-208 and §36B-1-209; to amend and reenact §36B-2-103, §36B-2-105, §36B-2-106, §36B-2-109, §36B-2-111, §36B-2-112, §36B-2-113, §36B-2-116, §36B-2-117, §36B-2-118 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-3-101, §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-109, §36B-3-110, §36B-3-111, §36B-3-112, §36B-3-113, §36B-3-114, §36B-3-115, §36B-3-116, §36B-3-117 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-4-101, §36B-4-102, §36B-4-103, §36B-4-108, §36B-4-109, §36B-4-112, §36B-4-113, §36B-4-114, §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 Interstate Cooperation; and then to the Committee on the Judiciary.

By Senators Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Nohe:

Senate Bill No. 503—A Bill to amend and reenact chapter forty-nine of the Code of West Virginia, 1931, as amended, all relating to revising, arranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare.

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

By Senators Edgell, Barnes, Facemire and Yost:

Senate Bill No. 504—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1A-2, §14-1A-3, §14-1A-4 and §14-1A-5, all relating to the creation of the Debt Resolution Services Division within the Auditor’s Office; authorizing transaction fees; and creating the Debt Resolution Services Fund.

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

By Senators Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes:

Senate Bill No. 505—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; and requiring parties appealing a decision of the Office of Administrative Hearings to serve the petition for appeal on the Office of Administrative Hearings.

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

By Senators Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes:

Senate Bill No. 506—A Bill to amend and reenact §29A-5-2 of the Code of West Virginia, 1931, as amended, relating to contested cases; and clarifying that the term “agency” as used in this section refers only to the agency charged with conducting the administrative hearing and not an agency appearing as a party in the proceeding.

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

By Senators Snyder and Plymale:

Senate Bill No. 507—A Bill to amend and reenact §30-27-4 and §30-27-6 of the Code of West Virginia, 1931, as amended, all relating to the Board of Barbers and Cosmetologists; changing board

membership; requiring the board to offer examinations in other languages if available and upon request; requiring the board to consult with the West Virginia Council for Community and Technical College Education in setting standards for approval of courses and curriculum; and removing outdated language.

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

Senators Unger, Stollings, Plymale, Laird, D. Hall, Miller and Fitzsimmons offered the following resolution:

Senate Resolution No. 18—Recognizing the West Virginia Community Development Hub and its Communities of Achievement Program for its dedication to community development and its support and assistance of communities throughout West Virginia working to achieve robust, community-driven economic development.

Whereas, The objective of the West Virginia Community Development Hub's Communities of Achievement Program is to provide communities with the training, resources, coaching, tools, support and technical assistance to enable them to achieve measurable success on their locally determined and driven projects; and

Whereas, The Hub's Communities of Achievement Program provides this support through a challenge-centric, performance-driven community improvement program that requires community leaders to form community collaboration teams consisting of a diverse and committed group of community leaders; and

Whereas, These community collaboration teams, comprised of community volunteers who contribute significant personal time, energy and wisdom, and who care deeply about their communities and the future of West Virginia, engage the broader community in the decision-making process and the implementation of their

projects, and see this broader community engagement as central to robust community development in West Virginia; and

Whereas, The 2010 West Virginia Community Development Hub's Communities of Achievement Program included nine community collaboration teams, with teams from Ansted, Buckhannon, Doddridge County, Fairmont Southside, McDowell County, Mullens, Shinnston, Wayne County and Williamson, all of which achieved projects that measurably improved their communities; and

Whereas, The 2013 West Virginia Community Development Hub's Communities of Achievement Program engages six community collaboration teams from Belington, Chester, Clay County, Lincoln/Logan counties, Martinsburg and Wayne County that are implementing projects to improve their communities in diverse ways including increased educational attainment, industrial redevelopment, tourism development, enhanced recreation and 4-H facilities, historic downtown revitalization and more; and

Whereas, The West Virginia Community Development Hub's Communities of Achievement Program is committed to continued expansion of challenge-centric, performance-driven community development throughout the State of West Virginia through the development of future community collaboration teams and the training of community coaches to support the efforts of these teams; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia Community Development Hub and its Communities of Achievement Program for its dedication to community development and its support and assistance of communities throughout West Virginia working to achieve robust, community-driven economic development; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of West Virginia Community Development Hub.

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 Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), Laird and Fitzsimmons offered the following resolution:

Senate Resolution No. 19—Recognizing the contributions and efforts of all organ procurement organizations in the State of West Virginia and encouraging West Virginians to “Make the Pledge for Life” by registering to become an organ, tissue or cornea donor.

Whereas, In 2013, there were two hundred forty-five donor families from the State of West Virginia affiliated with the Center for Organ Recovery and Education (CORE); and

Whereas, In 2013, there were forty-four organ donors and one hundred ninety-nine tissue donors in the State of West Virginia; and

Whereas, Nearly nine hundred West Virginia adults and children are waiting for an organ transplant; and

Whereas, West Virginians, including thirteen-year-old Jay Wessels of Charleston, who received a lifesaving heart transplant in Pittsburgh, Pennsylvania, on October 30, 2013, are blessed with a second chance to live long and productive lives surrounded by loving and grateful families and friends; and

Whereas, West Virginians like the late Shane Jividen, former Eleanor Volunteer Fire Chief, gave new health to six suffering individuals through selfless donation of his liver, kidneys, cornea and heart; and

Whereas, West Virginia communities and families band together in support of organ recipients like Jay Wessels, recognizing the courage and sacrifice of donor families, who often remain anonymous even to those whose lives they save; and

Whereas, West Virginia recipients and communities are awed and humbled by the generosity of donor families, such as the Jividen family, whose gift in the face of terrible tragedy inspires others to renewed hope and optimism; and

Whereas, Charleston Area Medical Center, a CORE-affiliated transplant center, assisted in completing a total of twenty-seven kidney transplants in West Virginia alone in 2013; and

Whereas, West Virginia's own *Sunday Gazette-Mail* and *Charleston Daily Mail* have recognized the lifesaving benefits of individuals registering to donate their organs and body tissue; and

Whereas, The West Virginia Division of Motor Vehicles facilitates the process of designating individuals as organ donors by allowing West Virginians to simply check the donor box on their application or renewal form for their driver's license or photo identification at the local DMV office; and

Whereas, The West Virginia Division of Motor Vehicles allows currently licensed drivers to obtain a duplicate license with an added endorsement for organ donation upon presentation of the individual's old license and one proof of current residence; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the contributions and efforts of all organ procurement organizations in the State of West Virginia and

encourages West Virginians to “Make the Pledge for Life” by registering to become an organ, tissue or cornea donor; and, be it

Further Resolved, That the Senate recognizes the overwhelming value of lifesaving organ donation and transplant services within our own communities, and encourages all eligible West Virginians to register as donors; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of CORE.

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 Miller, Laird, Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), D. Hall, Prezioso, Beach, Green, McCabe and Fitzsimmons offered the following resolution:

Senate Resolution No. 20—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 Miller, 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 Miller presented a petition from Tiffany Burns and four hundred sixty-nine West Virginia residents, supporting Senate Bill No. 460 (*Permitting School of Osteopathic Medicine invest certain moneys in its foundation*).

Referred to the Committee on Education.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 25, Requesting DOH name portion of State Rt. 37 “Army Spec. 4th Class Darrell W. Sanders Memorial Highway”.

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. 26, Requesting DOH rename County Rt. 35/3 in Wayne County “Stonewall Veterans Memorial Highway”.

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. 27, Urging President and Congress establish provisions to prevent and respond to chemical spills in state and national waters.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 353, Relating to timber theft in state forests.

On third reading, 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. 353) 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. 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-3b, relating to creating the offense of timber theft from state forests; providing the Division of Forestry authority to investigate and enforce timber theft violations in state forests for research and investigative purposes; directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; clarifying that treble damages are applicable to state forest timber thefts; and setting forth criminal and civil penalties.

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. 336, Relating to possession and administration of opioid antagonist.

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. 397, Expanding scope of activities considered financial exploitation of elderly.

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. 426, Relating to appointments to certain higher education commissions, councils and boards.

Com. Sub. for Senate Bill No. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

And,

Senate Bill No. 470, Providing completed grand jury questionnaires are confidential.

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, February 7, 2014, at 10 a.m.

FRIDAY, FEBRUARY 7, 2014

The Senate met at 10 a.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 Thursday, February 6, 2014,

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.

At the request of Senator Unger, and by unanimous consent, Marshall Amores addressed the Senate on behalf of the Frasure-Singleton Student Legislative Program.

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. 62, Relating to referral of drug court participants having co-occurring addiction and mental health issues.

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

Com. Sub. for Senate Bill No. 62 (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 to pay for the services using the Medicaid fee schedule if the participant is without insurance and unable to pay.

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. 62), 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. 88, Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

And,

Senate Bill No. 437, Requiring mortgage brokers file certain reports with Division of Financial Institutions.

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.

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. 133, Authorizing DEP promulgate legislative rule relating to permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas.

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

Com. Sub. for Senate Bill No. 133 (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 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 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 ambient air quality standards; 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 permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas; 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 emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to state certification of activities requiring federal licenses and

permits; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

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. 383, Providing limited exemption from Safe Mortgage Licensing Act to certain residential real estate owners for self-financed mortgages.

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

Com. Sub. for Senate Bill No. 383 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §31-17-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-17A-2 of said code, all relating to permitting certain owners of residential real estate limited exemptions from the licensing requirements of the West Virginia Residential Mortgage Lender, Broker and Servicer Act and the West Virginia Safe Mortgage Licensing Act for self-financed home financing if the owner is not acting within the regular course of business; establishing reporting requirements; and authorizing the Division of Financial Institutions to impose civil administrative penalties for failure to timely report.

And,

Senate Bill No. 384, Prohibiting certain insurers require policyholders use mail-order pharmacy.

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

Com. Sub. for Senate Bill No. 384 (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 §33-15-22; to amend and reenact §33-16-3q of said code; to amend and reenact §33-24-7h of said code; to amend and reenact §33-25-8f of said code; and to amend and reenact §33-25A-8g of said code, all relating generally to accident and sickness insurance, group accident and sickness insurance, hospital service corporations, medical service corporations, dental service corporations, health service corporations, health care corporations and health maintenance organizations; prohibiting certain contracts of insurance from requiring subscribers to obtain prescription drugs from a mail-order pharmacy in order to obtain benefits for drugs; permitting a covered person to fill any prescription at any mail-order pharmacy or network participating nonmail-order pharmacy under certain circumstances; prohibiting special copayments, fees or other condition on any covered person who elects to purchase drugs from a network participating nonmail-order pharmacy; describing the scope of the prohibitions; and permitting certain legislative rulemaking by the Insurance Commissioner.

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,

Gregory A. Tucker,
Chair.

The bills (Com. Sub. for S. B. Nos. 383 and 384), under the original double committee references, were 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. 407, Providing renewal of lapsed managing general insurance agent licenses.

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 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. 456, Extending expiration date for health care provider tax on eligible acute care hospitals.

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 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. 458, Imposing additional circuit court fees to fund low-income persons' civil legal services.

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

Com. Sub. for Senate Bill No. 458 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to certain fees in the circuit courts of the state to be dedicated to the support of civil legal services for low-income persons by depositing certain fees in the preexisting Fund for Civil Legal Services for Low Income Persons; requiring the civil action filing fee apply to removal of cases from magistrate court; increasing the civil action filing fee; creating a new fee associated with certain civil court filings; and creating exceptions.

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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 483, Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

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

Respectfully submitted,

Robert H. Plymale,
Chair.

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. 18, Recognizing additional higher education funding cuts to be detrimental.

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. 18) 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 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

House Concurrent Resolution No. 42, Biggert-Waters Flood Insurance Reform Act of 2012.

And has amended same.

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

Respectfully submitted,

Gregory A. Tucker,
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 Unger, Jenkins and Kessler (Mr. President):
Senate Bill No. 508—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-3E-1, §29-3E-2 and §29-3E-3, all relating to the establishment

of the Volunteer Departments Loan Fund within the State Treasurer's office; providing the power of the State Fire Commission to withdraw money from the fund; and providing amounts that the State Fire Commission may loan to volunteer departments.

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

By Senators Stollings, Laird and Miller:

Senate Bill No. 509—A Bill to amend and reenact §33-46-2 and §33-46-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §33-46-21, §33-46-22, §33-46-23 and §33-46-24, all relating to the regulation of pharmacy benefits managers; defining terms; providing that pharmacy benefits managers conducting audits for public health programs are not exempt from pharmacy audit restrictions; imposing restrictions upon audits conducted by pharmacy benefits managers; providing an internal review process applicable to disputed findings of a pharmacy benefits manager upon audit; requiring pharmacy benefits managers to provide notice to purchasers, pharmacists and pharmacies of information relating to maximum allowable costs; and requiring pharmacy benefits managers to provide a process relating to the appropriate use of maximum allowable cost pricing.

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

By Senators Plymale, Stollings, D. Hall, Wells and McCabe:

Senate Bill No. 510—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; providing for the redistribution of moneys; providing for a \$25 million transfer from the General Revenue Fund, under certain conditions, into the West Virginia Research Trust Fund; setting forth deadline and consequences for failure to obtain

matching funds and donations; providing for rulemaking; and requiring reporting.

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

By Senators M. Hall, Barnes, Blair, Carmichael, Cole, Jenkins, Nohe, Sypolt and Walters:

Senate Bill No. 511—A Bill to amend and reenact §4-2-1, §4-2-2, §4-2-4, §4-2-8 and §4-2-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §4-2-13, all relating to the Legislative Auditor; requiring that the Legislative Auditor conduct audits of all spending units, including members of the Board of Public Works and the Legislature, within at least two years of the effective date of this section, if practicable, but no later than four years from the effective date of this section, and thereafter on a regular basis; requiring public disclosure of any and all reviews performed pursuant to this section; and permitting the Legislative Auditor to seek the assistance of the Attorney General's office in performing the duties set forth within this section.

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

By Senators Carmichael, M. Hall, Plymale, D. Hall and Nohe:

Senate Bill No. 512—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to including on the state personal income tax return a checkoff option to donate some or all of any tax refund to the Cedar Lakes Foundation Checkoff Program.

Referred to the Committee on Finance.

By Senators Cookman, Plymale, Wells, Edgell, Stollings, Beach and D. Hall:

Senate Bill No. 513—A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable distribution to county boards of reimbursement of the costs of

servicing high-cost/high-acuity special needs students; eliminating requirement for annual review of rules, policies and standards and federal law and report to legislative oversight commission; defining “high-cost/high-acuity special needs”; and providing for method of fund disbursement.

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

By Senators Carmichael and Cole:

Senate Bill No. 514—A Bill to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, relating to eliminating the eligibility of the cleanup of real property damaged by a methamphetamine laboratory as an allowable compensation award pursuant to the West Virginia Crime Victims Compensation Act.

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

Senators Kirkendoll, Stollings, Unger and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 28—Requesting the Division of Highways to name the stretch of road on CR 10/17, approximately at mile post 1.22 as measured on Google Earth from the intersection of CR 10/17 and CR 710/6, a distance of 0.78 miles beyond the indicated point in Lyburn, Logan County, the “Joshua Walls Memorial Highway”.

Whereas, Joshua Walls was born October 16, 1987, to Terry (deceased) and Diana Walls. He had three sisters: Shawn Walls, Sandy Walls and Terri Walls, all deceased. He died January 18, 2012. Josh was a graduate of Man High School, class of 2005, attended Lyburn Freewill Baptist Church and was loved; and

Whereas, Josh, his father and his sister Terri all passed away from the same disease, dyskeratosis congenita. It was believed that Josh

would not live past the age of eighteen, but he lived to be twenty-four years of age. He rarely complained about his illness. It is only fitting that we honor Joshua Walls and provide awareness of the disease that took his life, for his dedicated and selfless contributions to his community and Logan County in the face of this debilitating disease; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of road on CR 10/17, approximately at mile post 1.22 as measured on Google Earth from the intersection of CR 10/17 and CR 710/6, a distance of 0.78 miles beyond the indicated point in Lyburn, Logan County, the “Joshua Walls 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 road as the “Joshua Walls 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 relatives of Joshua Walls.

Which, under the rules, lies over one day.

Senators Plymale, Kirkendoll, Kessler (Mr. President), Wells, Stollings, Jenkins and Yost offered the following resolution:

Senate Resolution No. 21—Urging Supervalu, Inc., to reconsider and reverse its decision to close its warehouse in Milton, West Virginia.

Whereas, Supervalu, Inc., is a grocery industry leader, serving customers through more than three thousand four hundred owned, licensed, franchised and affiliated stores across the country; and

Whereas, Supervalu, Inc., owns and operates a warehouse in Milton, West Virginia, employing nearly one hundred people with well-paying West Virginia jobs, where the rates range from \$17.00 to a little over \$21.00 per hour, in addition to health care and pension benefits; and

Whereas, On Monday, January 13, 2014, Supervalu, Inc., notified union representatives and their employees that it intended to close the Milton, West Virginia, warehouse effective in April, 2014; and

Whereas, The closure of this facility would be devastating not only to the individuals and families who would be directly affected, but to the local economy and to West Virginia's economy; and

Whereas, As the Milton, West Virginia, warehouse has been historically recognized as an efficient operation, the Senate is calling on Sam Duncan, President and Chief Executive Officer of Supervalu, Inc., and its board of directors to explore all options to keep the warehouse open for business; and

Whereas, The Senate also calls on Sam Duncan, President and Chief Executive Officer of Supervalu, Inc., and its board of directors to work with our local, county, state and federal government leaders to save the jobs of these employees and to avoid the economic loss to West Virginia; therefore, be it

Resolved by the Senate:

That the Senate urges Supervalu, Inc., to reconsider and reverse its decision to close its warehouse in Milton, West Virginia; and, be it

Further Resolved, That the Senate pledges its support in working with local, county and federal government leaders, as well as with Sam Duncan, President and Chief Executive Officer of Supervalu, Inc., and its board of directors to ensure the warehouse remains open for business; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Sam Duncan, President and Chief Executive Officer of Supervalu, Inc., and its board of directors.

Which, under the rules, lies over one day.

Petitions

Senator Blair presented a petition from Dechanile Davis and one hundred ninety-three members and patrons of the Ridgeley American Legion, supporting Senate Bill No. 382 (*Exempting certain veterans' and active duty military organizations from indoor smoking regulations*).

Referred to the Committee on Military.

At the request of Senator Unger, and by unanimous consent, the Senate returned 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. 515 (originating in the Committee on Education)—A Bill to repeal §18-11-6a of the Code of West Virginia, 1931, as amended, relating to abolishing obsolete code section pertaining to state aid for students of veterinary medicine.

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

Respectfully submitted,

Robert H. Plymale,
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 Resolution No. 22 (originating in the Committee on Health and Human Resources)—Urging the United States Congress to amend the Food and Nutrition Act of 2008 to address the issue of stipulations of the Supplemental Nutritional Assistance Program in relation to encouraging the program to allow purchases of healthy food items and to discourage fraud.

Whereas, The Supplemental Nutritional Assistance Program is a beneficial federal program which provides federal funds to the state in the effort of relieving the financial burden of purchasing food for those who qualify; and

Whereas, The purchase of certain food items is not conducive to living a healthy lifestyle; and

Whereas, One of the most critical challenges facing our state is reducing obesity as West Virginia has one of the highest obesity rates in the United States. Its implications for our health, our medical care system, our state's budget and our communities are profound; and

Whereas, West Virginia was ranked as one of the worst states with heart-related illness according to the American Heart Association, has one of the highest rates of diabetes in the United States and has one of the poorest ratings of oral health in the country; and

Whereas, West Virginia and other states are precluded from taking action to limit SNAP purchases for unhealthy foods and beverages and from providing incentives for the purchase of fresh fruits and vegetables until the United States Congress addresses the

issue within the Department of Agriculture concerning their Supplemental Nutritional Assistance Program by altering the Food and Nutrition Act of 2008; and

Whereas, In addition to the nutrition problem, fraud and abuse of the SNAP system is rampant; and

Whereas, Both beneficiaries who sell their SNAP benefits for cash online and retailers who receive fraudulent PIN numbers and collect funds cost the program millions of dollars; and

Whereas, In the last ten years, more than eight thousand retailers have been disqualified for participating in fraud, and in the last year alone, more than forty-four thousand individuals have been disqualified thanks to state government investigations; therefore, be it

Resolved by the Senate:

That the Senate hereby urges the United States Congress to amend the Food and Nutrition Act of 2008 to address the issue of stipulations of the Supplemental Nutritional Assistance Program in relation to encouraging the program to allow purchases of healthy food items and to discourage fraud; and, be it

Further Resolved, That the Senate urges the United States Congress to take up the issue to adopt SNAP regulations that would prohibit the use of SNAP moneys to purchase unhealthy food items and to allow states to provide incentives for SNAP dollars spent on healthy fruit and vegetables; and, be it

Further Resolved, That the Senate encourages the United States Congress to enact legislation that requires greater controls on required identification, including photographs on SNAP benefit cards, for the use of SNAP benefits in an effort to thwart fraud and abuse; and, be it

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

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

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolution (S. R. No. 22) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration.

On motion of Senator Stollings, the resolution was referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 336,
Relating to possession and administration of opioid antagonist.

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. 336 pass?"

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, 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)—32.

The nays were: None.

Absent: Chafin and Facemire—2.

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.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Jenkins regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 336 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill No. 397, Expanding scope of activities considered financial exploitation of elderly.

On third reading, 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, Fitzsimmons, Green, D. Hall, 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: None.

Absent: Chafin and Facemire—2.

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. 397) 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. 426, Relating to appointments to certain higher education commissions, councils and 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. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

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

Senate Bill No. 470, Providing completed grand jury questionnaires are confidential.

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. 90, Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.

Senate Bill No. 403, Regulating importation and possession of certain injurious aquatic species.

And,

Senate Bill No. 454, Defining dam “owner”.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stollings and Miller.

Thereafter, at the request of Senator Unger, and by unanimous consent, the remarks by Senators Stollings and Miller were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, leaves of absence for the day were granted Senators Chafin and Facemire.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Unger, the Senate adjourned until Monday, February 10, 2014, at 11 a.m.

MONDAY, FEBRUARY 10, 2014

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 Friday, February 7, 2014,

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.

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. 4010—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; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring county clerks who implement 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 enter into agreements with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Committee to develop the standards necessary to electronically record real property documents; authorizing the Commissioner of Highways to promulgate a legislative rule; requiring a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Committee 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 establishing the relationship between

this act and the federal Electronic Signatures in Global and National Commerce Act.

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. 4220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to requirements for agreements wherein consumers prospectively waive their rights to trials by jury on claims arising from related consumer transactions.

Referred to the Committee on the Judiciary.

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 Resolution No. 12, Amending Senate Rule No. 28 relating to setting committee agendas.

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

Respectfully submitted,

Jeffrey V. Kessler,
Chairman, ex officio.

The question being “Shall Senate Resolution No. 12 be rejected?”

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

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. 516—A Bill to amend and reenact §23-4-3b of the Code of West Virginia, 1931, as amended, relating to workers' compensation; and modifying the health care guideline for reasonable and necessary medical treatment.

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

By Senator Yost:

Senate Bill No. 517—A Bill to amend and reenact §23-4-1g of the Code of West Virginia, 1931, as amended, relating to weighing of evidence; and providing for a liberal weighing of the evidence during any part of a workers' compensation claim.

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

By Senators Yost and Fitzsimmons:

Senate Bill No. 518—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom compensation fund disbursed; occupational pneumoconiosis and other occupational diseases included in definitions of "injury" and "personal injury"; definition of "occupational pneumoconiosis" and other occupational diseases; and rebuttable presumptions for certain injuries and diseases for firefighters, including members of volunteer fire departments.

Referred to the Committee on the Judiciary.

By Senator Yost:

Senate Bill No. 519—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended, relating to workers' compensation benefits; mode of payment to employees and dependants for occupational pneumoconiosis; and providing for further adjustment of claims for occupational pneumoconiosis for a finding of no measurable pulmonary impairment.

Referred to the Committee on the Judiciary.

By Senator Yost:

Senate Bill No. 520—A Bill to amend and reenact §23-1-1 of the Code of West Virginia, 1931, as amended, relating generally to workers' compensation; acknowledging that the deficit crisis is over; recognizing that West Virginia's labor force is its greatest asset and resource; stating that injured workers should receive preeminent and efficient treatment; and stating that it is the intent of the Legislature that a rule of liberal construction based on any remedial basis of workers' compensation legislation shall be applied when deciding cases.

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

By Senator Yost:

Senate Bill No. 521—A Bill to amend and reenact §23-4-6 of the Code of West Virginia, 1931, as amended, relating to classification and criteria for disability benefits.

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

By Senator Yost:

Senate Bill No. 522—A Bill to amend and reenact §23-4-3 of the Code of West Virginia, 1931, as amended, relating generally to workers' compensation benefits; providing quick and efficient

delivery of medical benefits to injured workers; providing for medical treatment that is reasonably and causally related to the injury; ensuring that treating doctor's opinion is not superseded by guidelines; and allowing for diagnosis updates based upon diagnostic testing that is consistent with the legislative intent set forth in this code.

Referred to the Committee on the Judiciary.

By Senators Green, D. Hall, Facemire, Laird, McCabe, Miller, Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and Stollings:

Senate Bill No. 523—A Bill to amend and reenact §9A-1-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1B-1, §16-1B-2 and §16-1B-3 of said code; to amend and reenact §16-29A-3 and §16-29A-7 of said code; to amend and reenact §19-1-4 of said code; and to amend and reenact §29-22-9a of said code, all relating to construction of an additional state veterans' skilled nursing facility; Veterans Facilities Support Fund expenditures; issuance of bonds by the Hospital Finance Authority; authorizing the Secretary of Veterans' Assistance and the Commissioner of Agriculture to enter into agreement to transfer certain property; Veterans Lottery Fund expenditures; Veterans Nursing Homes Building Fund expenditures; and Veterans Nursing Homes Debt Service Fund expenditures.

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

By Senator Yost:

Senate Bill No. 524—A Bill to amend and reenact §23-4-1c of the Code of West Virginia, 1931, as amended, relating to workers' compensation; payment of temporary total disability benefits directly to claimant; payment of medical benefits; payments of benefits during protest; and right of commission, successor to the commission, private carriers and self-insured employers to collect payments improperly made.

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

By Senators Barnes, Blair, Boley, Carmichael, Green, M. Hall, Jenkins, Williams, Plymale, D. Hall, Cookman and Nohe:

Senate Bill No. 525—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting pensions and annuities from the Public Employees Retirement System and the Teachers Retirement System from state income tax.

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

By Senators Chafin, Fitzsimmons, Yost and Cookman:

Senate Bill No. 526—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 Labor; and then to the Committee on the Judiciary.

By Senators Wells, Kessler (Mr. President), Edgell, Fitzsimmons, Green, Laird, Miller, Snyder, Unger, Yost, D. Hall, Cookman, Nohe, Beach and Stollings:

Senate Bill No. 527—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-6-8 of said code, all relating to prohibiting the sale of beer and wine at self-scan registers; and application of current criminal penalties associated with other offenses of retail licensees of nonintoxicating beer, beer and wine.

Referred to the Committee on the Judiciary.

By Senator Laird:

Senate Bill No. 528—A Bill to amend and reenact §18B-19-6 and §18B-19-7 of the Code of West Virginia, 1931, as amended, all relating generally to higher education capital spending projects; requiring a legislative rule be promulgated that establishes the level of a capital project of a higher education institution, other than Marshall University and West Virginia University, before it must be approved; requiring the rule to delineate between repair projects and new construction; requiring the rule to provide for annual increases that are consistent with increases in the consumer price index; and providing that institutions that have entered into construction contracts averaging less than \$20 million over the most recent rolling five-year period and capital projects exceeding \$1 million for community and technical colleges be monitored instead of managed.

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

By Senators Cole, Barnes, Blair, Carmichael, M. Hall, Nohe and Walters:

Senate Bill No. 529—A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to adding aircraft operations on private airstrips and farms to the definition of “recreational purposes”.

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

By Senators Cann, D. Hall, Kirkendoll, Yost, Tucker, Green, Plymale and Jenkins:

Senate Bill No. 530—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-20, relating to establishing separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units; and establishing separate standards of performance for natural gas-fired electric generating units.

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

By Senator Stollings:

Senate Bill No. 531—A Bill to amend and reenact §30-6-8, §30-6-10 and §30-6-17 of the Code of West Virginia, 1931, as amended, all relating to funeral service and embalming licenses; modifying educational requirements; prohibiting a funeral director who is currently on probation or other disciplinary action from supervising an apprentice during the period of disciplinary action; and extending certain time frames.

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

By Senators Unger and Stollings:

Senate Bill No. 532—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 Government Organization; and then to the Committee on Finance.

By Senators Miller and Williams:

Senate Bill No. 533—A Bill to amend and reenact §19-14-1, §19-14-2, §19-14-5 and §19-14-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-14-16, all relating to commercial feed; revising definitions; updating certain provisions; adding a small producer category; clarifying fees and penalties are set by rule; and permitting emergency and legislative rules.

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

Senators D. Hall, Green, Jenkins, Beach, Stollings and Cole offered the following resolution:

Senate Concurrent Resolution No. 29—Requesting the Division of Highways to erect a sign at the intersection of Slab Fork Road, Amy Lane and Harlock Lane in Slab Fork, Raleigh County, West Virginia, on County Route 28/1 that states “Birthplace of Bill Withers, noted Grammy Award-winning recording artist”.

Whereas, William Harrison “Bill” Withers, Jr., a singer, songwriter and musician, was born July 4, 1938, in the small coal mining town of Slab Fork, West Virginia. He was the youngest of six children and raised in nearby Beckley, West Virginia. His father died when Bill was thirteen; and

Whereas, Bill Withers enlisted in the United States Navy at age seventeen and served for nine years, during which time he became interested in singing and writing songs. Bill was discharged from the Navy in 1965, and he relocated to Los Angeles in 1967 to begin a musical career. He worked as an assembler for several different companies, including Douglas Aircraft Corporation, while recording demo tapes with his own money and performing in clubs at night. Bill would keep his day job as an assembler well after his subsequent breakthrough success in the music business because of his belief that it was a fickle industry; and

Whereas, On the strength of Bill’s demonstration tapes, he was signed to a record deal by Sussex Records in 1970 and Booker T. Jones was assigned to produce his first album. “Just as I Am” was released in 1971 and included the single tracks, “Ain’t No Sunshine” and “Grandma’s Hands”. Bill won the 1972 Grammy Award for best R&B Song for “Ain’t No Sunshine” and he was also awarded a R. I. A. A. platinum disc for the song. Bill Withers’ second album, “Still Bill”, which was described as “a stone-soul masterpiece” by *Rolling Stone* magazine, was released in 1972 and included the hit singles “Lean on Me” and “Use Me”. The single “Lean on Me” went to number one the week of July 8, 1972, and Bill was awarded

a R. I. A. A. gold disc for the song. The single “Use Me” became his third million seller and brought him another gold disc award. Bill won a second Grammy Award in 1982 for Best R&B Song for “Just the Two of Us”, which was recorded with Grover Washington, Jr.; and

Whereas, Bill Withers was inducted into the Songwriters Hall of Fame in 2005, and he was honored by the American Society of Composers, Authors and Publishers in 2006 with the society’s Rhythm & Soul Heritage Award, which is presented to ASCAP members who have had a major impact on the legacy of rhythm and soul music. Additional honors include multiple Millionaires citations from Broadcast Music Incorporated (BMI); a Soul Train Hall of Fame award; two NAACP Image awards; induction into the inaugural class of the West Virginia Music Hall of Fame; and a Clio award. In 2007 “Lean on Me” was enshrined in the Grammy Hall of Fame; and

Whereas, In addition to his outstanding musical contributions, Bill Withers has also done good works for his native area, including generously donating to help restore Greenwood Memorial Park Cemetery in Beckley and commissioning a painting entitled “Grandma’s Hands” for display at Tamarack in Beckley; and

Whereas, It is only fitting that we recognize Bill Withers for his many accomplishments and for the pride he has instilled in all West Virginians by placing this marker in the town of his birth; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect a sign at the intersection of Slab Fork Road, Amy Lane and Harlock Lane in Slab Fork, Raleigh County, West Virginia, on County Route 28/1 that states “Birthplace of Bill Withers, noted Grammy Award-winning recording artist”; 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 Bill Withers.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons, Cookman, Yost and Beach offered the following resolution:

Senate Resolution No. 23—Designating February 10, 2014, as Fairness West Virginia Day at the Legislature.

Whereas, Fairness West Virginia is a statewide civil rights advocacy organization dedicated to the fair treatment and civil rights of lesbian, gay, bisexual and transgendered West Virginians; and

Whereas, Fairness West Virginia works to ensure lesbian, gay, bisexual and transgendered West Virginians can be open, honest and safe at home, work and in the community; and

Whereas, Fairness West Virginia works to promote diversity in West Virginia; and

Whereas, There are fifty-seven thousand lesbian, gay, bisexual and transgendered West Virginians living, working and raising families in the Mountain State; and

Whereas, 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 recognizing the work that Fairness West Virginia does each day for the betterment of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 10, 2014, as Fairness West Virginia Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of Fairness 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 seventh order of business.

Senate Concurrent Resolution No. 28, Requesting DOH name road in Logan County the “Joshua Walls Memorial Highway”.

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

Senate Resolution No. 21, Urging Supervalu, Inc., reconsider closing Milton warehouse.

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

House Concurrent Resolution No. 42, Biggert-Waters Flood Insurance Reform Act of 2012.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Banking and Insurance, were reported by the Clerk, considered simultaneously, and adopted:

On page three, by striking out everything after the twelfth Whereas clause and inserting in lieu thereof the following:

Resolved by the Legislature of West Virginia:

That the Legislature expresses the support of urging Congress to revise the Biggert-Waters Flood Insurance Reform Act of 2012; and, be it

Further Resolved, That the Legislature hereby strongly urges the United States Congress to revisit and revise the Biggert-Waters Flood Insurance Reform Act of 2012 in hopes that the unfair burden and hardship placed on West Virginia residents and businesses can be removed; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to all members of the United States Senate representing West Virginia, all members of the West Virginia congressional delegation, the Majority Leader of the United States Senate and the Speaker of the United States House of Representatives.;

And,

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

House Concurrent Resolution No. 42—Expressing the support of the Legislature urging Congress to revise the Biggert-Waters Flood Insurance Reform Act of 2012.

The question 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.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill No. 426, Relating to appointments to certain higher education commissions, councils and 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. 426) 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. 426) 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. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

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

At the request of Senator Prezioso, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill No. 470, Providing completed grand jury questionnaires are confidential.

On third reading, 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. 470) 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. 90, Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.

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

Senate Bill No. 403, Regulating importation and possession of certain injurious aquatic species.

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

Senate Bill No. 454, Defining dam “owner”.

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. 133, Authorizing DEP 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. 458, Imposing additional circuit court fees to fund low-income persons’ civil legal services.

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

Senate Bill No. 483, Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

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

Senate Bill No. 515, Repealing section relating to state aid for students of veterinary medicine.

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

On motion of Senator Unger, the bill was then referred to the Committee on Finance.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Walters.

Thereafter, at the request of Senator Sypolt, and by unanimous consent, the remarks by Senator Walters were ordered printed in the Appendix to the Journal.

At the request of Senator Walters, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

Senator Walters then moved that the Senate reconsider the vote by which in earlier proceedings today it rejected

Senate Resolution No. 12, Amending Senate Rule No. 28 relating to setting committee agendas.

The question being on the adoption of the aforesaid motion by Senator Walters, and on this question, Senator Walters demanded the yeas and nays.

The roll being taken, the yeas were: Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, McCabe, Nohe, Sypolt and Walters—11.

The nays were: Beach, Cann, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—23.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the aforesaid motion by Senator Walters had not prevailed.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senators Green, M. Hall and Beach.

Thereafter, at the request of Senator D. Hall, and by unanimous consent, the remarks by Senator Green were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the sixth order of business.

Petitions

Senator Plymale presented a petition from fifty West Virginia county boards of education, requesting an increase in education employees' salaries up to a competitive level with surrounding states.

Referred to the Committee on Education.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 11, 2014, at 11 a.m.

TUESDAY, FEBRUARY 11, 2014

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 Monday, February 10, 2014,

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.

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. 4214—A Bill to amend and reenact §27-7-1 of the Code of West Virginia, 1931, as amended, relating to persons being discharged from mental health facilities; requiring that mental health facilities offer patients being discharged assistance in identifying and designating a person to serve as durable medical power of attorney; and requiring that such assistance include notifying patients of the advantages of designating a durable medical power of attorney and providing information regarding executing the required documents.

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. 4278—A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, relating to procedures by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery through the corporation; establishing licensing requirements; requiring an application; establishing shareholder requirements; authorizing the board to establish fees; establishing procedures for medical corporations formed outside of the state; providing notice and procedural requirements for the Secretary of State; authorizing physicians or podiatrists to be employees of a medical corporation; requiring a certificate of authorization; setting forth conditions under which the medical corporation cease operations; and criminal penalty.

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. 4336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40, relating to state control of county schools and school systems; limiting duration of state board intervention in operation of schools and school systems; requiring certain actions, oversight and support during periods of intervention; recommendations for return of control; and limiting subsequent intervention for certain period; providing exception if public hearing held; and requiring certain continued support.

Referred to the Committee on Education.

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. 83, Providing personal income tax deduction for spaying or neutering pets.

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 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. 263, Clarifying continuous inactivity of demand, savings or time deposits under Uniform Unclaimed Property 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,

Gregory A. Tucker,
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. 307, Authorizing community corrections programs to operate pretrial release program.

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

Com. Sub. for Senate Bill No. 307 (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 upon subsequent conviction; 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; setting forth the duties of pretrial release programs; and clarifying that a circuit judge or a magistrate may impose a secured bond on participants in pretrial release 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. 327, Updating terms in Corporation Net Income Tax Act.

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. 356 (originating in the Committee on Government Organization), Relating to purchasing reforms.

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

Com. Sub. for Com. Sub. for Senate Bill No. 356 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §5A-1-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-1-10; to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4,

§5A-3-5, §5A-3-11, §5A-3-17, §5A-3-28, §5A-3-30 and §5A-3-31 of said code; and to amend said code by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60, all relating generally to purchasing; revising definitions; eliminating definitions; defining terms; requiring state spending units purchase commodities and services on a competitive basis where possible; authorizing the Secretary of the Department of Administration to issue a notice to cease and desist when purchases are not made on a competitive basis; clarifying the purposes and policies of the Purchasing Division; clarifying applicability of article; clarifying that procurements must include adequate specifications and descriptions; clarifying the powers and duties of the Director of Purchasing; authorizing the Director of Purchasing to issue a notice to cease and desist when purchases are not made on a competitive basis; ensuring the purchasing requirements apply to services and commodities; authorizing reverse auctions for purchasing commodities; permitting third-party vendors to administer reverse auctions; affording the Director of the Purchasing Division rule-making authority to implement reverse auctions; authorizing master contracts and direct order process for the direct procurement of certain commodities; defining additional terms; requiring approval of the Director of the Purchasing Division for master contracts; setting forth direct order requirements and procedures; authorizing direct order of commodities in certain amounts; permitting direct order of certain commodities in excess of statutory amount with the written approval of the Director of Purchasing; affording the Director of the Purchasing Division rule-making authority to establish procedures regarding master contracts, preapproval, direct ordering process and related matters; clarifying circumstances in which grants are exempt from competitive bidding requirements; imposing personal liability upon spending officers and other responsible individuals who have knowingly and willfully violated competitive bidding requirements; creating felony offense for acting alone to undermine competition; requiring certain executive department officials to attend annual training on purchasing procedures; and making technical corrections.

With the recommendation that the committee substitute for 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. 427, Relating to motor vehicle insurance.

And,

Senate Bill No. 480, Expanding period during which certain motor vehicle liens are valid.

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.

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. 443, Relating to SPRS.

Senate Bill No. 444, Relating to PERS.

Senate Bill No. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

And,

Senate Bill No. 453, Relating to TRS.

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

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

Senate Bill No. 469, Creating program to support veterans in agricultural opportunities.

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

Com. Sub. for Senate Bill No. 469 (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 §19-1-11, relating to the Veterans and Warriors to Agriculture Program; granting the Department of Agriculture the authority to integrate veterans into

the field of agriculture; creating the Veterans and Warriors to Agriculture special revenue account and fund; exempting the Department of Agriculture from certain purchasing requirements; requiring state departments to work together; and permitting 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. 469), 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, Prezioso, Kessler (Mr. President) and McCabe:

Senate Bill No. 534—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 that the additional revenues be deposited into the West Virginia Medical Services Fund for the next two fiscal years.

Referred to the Committee on Finance.

By Senators Tucker, Laird, D. Hall and Miller:

Senate Bill No. 535—A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, relating to ginseng

dealers; and clarifying that persons who buy dried ginseng root for retail sales are not dealers.

Referred to the Committee on Natural Resources.

By Senators Stollings, Plymale, Unger, Yost, Kessler (Mr. President), Tucker, Cookman, Carmichael and Nohe:

Senate Bill No. 536—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to granting in-state tuition rates to veterans who were honorably discharged or received a discharge related to a medical issue resulting from their military service.

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

By Senators Edgell, Snyder and Kessler (Mr. President):

Senate Bill No. 537—A Bill to amend and reenact §18B-10-1 of the Code of West Virginia, 1931, as amended, relating to fees, tuition and other fees at state institutions of higher education; providing that state institutions of higher education may apply for an alternative fee and tuition schedule if in the best interest of the mission of the institution; and providing that fees used solely for the purpose of complying with the Americans with Disabilities Act are exempt from the limitations on fee increases set forth in this section.

Referred to the Committee on Education.

By Senators Snyder, Unger, Barnes, Cole and Carmichael:

Senate Bill No. 538—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6-13-1 of said code, all relating to disabled veteran's preference eligibility in hiring for state civil service jobs; and resident vendor bidding on state contracts.

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

By Senators Green, Stollings, D. Hall, Cookman, Barnes, Carmichael and Nohe:

Senate Bill No. 539—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; persons possessing deadly weapons on premises of educational facilities; and exempting law-enforcement officers acting as security for schools from the prohibitions of this section when certain conditions are met.

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

By Senators Plymale, D. Hall, Green, Stollings and Jenkins:

Senate Bill No. 540—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary School Activities Commission to promulgate rules that allow a college preparatory team to elect to be recognized as a member; and setting forth provisions the rule shall include.

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

Senators Green, D. Hall, Plymale, Unger, Stollings, Kessler (Mr. President), Jenkins, Williams, Tucker, Laird and Miller offered the following resolution:

Senate Resolution No. 24—Recognizing Steve Antoline, the 2014 West Virginia Outstanding Tree Farmer of the Year.

Whereas, Steve Antoline owns and manages a 2,097-acre tree farm in Nicholas County, West Virginia; and

Whereas, Steve Antoline made a formal commitment to sound forest management practices in 2009 by enrolling in the West Virginia Tree Farm Program; and

Whereas, Steve Antoline is committed to the long-term productivity of his property by performing sustainable forest management through selective timber harvests, timber stand improvement thinnings, wildlife habitat improvement practices, improved road access and water resource enhancement practices; and

Whereas, Over six hundred thousand board feet of storm-damaged hemlock was harvested from the Antoline Tree Farm and used to build more than three hundred twenty shower houses for the Summit Bechtel Boy Scout Reserve; and

Whereas, Steve Antoline makes his property available for numerous educational programs and tours for visitors throughout the world; and

Whereas, Steve Antoline's Madison Farms Tree Farm is enrolled in the MWV Cooperative Forest Management (CFM) Program and receives professional forest management assistance by CFM forester Rick Persinger; and

Whereas, For his dedication and commitment to his profession, Steve Antoline was selected as West Virginia's Outstanding Tree Farmer for 2014 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Steve Antoline, the 2014 West Virginia Outstanding Tree Farmer of the Year; and, be it

Further Resolved, That the Senate congratulates and commends Steve Antoline for receiving this distinguished award and wishes him more success in the future; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Steve Antoline.

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.

Thereafter, at the request of Senator D. Hall, and by unanimous consent, the remarks by Senators Green and Tucker regarding the adoption of Senate Resolution No. 24 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 seventh order of business.

Senate Concurrent Resolution No. 29, Requesting DOH erect sign in Raleigh County “Birthplace of Bill Withers, noted Grammy Award-winning recording artist”.

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. 90, Creating criminal offense for interfering or preventing call for assistance of emergency service 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 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. Senate Bill No. 403, Regulating importation and possession of certain injurious aquatic species.

On third reading, 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 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. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

On third reading, 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. 450) 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. 450) 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. 454, Defining dam “owner”.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

Senator Plymale moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed Senate Bill No. 454.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 454) 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. 133, 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. 458, Dedicating certain circuit court fees to fund low-income persons' civil legal services.

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

Senate Bill No. 483, Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

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 twelfth order of business.

Remarks were made by Senators Barnes and Wells.

Thereafter, at the request of Senator Yost, and by unanimous consent, the remarks by Senator Wells were ordered printed in the Appendix to the Journal.

At the request of Senator Cann, unanimous consent being granted, the Senate returned 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 Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill No. 474** (*Allowing disposal of drill cuttings from well sites in commercial solid waste facilities*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, February 12, 2014, at 11 a.m.

WEDNESDAY, FEBRUARY 12, 2014

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 Tuesday, February 11, 2014,

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.

At the request of Senator Chafin, 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 Jim Crawford, Kanawha County Board of Education member and Personal Representative of the Scottish Rite's Sovereign Grand Inspector General, and Letitia Neese Chafin, wife of the Honorable H. Truman Chafin, a senator from the sixth district, 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 concurrence by that body in the Senate amendments to, and the adoption as amended, with its Senate amended title, of

House Concurrent Resolution No. 42, Biggert-Waters Flood Insurance Reform Act of 2012.

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 12th day of February, 2014, 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. 4177), Making a supplementary appropriation to various agencies.

And,

(H. B. No. 4182), Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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. 30, Exempting autocycles from license examination and safety equipment requirements.

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

Com. Sub. for Senate Bill No. 30 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact

§17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining “autocycle”; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other safety requirements; and deleting obsolete language regarding the motorcycle safety and education committee.

Senate Bill No. 95, Creating felony offense for DUI causing serious bodily injury.

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

Com. Sub. for Senate Bill No. 95 (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 recklessly cause serious bodily injury to another person; and establishing and increasing penalties for first and subsequent violations of certain offenses.

And,

Senate Bill No. 378, Redefining “authorized emergency vehicle” to include garbage trucks and other sanitation vehicles.

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

Com. Sub. for Senate Bill No. 378 (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 section, designated §17C-6-11; and to amend and reenact §17C-15-26 of said code, all relating to speed limitations and lamps on certain motor

vehicles; directing that no person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour under certain circumstances; defining “waste service vehicle”; setting forth situations in which the special speed limit applies; providing penalties, including fines and incarceration; and permitting service vehicles to be equipped with special lights.

With the recommendation that the three committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert D. Beach,
Chair.

The bills (Com. Sub. for S. B. Nos. 30, 95 and 378), 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. 88, Relating to claims for total loss and debris removal proceeds under farmers’ mutual fire insurance companies.

Com. Sub. for Senate Bill No. 384, Prohibiting certain insurers require policyholders use mail-order pharmacy.

And,

Com. Sub. for Senate Bill No. 434, Eliminating revocation period for certain DUI offenders.

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. 322, Providing state compensate officials, officers and employees every two weeks.

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

Com. Sub. for Senate Bill No. 322 (originating in the Committee on Finance)—A Bill to amend and reenact §6-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing state agencies, state institutions of higher education and the Higher Education Policy Commission to transition all employees, officers and officials, except elected officials, into payment in arrears and to pay employees biweekly as part of the standardization of the state's accounting and payroll functions under the Enterprise Resource Planning Board.

With the recommendation that the committee substitute 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. 379, Reclassifying counties.

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

Com. Sub. for Senate Bill No. 379 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-7-3, §7-7-4 and §7-7-6b of the Code of West Virginia, 1931, as amended, all relating to counties; reclassifying counties from ten classes to five classes; increasing the salaries of county commissioners and elected county officials; clarifying that the salary increases for county commissioners and elected county officials take effect with the new term of office; authorizing an automatic salary increase every two years; clarifying that the automatic salary increases only take effect with the new term of office; providing that the State Auditor shall not be held liable for relying upon information and data provided by a county commission in certifying a county's annual budget; and clarifying assessors' additional compensation classifications.

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. 379), 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. 402, Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

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. 412, Defining “dyslexia” for education purposes.

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.

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. 420 (originating in the Committee on Education), Relating to data sharing in P-20W Longitudinal Data System.

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

Com. Sub. for Com. Sub. for Senate Bill No. 420 (originating in the Committee on Finance)—A Bill to amend and reenact §18B-1D-10 of the Code of West Virginia, 1931, as amended, relating to adding the Bureau for Children and Families, Workforce West Virginia and the West Virginia Supreme Court of Appeals to the existing entities that are to enter into a state data-sharing compact; adding child care and workforce data to the data that is to be included in the P-20W Longitudinal Data System; revising legislative findings; adding definitions; creating a governing board of the P-20W Longitudinal Data System; setting forth membership of the board; setting forth authority and duties of the board; adding requirements for the Bureau for Children and Families, the State Board of Education, the Higher Education Policy Commission, the Council for Community and Technical College Education and Workforce West Virginia; requiring the data warehouse to be housed within the West Virginia Network for Educational Telecomputing; and adding components to the state data-sharing compact.

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. 422, Expanding state aid for students of certain health professions.

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

Com. Sub. for Senate Bill No. 422 (originating in the Committee on Finance)—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 for future students; setting forth alternatives to service; requiring legislative rule; and specifying rule provisions.

With the recommendation that the committee substitute 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. 425, Relating to licensure, supervision and regulation of physician assistants.

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

Com. Sub. for Senate Bill No. 425 (originating in the Committee on Health and Human Resources)—A Bill to repeal §30-3-16 and §30-3-16a of the Code of West Virginia, 1931, as amended; to repeal §30-14A-1, §30-14A-2, §30-14A-3, §30-14A-4 and §30-14A-5 of

said code; and to amend said code by adding thereto a new article, designated §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-5, §30-3E-6, §30-3E-7, §30-3E-8, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-13, §30-3E-14, §30-3E-15 and §30-3E-16, all relating to the licensure, supervision and regulation of physician assistants by the West Virginia Board of Medicine; defining term; providing for rule-making authority; setting forth licensing requirements; providing for a temporary license; providing for a practice agreement; setting out practice agreement requirements; setting forth requirements for a supervising physician; setting forth requirements for an alternate supervisory physician; providing for prescriptive authority for physician assistants; setting limits on the number of full-time physician assistants which may be supervised by a single supervisory physician; providing for emergency practice provisions; and providing for a summer camp license.

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. 425), under the original double committee reference, was then referred to the Committee on Government Organization.

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. 449, Relating to power and authority of Secretary of Department of Veterans' Assistance.

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

Com. Sub. for Senate Bill No. 449 (originating in the Committee on Military)—A Bill to amend and reenact §9A-1-2, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of the Code of West Virginia, 1931, as amended, all relating to the administration of the Department of Veterans' Assistance; redesignating employment positions within the department; providing additional power and authority to the secretary; modifying duties of the Veterans' Council; authorizing the award of grants to support the transportation of veterans to veterans' hospitals or to veterans' assistance offices; and revising language related to the Veterans Facilities Support Fund, which is continued, to include an additional veterans' skilled nursing facility in Beckley, West Virginia, and providing for the acquisition of property on which to build the facility.

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,

Erik P. Wells,
Chair.

The bill (Com. Sub. for S. B. No. 449), under the original double committee reference, was then referred to the Committee on Government Organization.

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. 468, Providing for Veterans Medal and Service Cross.

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 Government Organization.

Respectfully submitted,

Erik P. Wells,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization, with an amendment from the Committee on Military 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. 486, Establishing salaries and providing raises for State Police forensic lab employees.

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

Com. Sub. for Senate Bill No. 486 (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to establishing salaries and providing raises for employees within the West Virginia State Police Forensic Laboratory; and requiring the Director of the State Police Crime Laboratory to submit a report on its ability to retain employees to the Joint Committee on Government and Finance before January 1, 2018.

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. 486), 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. 492, Requiring State Board of Pharmacy develop specialty drugs list.

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

Com. Sub. for Senate Bill No. 492 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-35, all relating to specialty drugs; defining terms; requiring Board of Pharmacy to develop a list of specialty drugs; requiring consultation with state pharmacy schools; requiring publication of the list of specialty drugs in the state register; establishing criteria to select speciality drugs; requiring pharmacy benefits managers to follow list developed by the Board of Pharmacy; providing certain pharmacies and pharmacists with the opportunity to dispense specialty drugs; and specifying reimbursement requirements for pharmacy benefits managers for specialty drugs.

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. 492), 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. 503, Revising Child Welfare 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 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 Wells, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill No. 523, Providing for additional state veterans skilled nursing facility in Beckley.

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

Com. Sub. for Senate Bill No. 523 (originating in the Committee on Military)—A Bill to amend and reenact §9A-1-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1B-1, §16-1B-2 and §16-1B-3 of said code; to amend and reenact §16-29A-3 and §16-29A-7 of said code; to amend and reenact §19-1-4 of said code; and to amend and reenact §29-22-9a of said code, all relating to construction of an additional state veterans' skilled nursing facility; authorizing Veterans Facilities Support Fund expenditures; authorizing the issuance of bonds by the Hospital Finance Authority; authorizing the Secretary of the Department of Veterans' Assistance and the Commissioner of the Department of Agriculture to enter into agreement to transfer certain property; and authorizing expenditures from the Veterans Lottery Fund, the Veterans Nursing Homes Building Fund and the Veterans Nursing Homes Debt Service Fund.

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.

The bill (Com. Sub. for S. B. No. 523), 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 Concurrent Resolution No. 27, Urging President and Congress establish provisions to prevent and respond to chemical spills in state and national waters.

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

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolution (S. C. R. No. 27) contained in the preceding report from the Committee on Health and Human Resources 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.

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 McCabe, Beach and Palumbo:

Senate Bill No. 541—A Bill to amend and reenact §55-3A-1 of the Code of West Virginia, 1931, as amended, relating to remedies for wrongful occupation of residential rental property; defining “agent of the owner”; and providing certain rights to tenants who have the authority to sublet their leased premises.

Referred to the Committee on the Judiciary.

By Senators Wells, Unger, Jenkins, Plymale, Palumbo and Beach:

Senate Bill No. 542—A Bill to amend and reenact §22-11-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-11-31, all relating to release of fluids or chemicals; definitions; requiring notification of release; and providing penalties for failure to submit notification.

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

By Senators Edgell, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Plymale, Blair, D. Hall, M. Hall, Sypolt, Wells, Walters, Boley, Beach and Nohe:

Senate Bill No. 543—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 and §5B-2I-7, 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 Laird and Cookman:

Senate Bill No. 544—A Bill to amend and reenact §49-7-1 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Juvenile Services to share juvenile records under certain

circumstances with another state if that state has a reciprocal agreement with this state; specifying the circumstances in which information may be shared; authorizing the Division of Juvenile Services to enter into agreements with other states; and authorizing rule-making authority.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senators Laird and Cookman:

Senate Bill No. 545—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

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

By Senators Wells, Jenkins, Carmichael, Williams and D. Hall:

Senate Bill No. 546—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-1d, relating to requiring state institutions of higher education to charge resident tuition rates to resident and nonresident members of the military eligible for educational benefits under 38 U. S. C. §3311.

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

By Senators Palumbo, Beach and Nohe:

Senate Bill No. 547—A Bill to amend and reenact §8-5-7 of the Code of West Virginia, 1931, as amended, relating to increasing or

decreasing the number of municipal wards or election districts and council members.

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

By Senators Palumbo, Carmichael, Green, Stollings and Beach:

Senate Bill No. 548—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend and reenact §60-8-3 of said code, all relating to creating a special one-day license for charitable events to sell nonintoxicating beer; and setting a \$25 fee.

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

By Senators Tucker, Palumbo, Plymale and Sypolt:

Senate Bill No. 549—A Bill to amend and reenact §48-13-302 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-18-126 of said code, all relating to the calculation of child support obligations; and the review and adjustment of child support orders.

Referred to the Committee on the Judiciary.

By Senators Miller, Jenkins, Carmichael, D. Hall, Sypolt and Green:

Senate Bill No. 550—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a \$2,008 annual salary increase for employees of the Division of Corrections.

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

By Senators Laird, Unger and Beach:

Senate Bill No. 551—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-3a, relating to requiring municipal law-enforcement officers to wear certain armored vests when feasible; and requiring municipal police chiefs to create a policy regarding the mandatory use of certain armored vests.

Referred to the Committee on Government Organization.

By Senators Plymale, Tucker, D. Hall, Palumbo and Nohe:

Senate Bill No. 552—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for illegally transporting Schedule I and II narcotic controlled substances into the state by making the penalty a determinate sentence of not more than fifteen years.

Referred to the Committee on the Judiciary.

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

Senate Bill No. 553—A Bill to amend and reenact §3-5-24 of the Code of West Virginia, 1931, as amended, relating to where certificates of nomination are filed for municipal elections; filing deadlines for certificates of nomination for municipal elections not held in conjunction with regular state and county general elections; and clarifying with whom the certificates are filed and to whom the fees are to be paid.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons and Yost:

Senate Bill No. 554—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, §21-16-3, §21-16-4, §21-16-5, §21-16-6 and §21-16-7, all relating to protecting the health and safety of employees against the effects of silicosis and other respiratory diseases which may result from the dry cutting of masonry units;

prohibiting dry cutting of masonry units under certain circumstances; providing the Commissioner of Labor enforcement authority; and allowing imposition of civil penalties on violators, including procedures for imposition, appeal and collection.

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

By Senators Cookman and Plymale:

Senate Bill No. 555—A Bill to amend and reenact §44A-2-7 of the Code of West Virginia, 1931, as amended, relating to appointing counsel for an alleged protected person; and requiring the circuit court to make appointments from a listing of all interested and qualified attorneys in the circuit and on a rotating basis.

Referred to the Committee on the Judiciary.

By Senators Cookman and Yost:

Senate Bill No. 556—A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; and providing for the issuance, without charge in certain instances, of up to five certified copies of a veteran's death certificate by the clerk of the county commission.

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

By Senators Cookman and Unger:

Senate Bill No. 557—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 Facemire, Edgell and Blair:

Senate Bill No. 558—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.

By Senators Edgell, Fitzsimmons, Cookman, Wells, Miller, Walters, Plymale and Yost:

Senate Bill No. 559—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to eliminating late fees charged by the Secretary of State; and eliminating fees charged to domestic corporations, foreign corporations, domestic limited liability companies and foreign limited liability companies for the late filing of annual reports.

Referred to the Committee on Government Organization.

By Senators Unger, Beach, Cann, Cookman, Fitzsimmons, D. Hall, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Tucker, Wells, Yost, Chafin, Barnes, Boley, Carmichael, Cole, Jenkins, Nohe, Walters, Stollings, Kessler (Mr. President) and Green:

Senate Joint Resolution No. 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article II thereof, by adding thereto a new section, designated section nine, relating to claiming the water resources of the state for the people; preserving riparian rights; 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 Williams, Unger, D. Hall, Sypolt and Edgell offered the following resolution:

Senate Concurrent Resolution No. 30—Requesting the Division of Highways to name bridge number 1-11-6.35 (01A016), located 0.01 miles east of County Route 36 on County Route 11 and crossing over the Middle Fork River, the “Army Sergeant John A. Charnoplosky Memorial Bridge”.

Whereas, John A. Charnoplosky was born December 31, 1952, at Buckhannon, West Virginia, the son of George Charnoplosky and Dorothy Lee Charnoplosky Weekley; and

Whereas, John A. Charnoplosky had three brothers, Tony A., Philip W. and George Charnoplosky; and

Whereas, John A. Charnoplosky had a stepfather, Lee Weekley, stepsisters Mrs. Pam Spencer and Mrs. Nancy Hall and stepbrother Norman Weekley; and

Whereas, John A. Charnoplosky graduated from Philip Barbour High School in 1970, where he was an outstanding athlete, lettering in football, track and wrestling; and

Whereas, Sergeant John A. Charnoplosky was serving as a door gunner on a UHI helicopter for the 187th Assault Helicopter Company on November 15, 1971, when he died as a result of a mid-air collision with another UHI helicopter as they were returning to refuel after landing South Vietnamese troops on a combat operation ten miles east of the Cambodian border; and

Whereas, Sergeant John A. Charnoplosky is listed on the wall of the Vietnam Veterans Memorial in Washington, D. C., at Panel W2, Line 67; and

Whereas, During his service, Sergeant John A. Charnoplosky frequently participated in more than two flights per day over hostile territory in support of counterinsurgency operations; and

Whereas, Sergeant John A. Charnoplosky was awarded two Air Medals for heroism and a Purple Heart; and

Whereas, It is proper that an enduring reminder be dedicated to the memory of the service and sacrifice given by Sergeant John A. Charnoplosky; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 1-11-6.35 (01A016), located 0.01 miles east of County Route 36 on County Route 11 and crossing over the Middle Fork River, the “Army Sergeant John A. Charnoplosky 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 containing bold and prominent letters proclaiming the bridge the “Army Sergeant John A. Charnoplosky 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 family members of Army Sergeant John A. Charnoplosky.

Which, under the rules, lies over one day.

Senators Tucker, Barnes, Plymale, Stollings, Unger, Jenkins, Williams, D. Hall, Palumbo, McCabe, Beach and Fitzsimmons offered the following resolution:

Senate Concurrent Resolution No. 31—Recognizing the National Radio Astronomy Observatory’s West Virginia Center for STEM Education located in Green Bank, West Virginia, as a preeminent facility for scientific, engineering, machining and STEM education.

Whereas, The National Radio Astronomy Observatory was founded in 1956 to provide state-of-the-art radio telescope facilities

for use by the international scientific community to research the universe; and

Whereas, West Virginia's great late Senator Robert C. Byrd secured funding for a radio telescope at Green Bank and, upon the telescope's opening in 2000, the facility was named in his honor; and

Whereas, The 100-m Green Bank Telescope has the largest collecting areas of any fully steerable telescope in the world; and

Whereas, Scientists from around the world use the Green Bank Telescope to observe the skies for more than six thousand hours every year; and

Whereas, The Green Bank Telescope stokes the interest in the skies of over forty thousand visitors per year; and

Whereas, The National Radio Astronomy Observatory has more than fifty years' experience in nationally recognized STEM education programs and activities, currently hosts over three thousand students in educational programs annually and hosts numerous major world-class scientific instruments in use on site; and

Whereas, The National Radio Astronomy Observatory is poised to expand its STEM education capabilities within West Virginia; and

Whereas, The State of West Virginia has a vested interest in expanding its STEM educational opportunities to all residents; and

Whereas, The annual economic impact on Pocahontas County equals or exceeds \$29 million and is one of the largest employers within Pocahontas County; and

Whereas, The Green Bank Telescope has received approximately \$119 million from the United States Congress and the National Science Foundation; and

Whereas, The National Science Foundation's Astronomy Portfolio Review Committee recommended in 2012 that the Robert C. Byrd Green Bank Telescope will cease to be funded over a five-year period; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the National Radio Astronomy Observatory's West Virginia Center for STEM Education located in Green Bank, West Virginia, as a preeminent facility for scientific, engineering, machining and STEM education; and, be it

Further Resolved, That the Legislature recognizes Green Bank STEM Education as an exemplary school for STEM education that will work in conjunction with other STEM-related academies and entities throughout the State of West Virginia; and, be it

Further Resolved, That the Legislature encourages the National Radio Astronomy Observatory's Green Bank facility create an equal partnership with Marshall University and West Virginia University for the purposes noted herein; and, be it

Further Resolved, That the State of West Virginia will seek funding to preserve and enhance the asset, the Robert C. Byrd Green Bank Telescope, for educational and scientific purposes; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Robert C. Byrd Green Bank Telescope, Marshall University and West Virginia University.

Which, under the rules, lies over one day.

Senators Kessler (Mr. President), Stollings, Unger, Jenkins, Williams, Plymale, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe, Beach and Fitzsimmons offered the following resolution:

Senate Resolution No. 25—Recognizing the West Virginia Women’s Commission on Women’s Day at the Legislature.

Whereas, The West Virginia Women’s Commission is celebrating nearly four decades 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 its 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 their annual Women’s Day at the Legislature, 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 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 recognizes the West Virginia Women’s Commission on 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 Plymale, Stollings, Unger, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Tucker, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe and Fitzsimmons offered the following resolution:

Senate Resolution No. 26—Designating February 12, 2014, as Marshall University Day.

Whereas, The year 2014 marks the 177th anniversary of Marshall University, which was founded in 1837 in honor of Chief Justice John Marshall; and

Whereas, Marshall University educates nearly fourteen thousand students globally online and at campuses and centers 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 has built a national reputation for research in biotechnology, forensics and medicine; and

Whereas, Marshall University is building the spectacular \$56 million Arthur Weisberg Family Applied Engineering Complex, which will open in Spring, 2015; and

Whereas, Marshall University is cultivating the arts and urban renewal with the opening of its downtown Huntington Visual Arts Center in August, 2014; and

Whereas, With every dollar the state invests in Marshall University, the university generates \$20 for the West Virginia economy, resulting in an economic impact 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 sets national standards in transportation research; and

Whereas, Marshall University's health sciences programs train West Virginians to serve as doctors, nurses, therapists and health professionals each year; and

Whereas, In 2013, Marshall's football team, under the guidance of Coach Doc Holliday, returned to its glory days with ten victories, a Conference USA East Division Conference Championship and a 31-20 win over Maryland in the Military Bowl in Washington, D.C.; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 12, 2014, 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.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator M. Hall regarding the adoption of Senate Resolution No. 26 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 Fitzsimmons, Beach, Cann, Chafin, Cookman, Edgell, Facemire, Kirkendoll, Williams, Yost, Snyder and Green offered the following resolution:

Senate Resolution No. 27—Amending the Rules of the Senate, relating to witnesses before committees.

Resolved by the Senate:

That the Rules of the Senate be amended by adding thereto a new rule as follows:

Witnesses Before Committees

28a. Every committee of the Senate may upon its own motion administer oaths to any witness appearing before the committee at any hearing or during the deliberations of any committee. If any witness to whom an oath has been administered refuses to answer a question put to the witness by any member of the committee, the committee may report the refusal to the Senate and upon motion

duly made by any member of the Senate, the Senate may cause to be issued a subpoena to compel the witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the chair and any member of the committee. The Clerk of the Senate, the chair of the committee and, in the absence of the chair, any member of the committee may administer the oath to the witness and may require that the oath be subscribed to by the witness.

Which, under the rules, was referred to the Committee on Rules.

At the request of Senator Chafin, unanimous consent being granted, Senator Chafin offered the following resolution from the floor:

Senate Resolution No. 28—Honoring Senator Jack Yost for his many outstanding community achievements and dedicated public service.

Whereas, Harold Jackson Yost, Jr., was born October 12, 1945, in Steubenville, Ohio, the son of Maxine R. and the late H. Jack Yost; and

Whereas, Jack Yost attended Hundred High School in Hundred, West Virginia, and West Liberty College (now West Liberty University) in West Liberty, West Virginia; and

Whereas, Jack Yost was a tool and die maker for Weirton Steel Company, served in the U. S. Army Reserve from 1965 to 1971 and later served as a Court Appointed Special Advocate (CASA); and

Whereas, Jack Yost is married to Kris Littell Yost and they are the proud parents of Jay, Alicia and Ryan, and grandparents of Brittany, Nicholas and Sophia; and

Whereas, Jack Yost was elected to the West Virginia Legislature as a member of the House of Delegates in 2003 and served in that body until 2008, becoming Assistant Majority Whip. He was elected

to the West Virginia Senate in 2008 and 2012 and continues to serve as the Senator from the First District; and

Whereas, His ties to his community have led to many civic affiliations, including the Moose Lodge No. 1564, Elks Lodge No. 1553, American Legion Post No. 34, Wellsburg Kiwanis Club, AF&AM Bethany Lodge No. 69, AAONMS Osiris Shrine Temple-Past Potentate, past President of Mid-Atlantic Shrine Association, past Imperial Shrine Membership Regional Chair, Northern Panhandle Shrine Club, MSR member in Wheeling since 1975, Knight Commander of the Court of Honour, 33rd Degree Inspector General Honorary, now one of thirty-three members of the Scottish Rite Supreme Council governing all but fifteen of the United States Scottish Rite Orients, Royal Arch Masons, Wheeling Union Chapter #1, Wheeling York Rite Commandery #1, Tall Cedars of Lebanon, Royal Order of Jesters, Red Cross of Constantine and Allied Masonic Degrees; and

Whereas, It is only fitting that we honor the Honorable Jack Yost for his many years of community involvement and service to Wellsburg, Brooke County, the Northern Panhandle, the State of West Virginia and the United States of America; therefore, be it

Resolved by the Senate:

That the Senate hereby honors Senator Jack Yost for his many outstanding community achievements and dedicated public service; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to the Honorable Jack Yost for his contributions to the State Senate and the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Senator Jack Yost.

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.

Thereafter, at the request of Senator Unger, and by unanimous consent, the remarks by Senator Chafin regarding the adoption of Senate Resolution No. 28 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 eighth order of business.

Eng. Com. Sub. for Senate Bill No. 133, 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: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, 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: Barnes—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. 133) 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. 133—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 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 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 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 ambient air quality standards; 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 permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas; 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 emission standards for hazardous air pollutants; authorizing the Department of

Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to state certification of activities requiring federal licenses and permits; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

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: None.

Absent: Barnes—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. 133) 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. 458, Dedicating certain circuit court fees to fund low-income persons' civil legal 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: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, 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: Barnes–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. 458) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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: None.

Absent: Barnes–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. 458) takes effect July 1, 2014.

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

Eng. Senate Bill No. 483, Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

On third reading, 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: None.

Absent: Barnes—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. 483) 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: None.

Absent: Barnes—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. 483) 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 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. 307, Authorizing community corrections programs to operate pretrial release program.

Senate Bill No. 327, Updating terms in Corporation Net Income Tax Act.

Com. Sub. for Com. Sub. for Senate Bill No. 356, Relating to purchasing reforms.

Senate Bill No. 443, Relating to SPRS.

Senate Bill No. 444, Relating to PERS.

Senate Bill No. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

And,

Senate Bill No. 453, Relating to TRS.

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 Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill No. 455** (*Creating Move to Improve Act*).

On motion of Senator Unger, a leave of absence for the day was granted Senator Barnes.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 13, 2014, at 11 a.m.

THURSDAY, FEBRUARY 13, 2014

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, February 12, 2014,

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 Clerk presented a communication from the Development Office, submitting its annual report of the Governor's Guaranteed Work Force Program as required by chapter five-b, article two-d, section six 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. 4208—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 to the lists of scheduled controlled drugs and synthetic drugs; amending the list of controlled drugs; expanding the list of synthetic drugs to include additional formulations; and removing the reference to the board of pharmacy’s authority from the definition of “immediate derivatives” and “immediate precursors”.

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. 4283—A Bill to amend and reenact §21-5C-1, §21-5C-2 and §21-5C-4 of the Code of West Virginia, 1931, as amended, all relating to minimum wage; providing definition for employer; establishing minimum wage amounts; establishing credit amount to employers for employees customarily receiving gratuities and certain other benefits.

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. 4414—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to the solicitation of public employees of the state or its political subdivisions by a candidate for an elective office; clarifying that the solicitation of public employees, in their work place, for contributions, services or other things of value by electronic communications is prohibited; clarifying that solicitations of public

employees for contributions, services or other thing of value for a candidate, party or political purpose is prohibited; creating a specific exception for the solicitation of votes outside the workplace; and removing postmasters and federal officers and employees from those persons who may not be solicited.

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. 4421—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to payment of lottery prizes; and permitting additional forms of payments consistent with current banking practices.

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. 87—Requesting the Division of Highways to name bridge number 39-7-26.83 (39A194), commonly known as the Corinth Railroad Overpass, located 0.19 miles west of County Route 98 on Route 7 in Corinth, Preston County, the “Army Sgt. Everett Wayne ‘Bud’ Sell 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 12th day of February, 2014, 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. 341), Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.

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

Com. Sub. for Senate Bill No. 6 (originating in the Committee on Health and Human Resources), Regulating sale of drug products used in manufacture of methamphetamine.

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

Com. Sub. for Com. Sub. for Senate Bill No. 6 (originating in the Committee on the Judiciary)—A Bill to repeal §60A-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-10-2, §60A-10-3, §60A-10-4, §60A-10-5 and §60A-10-7 of said code, all relating to the Methamphetamine Lab Eradication Act and the prevention of the production of methamphetamine generally; requiring certain drug products containing ephedrine, pseudoephedrine or phenylpropanolamine be obtained by prescription only; moving said

drug products from Schedule V to Schedule IV; distinguishing between schedule classifications; providing an exception for drug products that are extraction or conversion resistant; making legislative findings; defining terms; prohibiting pharmacies from selling certain drugs that can be used in the production of methamphetamine without a prescription; creating criminal offenses related to methamphetamine precursors and establishing penalties therefor; permitting the sale of certain drugs without a prescription where the Board of Pharmacy determines that the drugs are not feasible for being used for the manufacture of methamphetamine; reducing the maximum amounts persons are permitted to purchase of certain drugs that cannot feasibly be converted into methamphetamine; limiting authority of the Board of Pharmacy as to storage, recordkeeping and security requirements for wholesalers; adjusting the requirements of the Multi-State Real-Time Tracking System; removing certain outdated language; and providing rule-making authority to the Board of Pharmacy to implement emergency and legislative rules, which will provide procedures as to which products may be sold over the counter and which require a prescription and other modifications necessary to implement the Methamphetamine Lab Eradication Act.

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

Com. Sub. for Senate Bill No. 15 (originating in the Committee on Health and Human Resources), Allowing billing for HIV or STD testing by public health agencies.

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

Com. Sub. for Com. Sub. for Senate Bill No. 15 (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 certain 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.

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. 96, Creating Creative Communities Development Act.

And,

Senate Bill No. 375, Excluding certain personal property from TIF assessment.

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,

Bob Williams,
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. 100, Authorizing operation of low-speed vehicles on certain municipal roads.

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. 155, Authorizing DHHR promulgate legislative rule relating to child care centers' licensing.

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

Com. Sub. for Senate Bill No. 155 (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 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 Department of Health and Human Resources to promulgate a legislative rule relating to medication administration by unlicensed personnel; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers' licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to AIDS-related medical testing and confidentiality; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Cancer Registry; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Medical Examiner's rule for post-mortem inquiries; authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network; authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to the bureau; repealing the Bureau for Child Support Enforcement's legislative rule relating to obtaining support from federal and state tax refunds; repealing the Bureau for Child Support Enforcement's

legislative rule relating to interstate income withholding; authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to support enforcement activities undertaken by the bureau; and authorizing the Bureau for Child Support Enforcement to promulgate a legislative rule relating to the distribution of support payments.

With the recommendation that the committee substitute 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. 298, Allowing certain persons possess firearm without having hunting license.

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

Com. Sub. for Senate Bill No. 298 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-37 of the Code of West Virginia, 1931, as amended, relating to hunting and fishing generally; clarifying when officer can request information and inspection from a person appearing to be hunting, fishing, trapping or taking wildlife; and stating that mere possession of a firearm is not indicative of hunting.

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,

William R. Laird IV,
Chair.

The bill (Com. Sub. for S. B. No. 298), 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. 317, Requesting uniform regulation of firearms, ammunition and accessories.

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

Com. Sub. for Senate Bill No. 317 (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; and to amend and reenact §8-12-5a of said code, all relating to municipal firearm laws; repealing firearm provisions in the Municipal Home Rule Pilot Program; prohibiting ordinances from being enacted under the Municipal Home Rule Pilot Program that restrict the sale or carry of a firearm; and repealing the grandfather clause excepting certain municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition from the general provision prohibiting such ordinances.

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. 317), 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. 331, Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.

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. 416, Relating to tentative appraisals of natural resources property.

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

Senate Bill No. 485, Exempting DOH from certain permitting requirements of Natural Stream Preservation 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 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 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. 499, Making Prudent Investor Act primary standard of care for Investment Management Board.

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

Com. Sub. for Senate Bill No. 499 (originating in the Committee on Government Organization)—A Bill to repeal §12-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-6-2 and §12-6-11 of said code, all relating to investment of moneys by the West Virginia Investment Management Board; modifying the definition of the term “securities”; imposing the prudent investor standard of care set forth in the West Virginia Uniform Prudent Investor Act as the primary standard of care for the trustees of the West Virginia Investment Management Board; removing certain restrictions on investments by the Investment Management Board; and restating certain restrictions on investments by the West Virginia Investment Management Board.

And,

Senate Bill No. 504, Authorizing Auditor establish Debt Resolution Services Division.

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

Com. Sub. for Senate Bill No. 504 (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 §14-1A-1, §14-1A-2, §14-1A-3, §14-1A-4, §14-1A-5, §14-1A-6 and §14-1A-7, all relating to creating the Debt Resolution Services Division within the Auditor’s Office; establishing the powers and duties of the division; providing rule-making authority to the Auditor; authorizing transaction fees; requiring state spending units to use the division; exceptions; creating the Debt Resolution Services Fund; and authorizing expenditures from the fund.

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,

Herb Snyder,
Chair.

The bills (Com. Sub. for S. B. Nos. 499 and 504), 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. 507, Relating to Board of Barbers and Cosmetologists.

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 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. 20, Recognizing value and importance of state's innovation industry.

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

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the resolution (S. C. R. No. 20) contained in the preceding report from the Committee on Economic Development 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.

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 Palumbo, Wells, D. Hall, Green, Stollings, Walters and McCabe:

Senate Bill No. 560—A Bill to amend and reenact §18B-18A-1, §18B-18A-2, §18B-18A-3, §18B-18A-8, §18B-18A-9 and §18B-18A-11 of the Code of West Virginia, 1931, as amended; and to 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 instances; modifying criteria for eligibility to receive certain matching funds; delineating funds attributed to moneys before January 1, 2014, and those after that date; and requiring a new legislative rule.

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

By Senator Beach:

Senate Bill No. 561—A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating to the Dealer Recovery Fund; and the operation of the Dealer Recovery Board.

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

By Senators Chafin and Yost:

Senate Bill No. 562—A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-1a and §18-5-4 of said code, all relating to the State Board of Education; multicounty regional education service agencies; county boards of education and training requirements; compensation for attendance of various meetings and training sessions; and reporting requirements to the Legislative Oversight Commission on Education Accountability.

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

By Senators Chafin, Plymale, Fitzsimmons, Yost, D. Hall, Nohe, McCabe and Jenkins:

Senate Bill No. 563—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special “Autism Awareness” registration plates.

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

By Senators Jenkins, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Miller, Sypolt, Walters and Nohe:

Senate Bill No. 564—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-

12D-1, §33-12D-2, §33-12D-3, §33-12D-4, §33-12D-5, §33-12D-6, §33-12D-7 and §33-12D-8, all relating to the registration of health insurance exchange navigators and nonnavigator assisters operating pursuant to the Patient Protection and Affordable Care Act; providing protection against consumer identity theft by health insurance exchange navigators and nonnavigator assistants; setting forth purpose; requiring applications and registrations; setting forth application requirements and registration qualifications; permitting a fee; setting forth who is prohibited from applying; setting forth disqualification periods; establishing a registered navigator and nonnavigator assister list; providing for a notice of change of registrant information; setting forth prohibited conduct; permitting registrations to be denied, revoked or suspended; permitting hearings; establishing fines and penalties; defining terms; and providing rule-making authority.

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

By Senators Plymale, Tucker and Barnes:

Senate Bill No. 565—A Bill to amend and reenact §22-16-11 and §22-16-12 of the Code of West Virginia, 1931, as amended, all relating to ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill, the Webster County Landfill and the Prichard Landfill once obtained by Wayne County.

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

By Senators Barnes, Beach, Laird, Snyder, Tucker, Walters, Nohe and Sypolt:

Senate Bill No. 566—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims' eligibility for

unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; and requiring training of Workforce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants.

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

By Senator Cookman:

Senate Bill No. 567—A Bill to amend and reenact §4-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; and to amend said code by adding thereto a new chapter, designated §25A-1-1, all relating to redesignating the Division of Corrections as the Department of Corrections within the executive branch; establishing the time period for review of the Department of Corrections by the Joint Standing Committee on Government Organization and the Joint Committee on Government Operations; providing that the department be supervised by a secretary-level administrator; establishing the salary of the secretary; providing an effective date for redesignation; making other changes to the code to comport with the amendment; and providing technical and clerical cleanup.

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

By Senators Fitzsimmons, Unger, Yost and Kessler (Mr. President):

Senate Bill No. 568—A Bill to amend and reenact §38-2-21 and §38-2-34 of the Code of West Virginia, 1931, as amended, all relating to affirmative defenses against certain liens involving residential construction projects.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons, Cookman, Wells, Miller and Walters:

Senate Bill No. 569—A Bill to amend and reenact §19-4-6 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

Referred to the Committee on the Judiciary.

By Senators Edgell, Fitzsimmons, Cookman, Wells, Miller and Walters:

Senate Bill No. 570—A Bill to amend and reenact §31B-10-1003 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-15-1501 of said code; to amend and reenact §31E-14-1401 of said code; to amend said code by adding thereto a new section, designated §47-9-64; and to amend said code by adding thereto a new section, designated §47B-10-6, all relating to consistency regarding exemptions for businesses; and standardization of limited liability companies, limited partnership and limited liability partnership in accordance with existing corporate exemptions.

Referred to the Committee on the Judiciary.

By Senators Stollings and Snyder:

Senate Bill No. 571—A Bill to amend and reenact §19-23-10 of the Code of West Virginia, 1931, as amended, relating to distributing money that was set aside from the West Virginia Greyhound Breeder Development Fund for two dog training track facilities to West Virginia residents who had earnings from the West Virginia Greyhound Breeder Development Fund during the period of 1996 through 2001.

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

By Senators Tucker, Fitzsimmons and Edgell:

Senate Bill No. 572—A Bill to amend and reenact §46-9-515 of the Code of West Virginia, 1931, as amended, relating to financing statements covering as-extracted collateral or timber to be cut.

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

By Senators Yost, Edgell, D. Hall, Kirkendoll, Stollings, Tucker, Fitzsimmons and Cookman:

Senate Bill No. 573—A Bill to amend and reenact §18A-2-13 of the Code of West Virginia, 1931, as amended, relating to establishing cook-meal ratios for full-day and half-day cooks in schools.

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

By Senators Tucker, Fitzsimmons and Edgell:

Senate Bill No. 574—A Bill to amend and reenact §11-5-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-12b of said code, all relating to cancelling certificates of title for certain mobile and manufactured homes; clarifying that a mobile home permanently attached to the real estate by the owner may not be classified as personal property if the owner has filed a canceled certificate of title with the clerk of the county commission and the clerk has recorded the canceled certificate of title; increasing the fee for title cancellation; designating a portion of the fee to the clerk of the county commission recording the cancellation; and providing a procedure for returning a canceled title to an owner or lienholder.

Referred to the Committee on the Judiciary.

By Senators Boley, Blair, Cole, Jenkins, Nohe, Sypolt and Walters:

Senate Joint Resolution No. 13—Proposing an amendment to the Constitution of the State of West Virginia, amending section two,

article twelve thereof, relating to reforming the West Virginia Board of Education so that its membership is made up of elected and appointed 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 Beach, Unger, Kessler (Mr. President), Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution No. 32—Requesting the Division of Highways name bridge number 7-5-3.52 (07A069), on County Route 5 crossing the Little Kanawha River in Calhoun County, the “U. S. Army Sergeant Robert Odell Orders Memorial Bridge”.

Whereas, Robert Odell Orders was born on March 5, 1926, in Pliny, West Virginia, to W. R. Orders, a bridge builder, and his wife, Beulah; and

Whereas, Robert Odell Orders, after graduating from St. Albans High School in the spring of 1944, joined the U. S. Army only two months after his older brother Kermit died in a P-38 crash in Italy; and

Whereas, Robert Odell Orders served his country in the Pacific Theater during World War II, reached the rank of Sergeant, saw action in the Philippines and sailed into Tokyo Harbor the day after the Japanese surrender; and

Whereas, Robert Odell Orders entered West Virginia University in the fall of 1946 and earned a degree in civil engineering; and

Whereas, Robert Odell Orders, while in Morgantown, met Kathryn Jean Hager of Charleston and married her in 1949; and

Whereas, Upon graduating from West Virginia University, Robert Orders built bridges with his father as half of W. R. Orders and Son; and

Whereas, W. R. Orders and Son's construction of the Annamoriah Bridge, which replaced a ferry across the Little Kanawha River in 1957, secured financial stability for Robert Orders' family and enabled them to return home to West Virginia permanently after a year of living in Aurora, Illinois; and

Whereas, Robert Odell Orders founded Orders Construction Company in 1964, shepherding the business through its formative phase and leading its ascent to becoming one of the most respected construction firms in the state; and

Whereas, Orders Construction Company would eventually build hundreds of bridges across West Virginia in the following fifty years, generating nearly \$1 billion of construction work; and

Whereas, Orders Construction Company rebuilt the first landmark Annamoriah Bridge in 2012; and

Whereas, Robert Odell Orders was also known as "Bridge Bob" and passed away on July 4, 2013, leaving behind his wife; children Bob Orders, Jr., and wife Ann and Kathy Lane and husband David; grandchildren Nate Orders and wife Melissa, Chris Orders, Meg Laing and husband Malcolm, Andy Lane and Becca Lane and husband Scott; and numerous great grandchildren; and

Whereas, It is fitting to honor Robert Odell Orders, a respected member of the bridge-building industry, past President of the Contractors Association of West Virginia, a National Director of the Associated General Contractors (AGC) of America, a member of many organizations' boards and a charter member of the West Virginia University Academy of Civil Engineers for Distinguished Alumni, for his prolific contribution to West Virginia's transportation infrastructure; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 7-5-3.52 (07A069), on County Route 5 crossing the Little Kanawha River in Calhoun County, the “U. S. Army Sergeant Robert Odell Orders Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Sergeant Robert Odell Orders 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 the family of Robert Odell Orders.

Which, under the rules, lies over one day.

Senators Chafin, Stollings, Cole, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 33—Requesting the Division of Highways to name County Route 15 in 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 151st year of the State of West Virginia and the 126th 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 in 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 Division of Highways is hereby requested to name each one-mile stretch of the "River Road Music Heritage Trail" as "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 Edgell, Unger, Kessler (Mr. President), Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution No. 34—Requesting the Division of Highways to name the bridge north of Middlebourne, on Route 18 near the turnoff to Sellers Road in Tyler County, the “Staff Sgt. Jesse A. Ault Memorial Bridge”.

Whereas, Staff Sgt. Jesse A. Ault was born in Wheeling, West Virginia, and spent ten years of his life residing in Middlebourne, West Virginia; and

Whereas, Staff Sgt. Jesse A. Ault attended and graduated from Tyler Consolidated High School in 1998 where he played football and baseball; and

Whereas, Staff Sgt. Jesse A. Ault reenlisted in the National Guard and took his wife’s place when she was recalled to active duty so she could stay stateside and care for their children; and

Whereas, Staff Sgt. Jesse A. Ault left his small community to serve and protect the citizens of this great land and the Constitution of this great nation; and

Whereas, Staff Sgt. Jesse A. Ault was dedicated to his school, friends and community where he spent an important stint during his life; and

Whereas, Sadly, Staff Sgt. Jesse A. Ault gave his life forever and always on April 9, 2008, serving his country during Operation Iraqi Freedom; and

Whereas, Staff Sgt. Jesse A. Ault's memory leaves a proud smile on the faces of the citizens of Tyler County, recounting his grand adventure of twenty-eight years as a student, friend, family member, husband, father and warrior soldier; and

Whereas, It is fitting to honor the life of Staff Sgt. Jesse A. Ault by naming this bridge in his memory as an everlasting tribute to his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge north of Middlebourne, on Route 18 near the turnoff to Sellers Road in Tyler County, the "Staff Sgt. Jesse A. Ault 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 "Staff Sgt. Jesse A. Ault 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.

Which, under the rules, lies over one day.

Senators Stollings, Laird, Plymale, Kessler (Mr. President), Unger, Snyder, Yost and Jenkins offered the following resolution:

Senate Resolution No. 29—Recognizing the dedicated service of West Virginia's family physicians to the Legislature on the 25th anniversary of the Doc for a Day Program.

Whereas, In 1989, the West Virginia Academy of Family Physicians began a free medical service program to the West Virginia Legislature during its regular session, known as the Doc for a Day Program; and

Whereas, The Doc for a Day Program is provided at the State Capitol Building by volunteer family physicians from around the state during each day of the legislative session to legislators, staff, government officials and the general public visiting the Capitol Complex; and

Whereas, The Doc for a Day Program is also an educational training and health service forum for medical residents and faculty from the Charleston Division of the West Virginia Medical School and the Marshall University School of Medicine; and

Whereas, The Doc for a Day Program is greatly enhanced in its delivery of medical and emergency services by Capitol Complex Nurse Holly Smith and through strong support by the West Virginia Division of Protective Services; and

Whereas, In addition to providing medical care for cuts, bruises, coughs, colds and flu, the Doc for a Day Program has also provided medical treatment for serious life-threatening injuries and illnesses, including: hypertension, heart attacks, respiratory arrest, aneurysms, strokes, broken bones, head trauma, appendicitis, pneumonia, kidney stones and major lacerations; and

Whereas, Over forty-five thousand patients have received high-quality medical care without charge from the Doc for a Day Program and the knowledge and expertise in family medicine by these physicians and the willingness to share their volunteer medical service has been and continues to be greatly appreciated; and

Whereas, The Doc for a Day Program has served as a model for free medical care programs by many other state legislatures across this nation and has been highly recognized by the American Academy of Family Physicians; and

Whereas, The Second Regular Session of the 81st Legislature marks the 25th anniversary of the Doc for a Day Program; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated service of West Virginia's family physicians to the Legislature on the 25th anniversary of the Doc for a Day Program; and, be it

Further Resolved, That the Senate hereby extends its sincere appreciation to the West Virginia Academy of Family Physicians for its outstanding free medical program to the West Virginia Legislature on the 25th anniversary of the Doc for a Day Program; and, be it

Further Resolved, That the Senate commends all of the volunteer family physicians who have taken time from hectic medical schedules to participate in the Doc for a Day Program by providing free medical service and expertise to the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Academy of Family Physicians, to Capitol Complex Nurse Holly Smith and to the West Virginia Division of Protective Services.

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 seventh order of business.

Senate Concurrent Resolution No. 30, Requesting DOH name bridge crossing Middle Fork River "Army Sergeant John A. Charnoplosky 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, Recognizing National Radio Astronomy Observatory's Center for STEM Education.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 307, Authorizing community corrections programs to operate pretrial release program.

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

Senate Bill No. 327, 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.

Com. Sub. for Com. Sub. for Senate Bill No. 356, Relating to purchasing reforms.

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

Senate Bill No. 443, Relating to SPRS.

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

Senate Bill No. 444, Relating to PERS.

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

Senate Bill No. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

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

Senate Bill No. 453, Relating to TRS.

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. 88, Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

Com. Sub. for Senate Bill No. 322, Providing state compensate officials, officers and employees every two weeks.

Com. Sub. for Senate Bill No. 384, Prohibiting certain insurers require policyholders use mail-order pharmacy.

Senate Bill No. 402, Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

Com. Sub. for Com. Sub. for Senate Bill No. 420, Relating to data sharing in P-20W Longitudinal Data System.

Com. Sub. for Senate Bill No. 422, Expanding state aid for students of certain health professions.

And,

Com. Sub. for Senate Bill No. 434, Eliminating revocation period for certain DUI offenders.

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, February 14, 2014, at 11 a.m.

FRIDAY, FEBRUARY 14, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Chaplain Edward Eisley, Salem Correctional Center, Industrial, West Virginia.

Pending the reading of the Journal of Thursday, February 13, 2014,

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.

On motion of Senator Unger, the Senate recessed for five minutes to permit Nick Pineda 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. 4154—A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that the refundable amount from the flat rate component of the motor fuel excise tax for certain qualified persons remains six cents per gallon.

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. 4237—A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to restrictions placed on products containing nicotine; defining vapor products and alternative nicotine products; exclusions; limiting the use of and sale of vapor products and alternative nicotine products to persons under the age of eighteen in the same manner as tobacco and tobacco products; prohibiting the sale or furnishing of vapor products and alternative nicotine products to individuals under eighteen years of age; prohibiting the use and possession of vapor products or alternative nicotine product by an individual under eighteen years of age; allowing employers to dismiss an employee for cause for the knowing or intentional sale or furnishing of vapor products or alternative nicotine products to someone under the age of eighteen; allowing for the conduct of unannounced inspections to ensure compliance with sales restrictions; restricting the use of vapor products and alternative nicotine products on school grounds; restricting the sale of vapor products and alternative nicotine products in vending machines; criminal penalties; civil penalties; defenses and rulemaking.

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. 4412—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 11-16-11b; and to amend and reenact § 60-8-3 of said code, all relating to creating a special one-day license for charitable events to sell certain alcoholic beverages; creating a one-day special one-day license for authorized nonprofit entities to sell nonintoxicating beer at charitable events; clarifying the existing one-day special license for authorized nonprofit entities to sell wine at charitable events; establishing a fee for the special one-day licenses; and rulemaking.

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 adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 2—Requesting the Division of Highways to rename the Switzer Beam Span over Island Creek on State Route 44, near Switzer, Logan County, bridge number 23-44-12.61 (23A111), 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

Com. Sub. for House Concurrent Resolution No. 3—Requesting that bridge number 23-110/20-0.23 (23A289) located on County

Route 110/20 in Logan, West Virginia, crossing the side channel of the Guyandotte River and locally known as the Logan High School Bridge, the “Army Major Thomas McElwain 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. 4—Requesting that bridge number 23-5-4.91 (23A018) on Route 5 in Logan County, West Virginia, the “Army Corporal Eldred Jennings Hensley 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. 5—Requesting that bridge number 23-119/5-1.00 (23A129), on Route 119/5, otherwise known as the Pine Creek Road, in Pine Creek, outside of Omar, Logan County, West Virginia, be named the “Army 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

Com. Sub. for House Concurrent Resolution No. 6—Requesting that bridge number 23-16-5.11 (23A094) on County 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. 7—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.

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 crossing Pine Creek at Omar, Logan County, bridge number 23-119/5-0.23 (23A128), 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

Com. Sub. for House Concurrent Resolution No. 24—Requesting the Division of Highways to name the bridge known as the Dempsey Bottom Bridge in Dempsey, Mingo County, bridge number 30-65/75-0.01 (30A280), as the “Fredrick Dempsey 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 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

Com. Sub. for House Concurrent Resolution No. 28—Requesting the Division of Highways to name bridge number 30-49-0.01 (30A056) 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

Com. Sub. for House Concurrent Resolution No. 30—Requesting the Division of Highways to name the Burch High School Bridge, bridge number 30-52/35-0.04 (30A148), in Mingo County, as the “Everett Ronnie Fields, 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

Com. Sub. for House Concurrent Resolution No. 32—Requesting the Division of Highways to name bridge number

23-119/5-1.45 (23A249) in Pine Creek, Logan County, as the “Joe ‘Toby’ Slade 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. 33—Requesting that bridge number 23-10-19.72 (23A039) on Route 10 in Logan County, West Virginia, be named the “Army Sergeant Andrew Clark 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. 34—Requesting that bridge number 23-10-22.06 (23A040) on Route 10 in Logan County, West Virginia, be named the “Marine Private Rudy Varney Bridge - Purple Heart Recipient”.

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 the Division of Highways to name the West Virginia 73 Overpass at the Logan exit of Route 119, Logan, Logan County, bridge number 23-119-5.67 (23A254), as the “Army SGT Billy E. Vinson 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 bridge number 20-61-4.63 (20A776), crossing Paint Creek on United States Route 61, in Kanawha County, the “W. T. (Big Bill) Elswick 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. 44—Requesting the Division of Highways to rename the Roderfield Box Beam Bridge, bridge number 24-52-12.79 (24A295), 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. 46—Requesting the Division of Highways to name a stretch of road beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”.

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. 49—Requesting that the 0.2 mile of roadway beginning at the Crawley Creek exit off Route 119/27 at Chapmanville in Logan County, West Virginia, and ending at Route 3 be named the “Army PFC Lilborn Dillon 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

Com. Sub. for House Concurrent Resolution No. 50—Requesting the Division of Highways name Lee Chapman Road, County Route 47/2, off Trace Creek Road in Milton, Cabell County, as the “Fleming 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

Com. Sub. for House Concurrent Resolution No. 52—Requesting the Division of Highways to name bridge number 41-1-24.51 (41A009) on Maple Fork Road where it connects with Cirtsville Road in Raleigh County, the “Kenneth A. Chapman, 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

Com. Sub. for House Concurrent Resolution No. 60—Requesting the Division of Highways to name the bridge on Route 279 between the FBI CJIS Division and Route 50 crossing

Interstate 79 (Jerry Dove Exit 124), bridge number 17-279-1.66 (17A314), in Harrison County, the “Lester W. ‘Cappy’ Burnside, 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. 61—Recognizing the West Virginia Center for Science Technology Engineering & Mathematics (STEM) in Green Bank, Pocahontas County, and requesting the Congressional Delegation from the State of West Virginia’s assistance in restoring federal funding for the National Radio Astronomy Observatory in Green Bank, Pocahontas County.

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. 62—Requesting the Division of Highways to name bridge number 31-119/39-0.12 (31A281) 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

Com. Sub. for House Concurrent Resolution No. 63—Requesting the Division of Highways to name bridge number 20-79/6 000.01 (20A661) in Sharon, Kanawha County, as the “Army SPC Gary Wayne Hudnall 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. 65—Requesting that bridge number 40-25/2-0.13 (40A153) on 40th Street and near 2nd Avenue in Nitro, Putnam County, West Virginia, the “Army SP4 Harold ‘Skip’ Grouser 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. 66—Requesting that the Division of Highways name bridge number 27-15-6.53 (27A024), currently known as Old Town Bridge on County Route 15 (Sandhill Rd.) near Pt. Pleasant, Mason County, West Virginia the “Quentin H. Wickline Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on February 13, 2014, he had approved **Enr. Senate Bill No. 341**, **Enr. House Bill No. 4177** and **Enr. House Bill No. 4182**.

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 Joint Resolution No. 10, Proposing constitutional amendment designated Right to Hunt and Fish in WV Amendment.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Joint Resolution No. 10 (originating in the Committee on the Judiciary)—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 right of the people to hunt, fish and harvest game; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The resolution (Com. Sub. for S. J. R. No. 10), 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. 167, Authorizing Tax Department promulgate legislative rule relating to special reclamation tax credit.

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

Com. Sub. for Senate Bill No. 167 (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 the State Tax Department to promulgate a legislative rule relating to the municipal sales and service and use tax administration; authorizing the State Tax Department to promulgate a legislative rule relating to the special reclamation tax credit; authorizing the State Tax Department to promulgate a legislative rule relating to the withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs; authorizing the Insurance Commissioner to promulgate a legislative rule relating to utilization review and benefit determination; authorizing the Insurance Commissioner to promulgate a legislative rule relating to a health plan insurer internal grievance procedure; authorizing the Insurance Commissioner to promulgate a legislative rule relating to external review of adverse health insurance determinations; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to farm wineries; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to the sale of wine; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

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

Com. Sub. for Senate Bill No. 315, Clarifying use of certain funds under Military Authority Act.

Senate Bill No. 328, Terminating Strategic Research and Development Tax Credit.

And,

Senate Bill No. 457, Requiring programs for temporarily detained inmates in regional jails.

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. 376, Requiring certain construction workers complete OSHA safety program.

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

Com. Sub. for Senate Bill No. 376 (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 §21-3-22, relating to safety and welfare of employees at certain public improvement sites by public authorities; defining terms; requiring onsite employees at certain public improvement sites to complete an Occupational Safety and Health Administration-approved ten-hour construction safety program; requiring the retention of training records; providing for incremental implementation period for mandate; providing the Commissioner of Labor to issue cease and desist notices in certain situations; providing civil penalties for violations; creating a misdemeanor offense and providing criminal fines for exhibiting false documents; exempting certain construction activities and persons from application of this section; and requiring a report from the Commissioner of Labor on effectiveness of the safety training.

With the recommendation that the committee substitute 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. 391, Providing salary increase for teachers and school service personnel.

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

Com. Sub. for Senate Bill No. 391 (originating in the Committee on Education)—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school service personnel salary increases; establishing a salary goal for certain teachers; adjusting effective dates; and revising state minimum salary schedules for teachers and school service personnel.

Senate Bill No. 510, Including state land grant institutions in Research Trust Fund.

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

Com. Sub. for Senate Bill No. 510 (originating in the Committee on Education)—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; providing for the redistribution of moneys; providing for a \$25 million transfer from the General Revenue Fund, under certain conditions, into the West Virginia Research Trust Fund; setting forth deadline and consequences for failure to obtain matching funds and donations; providing for rulemaking; and requiring reporting.

And,

Senate Bill No. 513, Relating to cost reimbursement of servicing high-cost/high-acuity special needs students.

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

Com. Sub. for Senate Bill No. 513 (originating in the Committee on Education)—A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable

distribution to county boards of reimbursement of the costs of serving high-cost/high-acuity special needs students; eliminating requirement for annual review of rules, policies and standards and federal law and report to legislative oversight commission; defining “high-cost/high-acuity special needs”; and providing for method of fund disbursement.

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,

Robert H. Plymale,
Chair.

The bills (Com. Sub. for S. B. Nos. 391, 510 and 513), under the original double committee references, were 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. 427, Relating to motor vehicle insurance.

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 §17D-2A-2, §17D-2A-5 and §17D-2A-7 of the Code of West Virginia, 1931, as amended, all relating to 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 policyholder'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; directing that fees collected for reinstatement of a driver's license be deposited in the Motor Vehicle Fees Fund; 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.

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. 480, Expanding period during which certain motor vehicle liens are valid.

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. 493, Excluding suspension days in determining student truancy.

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 H. Plymale,
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 Education 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. 540, Requiring SSAC promulgate rules allowing college preparatory team recognition.

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

Com. Sub. for Senate Bill No. 540 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary School Activities Commission to promulgate

rules that allow a college preparatory team to elect to be recognized as a member; and setting forth provisions the rule shall include.

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.

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 Education.

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), Laird, Kirkendoll, Edgell, Beach, Snyder, Facemire, Chafin, Green, Miller, Yost, D. Hall, Wells, Tucker, Jenkins and Fitzsimmons:

Senate Bill No. 575—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to providing educational incentives and longevity pay for State Troopers.

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

By Senators Walters, Beach, Blair, Sypolt, Tucker, Williams, Wells and Miller:

Senate Bill No. 576—A Bill to amend and reenact §31-15A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto sixteen new sections, designated

§31-15A-9a, §31-15A-9b, §31-15A-10a, §31-15A-11a, §31-15A-12a, §31-15A-13a, §31-15A-14a, §31-15A-15a, §31-15A-17c, §31-15A-18a, §31-15A-19a, §31-15A-20a, §31-15A-21a, §31-15A-22a, §31-15A-23a and §31-15A-24a, all relating generally to development of broadband middle mile infrastructure in the state; defining new terms; creating a separate infrastructure fund for broadband middle mile infrastructure projects; providing for deposits and expenditures; setting forth additional powers to Infrastructure and Jobs Development Council and Water Development Authority; creating the Infrastructure Fund for Broadband Middle Mile Development; providing for the disposition of funds on termination or dissolution of the authority; providing that broadband middle mile projects funded by the authority are public improvements; authorizing the issuance of broadband middle mile revenue bonds; creating the Broadband Middle Mile Infrastructure Debt Service Fund; providing for funding of debt service fund; specifying the requirements for the issuance of bonds; providing for contents of trust agreement and trustee for bonds; specifying the remedies available to bondholders, noteholders and trustee; making broadband middle mile infrastructure revenue bonds lawful investments; providing for purchase, cancellation and refunding of bonds; and declaring that bonds are not state debts and are exempt from taxation.

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

By Senators Cann, Beach, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Miller, Tucker, Williams, Yost, Pymale and Snyder:

Senate Bill No. 577—A Bill to amend and reenact §21-3A-2 of the Code of West Virginia, 1931, as amended, relating to making the Department of Corrections and the Department of Health and Human Resources, and their respective workplaces, subject to the Occupational Safety and Health Act.

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

By Senators Kessler (Mr. President), Palumbo, Snyder, Edgell and Green:

Senate Bill No. 578—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 to oil and gas conservation; providing for the unitization of interests in drilling units in connection with horizontal oil and gas wells; making findings; declaring policy; setting forth application requirements; establishing the standard of review; providing for unit orders; requiring notice and timeliness; providing for hearings; providing a standard of review; addressing oil and gas produced from horizontal wells, vertical wells and unconventional reservoirs; providing for conflict resolution; 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 Senators Unger, Cookman, Edgell, Laird, Miller, Palumbo, Snyder, Stollings and Kessler (Mr. President):

Senate Bill No. 579—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17, §31-18E-18 and §31-18E-19, all relating to improving housing development and land use; authorizing land banking by West Virginia municipalities, counties or a combination thereof; stating legislative findings; defining terms; providing requirements for the permissive creation and operation of land bank entities; detailing certain requirements for a land bank board and staff; requiring certain terms of the land bank be set forth; providing certain immunity to land bank jurisdictions; setting forth powers and limitations of land bank entities; explicitly stating that land bank entities do not have the power of eminent domain; detailing criteria for acquisition and disposition of property by land bank entities; authorizing certain land bank-related property as exempt from

property tax; stating land bank funding sources; stating requirements and constraints on disposition of property; detailing potential financing of land bank operations; permitting special allocation of certain property taxes in certain situations; authorizing the issuance of certain bonds; requiring land bank entities to follow open meetings and freedom of information requirements; providing a process for dissolution of land banks; requiring the Ethics Act to apply to land bank employees and board members; providing for liberal construction of the article; providing process to discharge tax liens and claims; stating a policy to protect low-income, owner-occupant households; providing for expedited quiet of title proceedings in circuit court; and requiring an annual audit and report of all land banks.

Referred to the Committee on the Judiciary.

By Senators Beach, Williams, Kessler (Mr. President), Cann, Cookman, Edgell, Facemire, Green, D. Hall, Laird, Stollings, Sypolt, Tucker, Walters, Wells, Yost and Plymale:

Senate Bill No. 580—A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to permitting the sale of wine at certain college and university sports stadiums; establishing the conditions under which wine may be sold; setting a licensing fee; establishing who may hold a license; stating where wine may be served; granting the authority to grant waivers and exceptions and to revoke licenses; defining a term; and authorizing rulemaking.

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

By Senators Palumbo, M. Hall, Sypolt, Tucker and Williams:

Senate Bill No. 581—A Bill to amend and reenact §22A-2-6 of the Code of West Virginia, 1931, as amended, relating to movement of mining equipment in underground coal mines; and requiring that mining equipment being transported or trammed underground where energized trolley wire exists, other than ordinary sectional movement, be done by qualified personnel under supervision of a certified foreman.

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

By Senators Beach and McCabe:

Senate Bill No. 582—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-6, relating to closure and sale of Clements State Tree Nursery.

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

By Senators Miller, Snyder, Fitzsimmons, D. Hall and Yost:

Senate Bill No. 583—A Bill to amend and reenact §19-20C-3 of the Code of West Virginia, 1931, as amended, relating to spay-neuter assistance program; and permitting emergency rulemaking.

Referred to the Committee on the Judiciary.

By Senator Snyder:

Senate Bill No. 584—A Bill to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, relating to the Board of Registration for Professional Engineers; providing for calendar year renewal; deleting notification by mail requirement; and authorizing two-year renewal cycles by emergency rule.

Referred to the Committee on Government Organization.

By Senator Palumbo:

Senate Bill No. 585—A Bill to repeal §24-3-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-1-1 of said code, relating to removing unconstitutional language regarding access to rail lines.

Referred to the Committee on the Judiciary.

By Senator Palumbo:

Senate Bill No. 586—A Bill to repeal §55-7B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-6-

11 of said code, relating to removing unconstitutional language regarding the number of jurors and types of verdicts in certain civil litigation.

Referred to the Committee on the Judiciary.

By Senators D. Hall and Tucker:

Senate Bill No. 587—A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended, all relating to requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of Physical Therapy.

Referred to the Committee on Government Organization.

By Senators Palumbo and Plymale:

Senate Bill No. 588—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, §15-2B-10 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-2B-11a, all relating to the collection of DNA samples from individuals arrested for first degree murder, second degree murder, kidnapping, first degree and second degree sexual assault, aggravated robbery and malicious wounding for inclusion in the DNA Databank.

Referred to the Committee on the Judiciary.

By Senators Tucker, D. Hall, Fitzsimmons, Wells, Jenkins, Yost, Cann and Cookman:

Senate Bill No. 589—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special Family of Fallen Hero registration plates.

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

By Senators Stollings and Palumbo:

Senate Bill No. 590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8 and §16-46-9, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers participating in the West Virginia Clearance for Access: Registry and Employment Screening program; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop a plan and a program for conducting background checks; requiring a centralized database to maintain criminal history record information and results; establishing a prescreening process conducted by covered providers; requiring applicants to provide fingerprints and undergo a criminal background check; establishing procedures and criteria for obtaining and reviewing criminal history record information; establishing criteria for approving applicants as covered individuals; authorizing contractors and fees; creating a special revenue account for administrative fees; providing for protests of the secretary's decisions and permitting variances; creating exceptions; authorizing legislative rules; providing monetary penalties; and providing for civil and criminal immunity.

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

By Senators Unger, Kessler (Mr. President), Beach and Edgell:

Senate Bill No. 591—A Bill to amend and reenact §22-15-2 and §22-15-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-3 of said code, all relating to the types and amounts of wastes that may be received at commercial solid waste facilities; defining "solid waste" consistently throughout the Department of Environmental Protection and Solid Waste Management statutes; and correcting a conflict between two statutes relating to a public landfill's ability to refuse waste based on its origin.

Referred to the Committee on the Judiciary.

By Senators Yost, Beach, Fitzsimmons and Cann:

Senate Bill No. 592—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; creating the crime of knowingly leaving the scene of a crash resulting in serious bodily injury; establishing a presumption of knowledge based upon crash conditions; and providing criminal penalties of fine and imprisonment.

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

By Senators Tucker and D. Hall:

Senate Bill No. 593—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-32b, relating to travel insurance limited lines producers; defining terms; authorizing the Insurance Commissioner to issue a limited lines travel insurance producer license; authorizing a travel retailer to offer travel insurance under a limited lines travel insurance producer business entity license under certain conditions; requiring a limited lines travel insurance producer to maintain a register of travel retailers offering insurance on its behalf and to designate one of its employees as a designated responsible producer; requiring instruction or training of employees offering travel insurance on behalf of a limited lines travel insurance producer; providing exemptions from examination and continuing education requirements; requiring travel retailers offering travel insurance to make available written materials to prospective purchasers; prohibiting travel retailer employees who are not licensed as insurance producers from providing certain information; authorizing a travel retailer and its employees to offer travel insurance and to be compensated upon registration by the limited lines travel insurance producer; and providing for enforcement.

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

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

Senate Bill No. 594—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24, relating to allowing the disposal of drill cuttings and associated drilling waste in commercial solid waste facilities; requiring solid waste authority, Public Service Commission and Department of Environmental Protection approval; requiring siting plan or an amendment to an existing siting plan; requiring a certificate of need or an amendment to an existing certificate of need; authorizing solid waste facilities currently receiving drilling wastes to continue under certain circumstances; and requiring Department of Environmental Protection to set standards, by rule, for cell liners, leachate systems, leachate management and treatment.

Referred to the Committee on the Judiciary.

By Senators Green, Chafin, Facemire, D. Hall, Kirkendoll, Stollings and Tucker:

Senate Bill No. 595—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.

Referred to the Committee on the Judiciary.

By Senator Tucker:

Senate Bill No. 596—A Bill to amend and reenact §46-3-118 of the Code of West Virginia, 1931, as amended, relating to demand notes; and modifying the statute of limitations on the collection of demand notes.

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

By Senators Palumbo, Tucker, Snyder, D. Hall and Walters:

Senate Bill No. 597—A Bill to amend and reenact §11-16-3, §11-16-20 and §11-16-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-16-17a, all relating to clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands; permitting the commissioner to investigate, review and approve or deny franchise agreements, labels, brands and line extensions; providing hearings; extending certain dates; establishing nonintoxicating beer, resident brewers, distributors, franchise distributor networks and line extensions standards; defining terms; providing sanctions; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senators Snyder, M. Hall, Unger, Fitzsimmons, Kessler (Mr. President), Wells and Yost:

Senate Bill No. 598—A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to the Tourism Promotion Fund; and providing for excess funds in the Courtesy Patrol Fund to revert to the Tourism Promotion Fund.

Referred to the Committee on Finance.

By Senators Stollings and Kirkendoll:

Senate Bill No. 599—A Bill to amend and reenact §16-2D-5 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from the moratorium on skilled nursing beds for geriatric psychological beds in existing skilled nursing facilities located within the state.

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

By Senators Yost, Snyder, Miller, Laird, Edgell and Fitzsimmons:

Senate Bill No. 600—A Bill to amend and reenact §8-12-16, §8-12-16a and §8-12-16c of the Code of West Virginia, 1931, as

amended, all relating to the registration, maintenance and regulation of dwellings unfit for human habitation and vacant buildings and properties by municipal governments; and clarifying the parties responsible for compliance with municipal ordinances regarding these buildings and properties.

Referred to the Committee on Government Organization.

By Senator Palumbo:

Senate Bill No. 601—A Bill to amend and reenact §11-3-25 of the Code of West Virginia, 1931, as amended, relating to appeals of assessments by the Board of Equalization and Review or order of the Board of Assessment Appeals; removing a phrase giving appeal authority to an entity's agent, which the Supreme Court of Appeals of West Virginia interpreted as unconstitutional; and clarifying that appeals must be made by attorneys.

Referred to the Committee on the Judiciary.

By Senators Stollings, Beach, Jenkins and Laird:

Senate Bill No. 602—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.

By Senators Kessler (Mr. President), Wells, Fitzsimmons, Beach, Plymale, D. Hall, Snyder, Yost, Cann, Cookman, Laird, Jenkins and Miller:

Senate Joint Resolution No. 14—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 the West Virginia Future Fund; 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, Kirkendoll, Plymale, Unger and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 35—Requesting that a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the “Army Specialist 4 Larry E. Nunnery, Sr., Memorial Highway”.

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for ten years; and

Whereas, Army Specialist Nunnery was a member of the International Organization of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than ten years and assisted numerous veterans file and receive benefits; and

Whereas, Army Specialist Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile section of Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the “Army Specialist 4 Larry E. Nunnery, Sr., Memorial 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 the highway the “Army Specialist 4 Larry E. Nunnery, Sr., 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 Commissioner of the Division of Highways; Army Specialist Nunnery’s children: Gina Browning, Larry Nunnery II and April Lester; and his surviving siblings.

Which, under the rules, lies over one day.

Senators Laird, Stollings, Unger, Jenkins, Wells, D. Hall, Snyder, McCabe, Green, Beach, Kessler (Mr. President), Edgell, Fitzsimmons, Yost, Prezioso, Cookman and Miller offered the following resolution:

Senate Resolution No. 30—Designating February 14, 2014, as Corrections Day.

Whereas, The West Virginia Division of Corrections, the Regional Jail and Correctional Facility Authority and the Division

of Juvenile Services are committed to enhancing public safety by providing safe, secure and humane facilities, operating an effective system of offender reentry and community supervision, reducing offender recidivism and assisting victims of crime; and

Whereas, The Division of Corrections, the Regional Jail and Correctional Facility 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, 2014, as Corrections Day; and, be it

Further Resolved, That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail and Correctional Facility 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 Commissioner of the Division of Corrections, the Director of the Regional Jail and Correctional Facility Authority and the Director of the Division of Juvenile Services.

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.

Thereafter, at the request of Senator Miller, and by unanimous consent, the remarks by Senator Laird regarding the adoption of Senate Resolution No. 30 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 seventh order of business.

Senate Concurrent Resolution No. 32, Requesting DOH name bridge in Calhoun County “U. S. Army Sergeant Robert Odell Orders 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. 33, Requesting DOH name County Rt. 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. 34, Requesting DOH name bridge in Tyler County “Staff Sgt. Jesse A. Ault 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. 307, Authorizing community corrections programs to operate 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, 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: None.

Absent: Facemire—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. 307) 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. 327, 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, 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: None.

Absent: Facemire—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. 327) 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: None.

Absent: Facemire—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. 327) 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 Com. Sub. for Senate Bill No. 356,
Relating to purchasing reforms.

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. 356 pass?”

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: None.

Absent: Facemire—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. 356) 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. 443, Relating to SPRS.

On third reading, 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: None.

Absent: Facemire—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. 443) 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. 444, Relating to PERS.

On third reading, 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: None.

Absent: Facemire—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. 444) 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. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

On third reading, 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, Fitzsimmons,

Green, D. Hall, 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: None.

Absent: Barnes and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 452) 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. 453, Relating to TRS.

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.

The Senate proceeded to the ninth order of business.

Senate Bill No. 88, Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

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. 322, Providing state compensate officials, officers and employees every two weeks with certain exceptions.

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, Prohibiting certain insurers require policyholders use mail-order pharmacy.

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

Senate Bill No. 402, Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

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. 420, Relating to data sharing in P-20W Longitudinal Data System.

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

At the request of Senator Unger, 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. 422, Expanding state aid for students of certain health professions.

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

At the request of Senator Unger, 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. 434, Eliminating revocation period for certain DUI offenders.

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. 6, Regulating sale of drug products used in manufacture of methamphetamine.

Com. Sub. for Com. Sub. for Senate Bill No. 15, Removing certain billing limitations for HIV or STD testing by public health agencies.

Senate Bill No. 100, Authorizing operation of low-speed vehicles on certain municipal roads.

Com. Sub. for Senate Bill No. 155, Authorizing DHHR promulgate legislative rules.

Senate Bill No. 331, Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.

And,

Com. Sub. for Senate Bill No. 416, Relating to tentative appraisals of natural resources property.

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

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until Monday, February 17, 2014, at 11 a.m.

MONDAY, FEBRUARY 17, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Nancy Bradley, Associate Pastor, Sar Shalom Bible Center, Hurricane, West Virginia.

Pending the reading of the Journal of Friday, February 14, 2014,

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

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 United States military veterans privileges of the floor for the day.

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 Lydia Holmstrand to address the Senate on behalf of the Governor's Honors Academy and Bonnie Walton to address the Senate on behalf of the Governor's School for the Arts.

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

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. 4159—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; and specifying effective date.

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. 4188—A Bill to repeal §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18C-3-4; and to amend and reenact §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6 and §30-7B-7 of said code, all relating to recruitment and retention of nurses in the state; codifying Nursing Scholarship Program; modifying program administration; specifying program criteria, eligibility and awards; specifying recipient service or repayment requirement; continuing the Center for Nursing Fund special revenue account; modifying account administration, revenues and expenditures; continuing the West Virginia Center for Nursing; modifying center powers, duties and purpose; reorganizing the center's board of directors; modifying board membership, powers and duties; authorizing board member expense reimbursement; requiring cooperation among Higher Education Policy Commission, Center for Nursing and Board of Directors; defining terms; requiring legislative rule; authorizing emergency rule; requiring reports to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability; deleting obsolete provisions; and making technical changes.

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. 4298—A Bill to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended, relating to changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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. 4301—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping and fishing licenses; allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky; and requiring military identification for active duty members of the Armed Forces hunting, trapping or fishing while on furlough.

Referred to the Committee on Interstate Cooperation; 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. 4343—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.

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. 4394—A Bill to amend and reenact §18A-2-2, §18A-2-3 and §18A-2-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-3-1 of said code; and to amend and reenact §18A-4-7a, all relating to the filling of professional personnel positions in the public schools; adjusting dates for certain notices to accommodate flexibility in the beginning date of the instructional term; defining critical need and shortage for substitute teachers; creating deadline for retirement before employment as substitute; requiring posting of certain positions on statewide job bank after certain date; requiring monitoring, enforcement and reporting on job bank positions; expanding purposes of statewide job bank; requiring application information for positions posted on job bank; requiring information on loan forgiveness on job bank; defining critical need and shortage area position; requiring continuous posting on job bank; requiring certain other positions to be posted as critical need and shortage positions; correcting references to outdated provisions; requiring issuance of additional content area certifications upon submission of certain test scores; specifying certain provisions in teacher-in-residence program agreement; requiring principals and teachers to consider certain qualifications in making recommendation for employment of classroom teacher

and document consideration; limiting resignation and employment in another county in professional positions after twentieth prior to instructional term subject to certain exception; requiring position postings on county website; requiring information on loan forgiveness programs applicable to position; and making technical improvements.

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. 4402—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-26, relating to the conditional discharge for first offense underage purchase, consumption, sale, service or possession of nonintoxicating beer or alcoholic liquor.

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. 79—Requesting the Division of Highways to name bridge number 27-19-0.42 (27A109), commonly known as the Lane Street Bridge, located on Lane Street, Old Route 33, in New Haven, Mason County, the “Ord Brothers Memorial Bridge”.

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 Kirkendoll, Stollings, Miller, Facemire, Cann, Edgell, Green, D. Hall, McCabe, Unger, Kessler (Mr. President), Plymale and Jenkins:

Senate Bill No. 603—A Bill to amend and reenact §22A-2-43 of the Code of West Virginia, 1931, as amended, relating to requiring automatic de-energization of an extraction apparatus where a machine-mounted methane monitor indicates a methane concentration of one and five-tenths percent; and removing the requirement that the Board of Coal Mine Health and Safety promulgate a legislative rule defining the term “sustained period”.

Referred to the Committee on Energy, Industry and Mining.

By Senators Kirkendoll, Green, Miller, Facemire, Cann, Edgell, D. Hall, Stollings, Unger, Plymale and Jenkins:

Senate Bill No. 604—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 Economic Development; and then to the Committee on Finance.

By Senators Walters, McCabe, Palumbo and Wells:

Senate Bill No. 605—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1F-10, relating to creating and funding the establishment of a facility that studies and creates solutions to separate individual chemicals out of water; and providing funding from the Legislature’s Tax Reduction and Federal Funding Increased Compliance Fund.

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

By Senators Barnes, Tucker, Beach, Cann, Cookman, Edgell, Green, Laird, Miller, Palumbo, Sypolt, Plymale and Jenkins:

Senate Bill No. 606—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-4-24, relating to implementing a surcharge on licensed exotic entertainment facilities to provide funding for rape information and prevention services and rape crisis centers; findings; reporting requirements; Sexual Assault Fund to End Rape created; dispersal of grants for rape information and prevention services and rape crisis centers; rules; and civil penalty.

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

By Senators Barnes, Cann, Carmichael, Edgell, Green, Jenkins, Laird, Palumbo, Sypolt, Tucker, Plymale, Fitzsimmons, Yost, M. Hall, Cookman, D. Hall and Wells:

Senate Bill No. 607—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8B-1 and §61-8B-3 of said code, all relating to crimes against the person; providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense; and providing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Beach, Walters, Edgell, Unger, D. Hall and Wells:

Senate Bill No. 608—A Bill to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 and §17C-11-7 of said code, all relating to overtaking a bicycle on a roadway; and eliminating the prohibition against bicycles on roadways when usable adjacent paths are available.

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

By Senators Fitzsimmons, Edgell, Yost, Kessler (Mr. President) and Jenkins:

Senate Bill No. 609—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-1-6; and to amend and reenact §59-1-10 of said code, all relating to requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings; raising the price of a certified copy of a birth certificate, death certificate or marriage license from \$5 to \$11; and creating a fund within the State Treasury to pay for the implementation and sustenance of court-appointed special advocate programs.

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

By Senator D. Hall:

Senate Bill No. 610—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 §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating generally to requiring health insurance coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar device or method, when determined to be a medically suitable treatment for pain.

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

By Senator D. Hall:

Senate Bill No. 611—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; to amend and reenact

§22-15-11 of said code; to amend and reenact §22-16-4 of said code; and to amend and reenact §22C-4-30 of said code, all relating to county solid waste disposal fees generally; raising the county solid waste assessment fee to seventy-five cents; and exempting from the fee solid waste that is transported by rail to a solid waste disposal facility located in a county bordering another state.

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

By Senators D. Hall, Williams and Stollings:

Senate Bill No. 612—A Bill to amend and reenact §20-2-23a of the Code of West Virginia, 1931, as amended, relating to discontinuing the moratorium on the issuance of commercial rafting licenses on a section of the New River.

Referred to the Committee on Natural Resources.

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

Senate Bill No. 613—A Bill to amend and reenact §11-13BB-3 of the Code of West Virginia, 1931, as amended, relating to including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes under the West Virginia Innovative Mine Safety Technology Tax Credit Act.

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

By Senators Barnes, D. Hall, Laird, Tucker, Stollings, Cookman and Wells:

Senate Bill No. 614—A Bill to amend and reenact §48-10-502 of the Code of West Virginia, 1931, as amended, relating to grandparent visitation; and determining when a grandparent has standing for custody of a child.

Referred to the Committee on the Judiciary.

By Senators Fitzsimmons, Edgell, Yost and Kessler (Mr. President):

Senate Bill No. 615—A Bill to amend and reenact §11-6B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6B-3a, all relating to the creation of a \$20,000 annual flood zone homestead property tax exemption; defining “high-risk area”; and providing eligibility qualifications for the flood zone homestead property tax exemption.

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

By Senator Unger:

Senate Bill No. 616—A Bill to amend and reenact §5B-2F-2 of the Code of West Virginia, 1931, as amended, relating to creating the Energy Development Fund; allowing the Division of Energy to accept and use gifts, donations and contributions; and authorizing expenditures.

Referred to the Committee on Finance.

By Senator Stollings:

Senate Bill No. 617—A Bill to repeal §30-23-3, §30-23-5, §30-23-6, §30-23-8 and §30-23-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-23-4, §30-23-7, §30-23-9, §30-23-15 and §30-23-17 of said code, all relating to termination of the Medical Imaging and Radiation Therapy Technology Board of Examiners; providing for simplifying the regulations for medical imaging professionals by making them subject to national certifying organizations; requiring the Board of Medicine to verify certification with a national certifying organization; and granting rule-making authority.

Referred to the Committee on Government Organization.

By Senator Wells:

Senate Bill No. 618—A Bill to amend and reenact §8-12-5f of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to designate a special class of taxicabs that may be operated out of the owner's personal vehicles during designated evening and early-morning hours; establishing a limit on the number of the taxicabs; and clarifying that the special class of taxicabs would supplement rather than supplant existing services.

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

By Senator Tucker:

Senate Bill No. 619—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5d, relating to creating an exemption to the certificate of need process for certain critical access hospitals in certain situations.

Referred to the Committee on Health and Human Resources.

By Senators Palumbo, Williams and D. Hall:

Senate Bill No. 620—A Bill to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating to giving the Superintendent of State Police authority to hire additional staff, including legal counsel, when necessary.

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

By Senators Fitzsimmons, Kessler (Mr. President), Edgell, Yost and Cookman:

Senate Bill No. 621—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-49-1, §33-49-2, §33-49-3, §33-49-4, §33-49-5, §33-49-6, §33-49-7, §33-49-8 and §33-49-9, all relating to authorizing insurers to offer flood insurance in this state; providing legislative findings; defining the term "flood"; establishing the minimum coverage requirements

for these policies; providing coverage limitations that an insurer may include in these policies; requiring that certain limitations be noted on the policy declarations or face page; providing the insurer with rate options and the Insurance Commissioner with rate-making authority; requiring the insurer to provide notice that flood insurance is available from the National Flood Insurance Program; allowing an insurer to export a contract or endorsement of a certain amount to a surplus lines insurer without meeting certain requirements; providing prior notice requirements for cancellation or nonrenewal of a policy; requiring the insurer to notify the commissioner before writing flood insurance and to file a plan of operation with the commissioner; providing that any conflict with other provisions of the West Virginia insurance code are preempted by this article; and requiring the Insurance Commissioner to provide certification that a condition qualifies for flood insurance or disaster assistance.

Referred to the Committee on Banking and Insurance.

By Senators Wells, Palumbo, Walters and McCabe:

Senate Bill No. 622—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1F-10, relating to creating and funding the establishment of a facility that studies and creates solutions to maintain, improve and protect water quality and quantity in West Virginia; and providing a one-time funding from the Legislature.

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

By Senators Palumbo, Tucker and Snyder:

Senate Bill No. 623—A Bill to amend and reenact §22A-1A-1 of the Code of West Virginia, 1931, as amended, relating to Office of Miners' Health, Safety and Training administration and substance abuse; and requiring employers to notify the director of a positive drug or alcohol test, refusing to submit a sample, possessing a substituted sample, submitting a substituted sample, possessing an adulterated sample or submitting an adulterated sample.

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

By Senator Yost:

Senate Bill No. 624—A Bill to amend and reenact §22A-1A-1 of the Code of West Virginia, 1931, as amended, relating to employers' substance abuse screening policies and programs for safety-sensitive positions in mining operations; and providing for certificate suspension and revocation proceedings when a certified individual is denied employment, withdraws an application for employment, is discharged or resigns for violation of the employer's substance abuse screening policy and program.

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

By Senator Beach:

Senate Bill No. 625—A Bill to repeal §30-21-7a, §30-21-7b, §30-21-7c, §30-21-7d, §30-21-7e, §30-21-8a and §30-21-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-21-1, §30-21-2, §30-21-3, §30-21-4, §30-21-5, §30-21-6, §30-21-7, §30-21-8, §30-21-9, §30-21-10, §30-21-11, §30-21-12, §30-21-13, §30-21-14 and §30-21-17 of said code; and to amend said code by adding thereto twelve new sections, designated §30-21-16, §30-21-18, §30-21-19, §30-21-20, §30-21-21, §30-21-22, §30-21-23, §30-21-24, §30-21-25, §30-21-26, §30-21-27 and §30-21-28, all relating to the practice of psychology; prohibiting the practice of psychology without a license; providing other applicable sections; defining terms; continuing and renaming board; providing for board composition, appointments, qualifications, terms of office, filling of vacancies and holding meetings; providing for compensation and reimbursement for board members; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and certification requirements; setting forth scopes of practices; providing for licensure for persons licensed in another state; establishing renewal requirements; establishing delinquent, expired

and inactive license requirements; providing temporary permit requirements; requiring license to be displayed; providing for privileged communications and exceptions; providing the board may issue notices to cease and desist; providing that circuit courts may issue injunctions; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for the investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; and providing for criminal penalties.

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

By Senators Unger and Wells:

Senate Bill No. 626—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, §5A-12-12 and §5A-12-13, all relating to the Elk River Spill Victims' Compensation Act; creating the Office of Elk River Spill Victims' Compensation Fund within the Department of Administration; defining terms; authorizing the director to investigate the spill and determine potentially responsible parties; establishing criteria for eligibility; providing for due process; providing for exclusivity of remedies; providing for subrogation on behalf of the state; authorizing a study to determine the feasibility of a permanent fund; and providing program will be effective when adequate funding is available.

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

By Senator Miller:

Senate Bill No. 627—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-29; and to amend said code by adding thereto a new article,

designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17 and §22-30-18, all relating generally to preventing and mitigating catastrophes involving toxic substances; providing Division of Homeland Security and Emergency Management with subpoena powers; giving division the ability to hire hearing examiners and other staff; providing short title; providing legislative findings and purpose; defining terms; listing extraordinarily hazardous substances; providing registration process for facilities that generate, store or handle toxic substances; listing safer materials, methods and technologies; providing risk management program for registrants; providing process for risk management assessment; providing hazardous substance risk reduction plan; providing process for verification of compliance; authorizing division to propose legislative rules regarding issuance of insurance; requiring agency to propose rules for protection of confidential information; providing violations and penalties for violations of this article; providing for collection of fees from facility owners and operators; providing guidance for division's working relationship with local governmental bodies; providing division with adjudicative powers; providing division with adjudicatory procedure and process; and providing appeal process on final judgments.

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

By Senators Unger, Yost and Stollings:

Senate Bill No. 628—A Bill to repeal §17-4A-1, §17-4A-2 and §17-4A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6 and §16-46-7, all relating to creating the Healthy Children and Healthy Communities Act; providing a short title; defining “complete streets”; requiring consideration by the Division of Highways and local governments of the implementation of pedestrian-friendly policies for all streets in order to encourage and allow utilization for

a healthy active lifestyle; requiring consultation by the Division of Highways with the Bureau for Public Health to determine options for healthy community activities; providing for model policies; creating exceptions; creating the Healthy Communities Advisory Board; providing for reimbursement of mileage expenses of board members; requiring annual reports; and requiring county school boards, the Bureau for Public Health and the Division of Highways to investigate possibilities for collaborative agreements for use of all available public facilities in communities for creation of healthy lifestyle opportunities and submit a report to the Joint Committee on Children and Families outlining how every public facility may be utilized by respective communities.

Referred to the Select Committee on Children and Poverty; and then to the Committee on Health and Human Resources.

By Senators Chafin and Plymale:

Senate Bill No. 629—A Bill to amend and reenact §11-16-18 and §11-16-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-24 of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-12a of said code; and to amend and reenact §60-8-20a of said code, all relating to creating the misdemeanor offense for a person who commits an assault upon an employee of the Alcohol Beverage Control Commissioner while engaged in the performance of his or her duties.

Referred to the Committee on the Judiciary.

By Senators Tucker and Plymale:

Senate Bill No. 630—A Bill to amend and reenact §17A-6A-1, §17A-6A-3, §17A-6A-4, §17A-6A-5, §17A-6A-6, §17A-6A-7, §17A-6A-8, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-18, §17A-6A-19, §17A-6A-20 and §17A-6A-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto seven new sections, designated §17A-6A-12a, §17A-6A-12b, §17A-6A-12c,

§17A-6A-14a, §17A-6A-15, §17A-6A-16 and §17A-6A-17, all relating to motor vehicle dealers, distributors, wholesalers and manufacturers.

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

Senators Palumbo, McCabe, Walters, Wells, Unger and Stollings offered the following resolution:

Senate Concurrent Resolution No. 36—Requesting the Division of Highways to name the portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the “Army Sgt. James Lawrence Taylor Memorial Road”.

Whereas, Sergeant James Lawrence Taylor was born on June 9, 1943, the son of Monte and Ruth Taylor of Nitro, and brother of Monte, Jr., Kent, Jerry and David; and

Whereas, Sergeant James Lawrence Taylor attended Nitro High School, but left in 1960 before graduating to enlist in the Army, serving in Germany and Vietnam; and

Whereas, While in Vietnam, Sergeant James Lawrence Taylor was a member of the 5th Mobile Strike Force Command, Detachment A-503, known as the Green Berets; and

Whereas, On March 9, 1966, Sergeant James Lawrence Taylor was on a special mission to reinforce a special force detachment located at Camp A Shau in South Vietnam when Camp A Shau came under attack by Viet Cong; and

Whereas, Sergeant James Lawrence Taylor assumed command when the company commander was killed by enemy fire; and

Whereas, Sergeant James Lawrence Taylor was injured by Viet Cong rifle fire, and he was carried out of Camp A Shau when troops were forced to abandon the evacuation; and

Whereas, Sergeant James Lawrence Taylor's body was never recovered, and he was presumed dead by the military; and

Whereas, Sergeant James Lawrence Taylor was awarded the Purple Heart medal posthumously in 1966; 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 that Sergeant James Lawrence Taylor'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 portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the "Army Sgt. James Lawrence Taylor Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to make two signs that state, in bold and prominent lettering, the "Army Sgt. James Lawrence Taylor Memorial Road" and to erect these signs on either side of that 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 Sergeant James Lawrence Taylor.

Which, under the rules, lies over one day.

Senators Kirkendoll, Stollings, Unger, Jenkins and Cole offered the following resolution:

Senate Concurrent Resolution No. 37—Requesting the Division of Highways to name a stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, the “Lance Corporal Larry G. Williamson Memorial Highway”.

Whereas, Lance Corporal Larry G. Williamson was born on February 9, 1947, in Lincoln County to John B. and Georgia Napier Williamson. He had three sisters, Patty Egnor, Peggy Perry (deceased) and Robin Williamson. Larry attended Harts High School, played varsity basketball, was on the school newspaper and was secretary/treasurer of his senior class. He graduated in 1964 and attended Marshall University’s Logan branch for two years. On September 9, 1967, at the age of twenty, Larry married Wanda Brumfield and moved to Columbus, Ohio, where he became manager of car parts and tires at a Firestone Automotive Center; and

Whereas, In January, 1969, Larry was drafted from West Virginia. While on a bus taking him for Army training, he was among the draftees separated and reassigned to the Marines. He received basic training at Camp Pendleton, California, and after a brief visit home was ordered to Vietnam and assigned to the 5th Marine Division. He soon received a promotion to Lance Corporal. In Vietnam, Larry was assigned as a squad leader in the First Platoon of Company G. On March 11, 1970, the squad was acting as a blocking force and was located approximately two miles northeast of An Hoa Combat Base in Quang Nam Province. Lance Corporal Larry G. Williamson was killed when a well-concealed explosive device detonated. A squad corpsman rushed to his aid but death had been instantaneous. Lance Corporal Larry G. Williamson received a Purple Heart, Rifle Sharpshooter, National Defense, Republic of Vietnam Service, Chien Dich Vietnam Medal and Boi-Tinh 1960 Medals; and

Whereas, Lance Corporal Larry G. Williamson made the ultimate sacrifice for his country and in doing so represented West Virginia

and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed. Naming that stretch of road in Logan County the “Lance Corporal Larry G. Williamson Memorial Highway” is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, the “Lance Corporal Larry G. Williamson Memorial 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 one-mile stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, containing bold and prominent letters proclaiming the stretch of road the “Lance Corporal Larry G. Williamson 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 Lance Corporal Larry G. Williamson.

Which, under the rules, lies over one day.

Senators Plymale, Unger, Stollings, Prezioso, D. Hall and Wells offered the following resolution:

Senate Concurrent Resolution No. 38—Requesting the Joint Committee on Government and Finance study options for gradually combining West Virginia’s early childhood programs into a comprehensive system of services for children.

Whereas, Current brain research shows that the brain is most active and most susceptible to experiences during the first three years of life.

A number of early childhood programs currently operating within the state government have differing visions, goals and service populations; and

Whereas, Child care services within the Bureau for Children and Families have traditionally focused on work support, but the educational component should be prioritized and enhanced to improve outcomes for families and children. West Virginia invests in child care services to improve outcomes for both children and adults. The state would benefit by maximizing the potential of existing programs by combining services and creating unified vision, goals and measurable outcomes for the combined childhood programs; and

Whereas, All parties would be best served by consolidating services for young children to reduce confusion regarding the variety of programs and to promote the comprehensive developmental needs of young children; and

Whereas, To create a comprehensive program in which West Virginia's early childhood programs work jointly to maximize investments in the well-being of young children, various models of governance should be studied; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study options for gradually combining West Virginia's early childhood programs into a comprehensive system of services for children; and, be it

Further Resolved, That the Joint Committee on Government and Finance is hereby requested to study options to transfer the Division of Early Care and Education and the Head Start State Collaborative to create a unified vision for early childhood; and, be it

Further Resolved, That various state models, particularly Connecticut or other states, should be studied for an early childhood system; and, be it

Further Resolved, That the committee find the appropriate way to allow the Division of Early Care and Education and the Head Start Collaborative the ability to better collaborate with other early childhood programs; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Wells, Kessler (Mr. President), Plymale, Fitzsimmons, Snyder, Unger, Williams, Yost, Stollings, Prezioso, Jenkins, D. Hall and McCabe offered the following resolution:

Senate Resolution No. 31—Designating February 17, 2014, 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 17, 2014, 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 proceeded to the seventh order of business.

Senate Concurrent Resolution No. 35, Requesting DOH name portion of Rt. 17 in Boone County "Army Specialist 4 Larry E. Nunnery, Sr., 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. Senate Bill No. 88, Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance 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. S. B. No. 88) 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. 322, Providing state compensate officials, officers and employees every two weeks with certain exceptions.

On third reading, 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. 322) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 322) takes effect July 1, 2014.

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, Prohibiting certain insurers require policyholders use mail-order pharmacy.

On third reading, 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. 384) 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. 402, Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

On third reading, 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. 402) 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 Com. Sub. for Senate Bill No. 420, Relating to data sharing in P-20W Longitudinal Data System.

On third reading, coming up in regular order, with the right having been granted on Friday, February 14, 2014, for amendments to be received on third reading, was reported by the Clerk.

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

On page seven, section ten, line eighty-four, after the word “affiliation,” by inserting the words “whether the person or a member of their household owns or possesses a firearm,”.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 420 was then 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. 420 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Boley, Carmichael and Nohe—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 Com. Sub. for S. B. No. 420) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Barnes, Beach, Blair, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Boley, Carmichael and Nohe—3.

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. 420) takes effect July 1, 2014.

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. 422, Expanding state aid for students of certain health professions.

On third reading, coming up in regular order, with the right having been granted on Friday, February 14, 2014, for amendments to be received on third reading, was reported by the Clerk.

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

On page four, section two, line thirty-six, by striking out the words “in the field of study” and inserting in lieu thereof the words “or enrolling in military service”.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 422 was then read a third time and put upon its passage.

On this question, the yeas were: Cann, Carmichael, Cookman, Edgell, Facemire, D. Hall, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Wells, Yost and Kessler (Mr. President)—17.

The nays were: Barnes, Beach, Blair, Boley, Chafin, Cole, Fitzsimmons, Green, M. Hall, Jenkins, Miller, Nohe, Sypolt, Tucker, Unger, Walters and Williams—17.

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 S. B. No. 422) rejected on a tie vote.

Eng. Com. Sub. for Senate Bill No. 434, Eliminating revocation period for certain DUI offenders.

On third reading, 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. 434) 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. 6, Regulating sale of drug products used in manufacture of methamphetamine.

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

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page three, after the enacting section, by inserting the following:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 14. REGISTRY OF CONVICTIONS FOR METHAMPHETAMINE OFFENSES.

§15-14-1. Registry of convictions for methamphetamine offenses; required information; procedures.

(a) There is created within the Criminal Identification Bureau of the West Virginia State Police a methamphetamine registry of persons convicted of a violation of either of the following provisions of this code:

(1) Section four hundred eleven, article four, chapter sixty-a of this code; and

(2) Section four, article ten, chapter sixty-a of this code.

(b) The registry shall consist of the person's name, date of birth, offense or offenses requiring the person's inclusion on the registry, the conviction date and county of those offenses, and any other available information the bureau deems important. Under no circumstance may the registry make available to the public the person's social security number, driver's license number or any other state or federal identification number.

§15-14-2. Reports of certain convictions by prosecuting attorneys; providing website information; superintendent to propose rules.

(a) A prosecuting attorney, upon conviction of a person for violating the provisions of section four hundred eleven, article four, chapter sixty-a of this code or section four, article ten, chapter sixty-a of this code, shall report the conviction to the registry, provided in a form furnished by the bureau for registry purposes. Reporting procedures shall be developed by the bureau in conjunction with the West Virginia Prosecuting Attorneys Institute and the Administrator of the Supreme Court of Appeals.

(b) Information relating to convictions prior to the effective date of this section shall, to the extent feasible and practicable, be placed on the registry.

(c) The registry shall be accessible through a website maintained under the direction of the State Police.

(d) The Superintendent of the State Police shall propose legislative rules in accordance with the provisions of article three, chapter twenty-nine-a of this code designed to implement the provisions of this article.

CHAPTER 60A.
UNIFORMED CONTROLLED SUBSTANCES ACT.;

On page eight, section two hundred ten, lines ninety-one through one hundred, by striking out all of subsection (f);

And by relettering the remaining subsection;

On page eleven, section two hundred twelve, after line thirty-nine, by adding thereto a new subsection, designated subsection (e), to read as follows:

(e) Any compound, mixture or preparation containing ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers except products which are for pediatric use primarily intended for administration to children under the age of twelve and products which have been determined by the Board of Pharmacy to be in a form which is not feasible for being used for the manufacture of methamphetamine, as set forth in article ten of this chapter: *Provided*, That neither the offenses set forth in section four hundred one, article four of this chapter, nor the penalties therein, shall be applicable to ephedrine, pseudoephedrine or phenylpropanolamine, which shall be subject to the provisions of article ten of this chapter.;

On page twenty, section four, line one, after the word “dispense” by inserting the words “to the same person, and a person may not purchase more than three and six-tenths grams per day, more than seven and two-tenths grams in a thirty-day period or more than twenty-four grams annually of”;

On page twenty, section four, line eleven, after the word “form” by changing the period to a colon and inserting the following proviso: *Provided*, That a physician, a pharmacy by a pharmacist or pharmacy technician, or health care professional may not sell, transfer or dispense to a person convicted of: (1) A felony violation of chapter sixty-a of this code; or (2) any violation of section four hundred eleven, article four, chapter sixty-a of this code; or (3) any

violation of section four, article ten, chapter sixty-a of this code, any substance described in subsection (e), section two hundred twelve, article two of this chapter, including versions that have been determined by the Board of Pharmacy to be in a form which is not feasible for being used for the manufacture of methamphetamine, except by prescription.;

And,

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §60A-10-8 of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by adding thereto two new sections, designated §15-14-1 and §15-14-2; that §60A-2-210 and §60A-2-212 of said code be amended and reenacted; and that §60A-10-2, §60A-10-3, §60A-10-4, §60A-10-5 and §60A-10-7 of said code be amended and reenacted, all to read as follows:.

Following extended discussion,

The question being on the adoption of Senator Carmichael's amendments to the bill, the same was put and did not prevail.

On motion of Senator Jenkins, the following amendment to the bill (Com. Sub. for Com. Sub. for S. B. No. 6) was next reported by the Clerk:

On page twenty-one, section four, line twenty-eight, after the word "manufacturer" by changing the period to a colon and inserting the following proviso: *Provided, however,* That the provisions of this subdivision are inapplicable to persons possessing three and six-tenths grams of ephedrine, pseudoephedrine or phenylpropanolamine or less which has been lawfully purchased in the jurisdiction of sale and which is possessed with the intent that it be used in the manner and form intended by the manufacturer.

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Jenkins to the bill (Com. Sub. for Com. Sub. for S. B. No. 6), and on this question, Senator Barnes demanded the yeas and nays.

The roll being taken, the yeas were: Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters—10.

The nays 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.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Jenkins to the bill rejected.

The bill (Com. Sub. for Com. Sub. for S. B. No. 6) was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 15, Removing certain billing limitations for HIV or STD testing by public health agencies.

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

Senate Bill No. 100, Authorizing operation of low-speed vehicles on certain municipal roads.

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. 155, 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.

Senate Bill No. 331, Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.

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. 416, Relating to tentative appraisals of natural resources property.

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. 167, Authorizing Department of Revenue promulgate legislative rules.

Com. Sub. for Senate Bill No. 315, Clarifying use of certain funds under Military Authority Act.

Senate Bill No. 328, Terminating Strategic Research and Development Tax Credit.

Com. Sub. for Senate Bill No. 376, Requiring certain construction workers complete OSHA safety program.

Com. Sub. for Senate Bill No. 427, Relating to motor vehicle insurance.

Senate Bill No. 457, Requiring programs for temporarily detained inmates in regional jails.

Senate Bill No. 480, Expanding period during which certain motor vehicle liens are valid.

And,

Com. Sub. for Senate Bill No. 540, Requiring SSAC promulgate rules allowing college preparatory team recognition.

The Senate proceeded to the thirteenth order of business.

At the respective requests of Senators Beach and Edgell, the names of Senators Beach and Edgell were removed as sponsors of **Senate Bill No. 474** (*Allowing disposal of drill cuttings from well sites in commercial solid waste facilities*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 18, 2014, at 11 a.m.

TUESDAY, FEBRUARY 18, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Eric Mounts, Senior Pastor, Bible Center Church, Charleston, West Virginia.

Pending the reading of the Journal of Monday, February 17, 2014,

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 Clerk presented a communication from the Office of Tax Appeals, submitting its annual report as required by 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 Senate 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, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2165—A Bill to amend and reenact §16-5-29 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; providing that the State Registrar shall issue up to two certified copies of a death certificate of an eligible veteran at no charge.

Referred to the Committee on Military; 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. 2895—A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to the display of POW/MIA flags on county courthouses and other government buildings.

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. 4149—A Bill to amend and reenact §5-4-1 of the Code of West Virginia, 1931, as amended, all relating to the Board of Public Works; providing for board members to be represented by designees; providing that designees may only vote on certain matters; and providing that no more than three designees may vote at a meeting.

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. 4151—A Bill to repeal §30-1-6a and §30-1-6b of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7, §30-1B-8 and §30-1B-9, all relating to professional licensing requirements for certain military members and their spouses; making legislative findings; requiring certain boards to consider military education, training and experience upon application for licensure, certification or registration; providing for licensure renewal during active duty and for six months thereafter for service members and their spouses without meeting requirements of continuing education in certain circumstances and without payment of fees; requiring licensees, certificate holders and registrants to submit waiver requests to the boards; providing for expedited temporary licenses for spouses of active duty service members in certain circumstances; providing for waiver of temporary license application fees in certain circumstances; providing boards with rule-making authority; requiring boards to collect certain data on applications for licensure; requiring boards to report data on

waivers and temporary licenses in their annual reports; applicability; and providing for liberal construction of article.

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. 4268—A Bill to repeal §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9A-1-2, §9A-1-4, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of said code, all relating to the Department of Veterans' Assistance; removing outdated language; providing additional powers to the Secretary of Department of Veterans' Assistance; modifying the duties of the Veterans' Council; and authorizing the Secretary to award grants to provide transportation for veterans.

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. 4309—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting a person to keep a firearm in his or her motor vehicle upon the grounds of the State Capitol Complex if the vehicle is locked and the firearm is out of normal view.

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. 4347—A Bill to amend and reenact §38-2-21 and §38-2-34 of the Code of West Virginia, 1931, as amended, relating to creating an affirmative defense to an action to enforce a lien.

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. 4349—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 and §7-14D-21 of said code; to amend and reenact §8-22A-22 and §8-22A-23 of said code; to amend and reenact §15-2-33 of said code; to amend and reenact §15-2A-12 of said code; and to amend and reenact §16-5V-25 and §16-5V-26 of said code, all relating to retirement burial and scholarship benefits awarded on behalf of deceased uniformed service officers as it relates to the distribution of marital property under a Qualified Domestic Relations Order.

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. 4453—A Bill to amend and reenact §48-13-302 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-18-126 of said code, all relating to the calculation of child support obligations and the review and adjustment of child support orders.

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. 4454—A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-8-34 of said code, all relating to the sale of alcoholic beverages by private licensees; prohibiting the sale of nonintoxicating beer, wine and alcoholic liquors by licensed private clubs between two a.m. and ten thirty a.m. on Sundays and between two a.m. and seven a.m. on any weekday or Saturday; authorizing licensed private clubs to sell nonintoxicating beer, wine and alcoholic liquors between the hours of ten thirty a.m. and one p.m. on Sundays; authorizing a licensed private bed and breakfast, private wine restaurant or private wine spa to sell wine for consumption on the licensed premises between the hours of ten thirty a.m. and one p.m. on Sundays.

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 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. 252 (originating in the Committee on Education), Allowing certain expelled students to return to school through Juvenile Drug Court.

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

Com. Sub. for Com. Sub. for Senate Bill No. 252 (originating in the Committee on the Judiciary)—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 allowing the county board of education and certain other individuals to refer an expelled pupil to a Juvenile Drug Court; allowing the Juvenile Drug Court judge to determine if the pupil is an appropriate candidate for Juvenile Drug Court; granting the Juvenile Drug Court the same jurisdiction over the pupil as it has over others participating in Juvenile Drug Court; providing that a pupil who successfully completes or is certified as making satisfactory progress toward successful completion of Juvenile Drug Court shall return to school by a lessening of the period of expulsion; and providing exception when a pupil brings a firearm to or possesses a firearm in a school.

With the recommendation that the committee substitute for 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. 255, Increasing fire and casualty insurance policies surcharge to benefit fire departments.

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

Com. Sub. for Senate Bill No. 255 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended,

relating to increasing a surcharge on fire and casualty insurance policies to one percent to benefit volunteer and part-volunteer fire departments.

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. 255), 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. 414 (originating in the Committee on the Judiciary), Redirecting nonprobate appraisement filings.

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

Com. Sub. for Com. Sub. for Senate Bill No. 414 (originating in the Committee on Finance)—A Bill to amend and reenact § 11-11-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact § 44-1-14 of said code, all relating to eliminating the filing of a nonprobate inventory form along with the estate appraisement filing with the Tax Commissioner; providing for the filing of the nonprobate inventory form along with the estate appraisement filing with the clerk of the county commission or fiduciary supervisor only; providing for confidentiality of nonprobate inventory form; and specifying effective dates.

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. 461, Creating Future Fund.

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

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

Senate Bill No. 495, Increasing collections into Land Division special revenue account.

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

Com. Sub. for Senate Bill No. 495 (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 increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture to \$3 million; increasing the aggregate cap to \$5 million; and depositing excess into the General Revenue Fund.

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. 495), 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. 507, Relating to Board of Barbers and Cosmetologists.

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

Com. Sub. for Senate Bill No. 507 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-27-4 and §30-27-6 of the Code of West Virginia, 1931, as amended, all relating to the Board of Barbers and Cosmetologists; changing board membership; requiring the board to offer examinations in other languages if available and upon request; and removing outdated language.

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. 533, Updating commercial feed laws; setting fees by rule.

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 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. 544, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

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

Com. Sub. for Senate Bill No. 544 (originating in the Committee on Interstate Cooperation)—A Bill to amend and reenact §49-7-1 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Juvenile Services to share juvenile records under certain circumstances with another state if that state has a reciprocal agreement with this state; specifying the circumstances when information may be shared; authorizing the Division of Juvenile Services to enter into agreements with other states; and authorizing 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,

Art Kirkendoll,
Chair.

The bill (Com. Sub. for S. B. No. 544), 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. 583, Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.

And reports the same back with the recommendation that it 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. 596, Modifying statute of limitations on demand note collections.

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 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. 603, Requiring automatic de-energization of mine extraction apparatus when certain methane concentration exists.

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

Com. Sub. for Senate Bill No. 603 (originating in the Committee on Energy, Industry and Mining)—A Bill to amend and reenact §22A-2-43 of the Code of West Virginia, 1931, as amended, relating to testing for the presence of methane in underground mines; clarifying when handheld testing devices shall be used; requiring automatic de-energization of an extraction apparatus where a machine-mounted methane monitor indicates a methane concentration of one and five-tenths percent; and removing the requirement that the Board of Coal Mine Health and Safety promulgate a legislative rule defining the term “sustained period”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Douglas E. Facemire,
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. 621, Authorizing insurers offer flood insurance.

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

Com. Sub. for Senate Bill No. 621 (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 article, designated §33-49-1, §33-49-2, §33-49-3, §33-49-4, §33-49-5, §33-49-6, §33-49-7, §33-49-8, §33-49-9 and §33-49-10, all relating to authorizing insurers to offer flood insurance in this state; providing legislative findings; defining terms; establishing

minimum coverage requirements for these policies; providing coverage limitations that an insurer may include in these policies; requiring that certain limitations be noted on the policy declarations or face page; providing the Insurance Commissioner with authority for ratemaking and legislative and emergency rule-making authority; requiring the insurer to provide notice that flood insurance is available from the National Flood Insurance Program; allowing an insurer to export a contract or endorsement of a certain amount to a surplus lines insurer without meeting certain requirements; providing prior notice requirements for cancellation or nonrenewal of a policy; requiring the insurer to notify the commissioner before writing flood insurance and to file a plan of operation with the commissioner; providing that any conflict with other provisions of the West Virginia insurance code are superseded by this article; and requiring the Insurance Commissioner to provide certification that a condition qualifies for flood insurance or disaster assistance.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory A. Tucker,
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

Senate Bill No. 623, Requiring notification of certain substance abuse screening of mine personnel.

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 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. 32, Requesting DOH name bridge in Calhoun County “U. S. Army Sergeant Robert Odell Orders Memorial Bridge”.

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. 32) 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 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. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.

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 Finance.

Respectfully submitted,

Douglas E. Facemire,
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 Energy, Industry and Mining.

The bill (Eng. Com. Sub. for H. B. No. 2954), under the original triple committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 39—Requesting the Division of Highways to name the stretch of road beginning at U. S. Route

119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “Army Sgt. Andy Messer Memorial Highway”.

Whereas, Mark Andrew “Andy” Messer was born on January 4, 1965, in Charleston, Kanawha County, to Mark Andrew “Andy” Messer. He passed away at his home in Julian, Boone County, on March 18, 2013. After graduating from Scott High School, where he played football, Andy enrolled in the Army. He served in the military for more than ten years, including a life-altering, front-line tour in the Middle East during Desert Storm. Andy was a member of the 5th Special Forces Group and the 101st Airborne (Green Berets). He was a highly decorated combat veteran. He was stationed at Fort Leonard Wood in Missouri, Fort Lewis in Washington and Fort Campbell in Kentucky. He fought in Honduras, Iraq, Iran, Kuwait and Saudi Arabia. He trained with the Egyptian Special Forces. He received the Army Service Ribbon, Army Lapel Button, Sharpshooter Qualification Badge (M16 Rifle), Driver’s Badge, Army Good Conduct Medal, Army Achievement Medal, NCO Professional Development Ribbon, National Defense Service Medal, Driver Mechanic Badge, Mechanic Badge, Southwest Asia Service Medal and Saudi Arabia/Kuwait Liberation Medal. Andy returned home to Boone County after he received a medical discharge because of injuries sustained during Desert Storm, including post-traumatic stress disorder. He was a VFW member; and

Whereas, Mark Andrew “Andy” Messer is survived by his sons, Elijah Messer, of Sharples, Justin Green, of Killeen, Texas, and Gage and Dane Messer, both of Madison; his grandchildren, Kadence and Gunnar Green, of Killeen, Texas; his daughter-in-law, Nelle Green, of Killeen, Texas; his father, Mark Andrew “Andy” Messer, of Haddalton; his brothers, David and Jacob Messer, both of Haddalton; his sisters-in-law, Tonya and Amanda Messer, both of Haddalton; and many aunts, uncles, cousins, nephews, nieces and friends. Andy was preceded in death by his grandparents, Carl and Lorraine Messer and William “Squirrelly” and Letha Fankhauser; and

Whereas, The sacrifices Mark Andrew “Andy” Messer made for his country and the contributions he made to his state and community are representative of the highest levels of honor and courage and should not go unnoticed. Naming that stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “Army Sgt. Andy Messer Memorial Highway” is an appropriate recognition of his sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “Army Sgt. Andy Messer Memorial 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 one-mile stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “Army Sgt. Andy Messer 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 Sgt. Andy Messer.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 40—Requesting the Division of Highways to name County Route 13/03, known as Joe’s Creek Road, in Sumerco, Lincoln County, as the “Army PFC John E. Runyan Memorial Road”.

Whereas, Army PFC John E. Runyan was born in Sumerco, Lincoln County, on August 22, 1922; and

Whereas, Army PFC John E. Runyan was drafted into the Army on December 1, 1942, and was assigned to the 99th Division, 22nd Infantry, Company 1; and

Whereas, Army PFC John E. Runyan was killed in action in France on June 25, 1944, after a cargo truck he was in struck a German landmine; and

Whereas, Army PFC John E. Runyan was finally laid to rest on November 20, 1948, at Midkiff Cemetery in Lincoln County; and

Whereas, It is fitting to honor Army PFC John E. Runyan's life and service by naming County Route 13/03 after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 13/03, known as Joe's Creek Road, in Sumerco, Lincoln County, as the "Army PFC John E. Runyan 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 John E. Runyan 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, the Commissioner of Highways and the family of the late Army PFC John E. Runyan.

Which, under the rules, lies over one day.

Senators Chafin, Stollings, Jenkins, D. Hall and Cole offered the following resolution:

Senate Concurrent Resolution No. 41—Requesting the Division of Highways to name the stretch of West Virginia Route 83 between its intersection with West Virginia Route 16 at Yukon, McDowell County, and its intersection with County Road 83/03 in Bartley, McDowell County, as the “Army MSG Joe C. Alderman Memorial Road”.

Whereas, MSG Alderman was born in Bartley, McDowell County, on September 11, 1940; and

Whereas, MSG Alderman enlisted in the Army in 1958 following his graduation from Big Creek High School; and

Whereas, MSG Alderman began his career with the Army Special Forces in 1962; and

Whereas, During his time in the Special Forces, MSG Alderman spent seven years on special detachments in Vietnam; and

Whereas, MSG Alderman’s awards and honors include the Silver Star, Legion of Merit, Soldier’s Medal, six Bronze Stars, the Meritorious Service Medal, five Air Medals, the Joint Service Medal, six Army Commendation Medals and three Purple Hearts. Other awards from his time in Vietnam include the Special Service Medal for Heroism, the Cross of Gallantry with a Silver Star, two Bronze Stars and the Armed Forces Honor Medal; and

Whereas, MSG Alderman retired in November, 1980, and his career achievements were marked with his induction into the Ranger Hall of Fame in 1998; and

Whereas, It is fitting to honor MSG Alderman’s life and service by naming the stretch of West Virginia Route 83 after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of West Virginia Route 83 between its intersection with West Virginia Route 16 at Yukon, McDowell County, and its intersection with County Road 83/03 in Bartley, McDowell County, as the “Army MSG Joe C. Alderman 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 MSG Joe C. Alderman 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 Transportation, the Commissioner of Highways and MSG Alderman’s surviving relatives.

Which, under the rules, lies over one day.

Senators McCabe, Wells, Palumbo, Walters, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Chafin, Cookman, Edgell, Green, M. Hall, Plymale, Sypolt, Unger, Williams, Snyder, Stollings, Fitzsimmons, Yost, Jenkins, Cole, D. Hall and Prezioso offered the following resolution:

Senate Resolution No. 32—Designating February 18, 2014, 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 made its historic decision outlawing school segregation, and West Virginia State College rapidly transitioned to an integrated institution. The university's student population is one of the most diverse in the state and an accurate reflection of America today; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers eighty-one 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 February 18, 2014, 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.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator Wells regarding the adoption of Senate Resolution No. 32 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 Walters, Stollings, Fitzsimmons, Yost, Plymale and D. Hall offered the following resolution:

Senate Resolution No. 33—Recognizing the Linsly School on the occasion of its two hundredth anniversary.

Whereas, The Linsly School, founded as the Lancastrian Academy in 1814, predates the State of West Virginia; and

Whereas, The Linsly School was the first preparatory school established west of the Alleghenies in Wheeling, West Virginia; and

Whereas, The educational institution opened its doors as a coeducational institution until it became an all-boys institution at the beginning of the Civil War, returning to a coeducational facility in 1988; and

Whereas, The first Capitol of West Virginia occupied the Linsly School building from West Virginia's admission to the Union in 1863 until the Capitol was moved to Charleston in 1870; and

Whereas, The Linsly School continues to dedicate itself to youths' academic and character development; and

Whereas, The Linsly motto, "Forward and no retreat!", embodies the character and history of the school; and

Whereas, The school motto so profoundly resonates West Virginia's character and history; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Linsly School on the occasion of its two hundredth anniversary; 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 significance of the Linsly School in their contributions to the rich culture of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Linsly School.

At the request of Senator Walters, 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 Wells, and by unanimous consent, the remarks by Senators Fitzsimmons and Walters regarding the adoption of Senate Resolution No. 33 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 seventh order of business.

Senate Concurrent Resolution No. 36, Requesting DOH name portion of Rt. 25 in Kanawha County “Army Sgt. James Lawrence Taylor 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. 37, Requesting DOH name road in Logan County “Lance Corporal Larry G. Williamson Memorial Highway”.

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 development of comprehensive early childhood program.

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 Com. Sub. for Senate Bill No. 6,
Regulating sale of drug products used in manufacture of
methamphetamine.

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 twenty-five, section four, after line ninety-seven, by inserting a new section, designated section four-a, to read as follows:

§60A-10-4a. Expungement of first offense possession of ephedrine, pseudoephedrine or phenylpropanolamine.

(a) Whenever any person who has not previously been convicted of a violation of chapter sixty-a of this code or a violation of the provisions of this article or under any statute of the United States or any state relating to controlled substances or methamphetamine precursors is charged with possession of ephedrine, pseudoephedrine or phenylpropanolamine in violation of subdivision (1), subsection (a), section four of this article, he or she may move the court to defer further proceedings and to be placed on probation under such terms and conditions as the court deems appropriate. Should the court find that the person possessed three and six-tenths grams of ephedrine, pseudoephedrine or phenylpropanolamine or less which had been lawfully purchased in the jurisdiction of sale and that the person possessed the ephedrine, pseudoephedrine or phenylpropanolamine with the intent that it be used in the manner and form intended by the manufacturer, the court shall defer further proceedings and place the person on probation.

(b) Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities or sentencing enhancements imposed by law upon conviction of a crime. The effect of the dismissal and discharge shall be to restore the person in contemplation of law to the status he or she occupied prior to arrest. No person as to whom a dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing or otherwise giving a false statement by reason of his or her failure to disclose or acknowledge his or her arrest or trial in response to any inquiry made of him or her for any purpose. There may be only one discharge and dismissal under this section with respect to any person.

(c) After a period of not less than six months, which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this chapter, the person may apply to the court for an order to expunge from all official records all recordations of his or her arrest, trial and conviction, pursuant to this section. If the court determines after a hearing that the person during the period of his or her probation and during the period of time prior to his or her application to the court under this section has not been guilty of any serious or repeated violation of the conditions of his or her probation, it shall order the expungement.;

And,

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §60A-10-8 of the Code of West Virginia, 1931, as amended, be repealed; that §60A-2-210 and §60A-2-212 of said code be amended and reenacted; that §60A-10-2, §60A-10-3, §60A-10-4,

§60A-10-5 and §60A-10-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-10-4a, all to read as follows:

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 6 was then 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. 6 pass?”

On the passage of the bill, the yeas were: Beach, Cann, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—25.

The nays were: Barnes, Blair, Boley, Carmichael, Chafin, Cole, M. Hall, Nohe and Sypolt—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 Com. Sub. for S. B. No. 6) 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. 6—A Bill to repeal §60A-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-210 and §60A-2-212 of said code; to amend and reenact §60A-10-2, §60A-10-3, §60A-10-4, §60A-10-5

and §60A-10-7 of said code; and to amend said code by adding thereto a new section, designated §60A-10-4a, all relating to the Methamphetamine Lab Eradication Act and the prevention of the production of methamphetamine generally; requiring certain drug products containing ephedrine, pseudoephedrine or phenylpropanolamine be obtained by prescription only; moving said drug products from Schedule V to Schedule IV; distinguishing between schedule classifications; providing an exception for drug products that are extraction or conversion resistant; making legislative findings; defining terms; prohibiting pharmacies from selling certain drugs that can be used in the production of methamphetamine without a prescription; creating criminal offenses related to methamphetamine precursors and establishing penalties therefor; creating an expungement process for certain persons charged with possession of ephedrine, pseudoephedrine or phenylpropanolamine without a prescription; permitting the sale of certain drugs without a prescription where the Board of Pharmacy determines that the drugs are not feasible for being used for the manufacture of methamphetamine; reducing the maximum amounts persons are permitted to purchase of certain drugs that cannot feasibly be converted into methamphetamine; limiting authority of the Board of Pharmacy as to storage, recordkeeping and security requirements for wholesalers; adjusting the requirements of the Multi-State Real-Time Tracking System; removing certain outdated language; and providing rule-making authority to the Board of Pharmacy to implement emergency and legislative rules, which will provide procedures as to which products may be sold over the counter and which require a prescription and other modifications necessary to implement the Methamphetamine Lab Eradication Act.

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 M. Hall, and by unanimous consent, the remarks by Senators Barnes and Sypolt regarding the passage of Engrossed Committee Substitute for Committee

Substitute for Senate Bill No. 6 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 15, Removing certain billing limitations for HIV or STD testing by public health agencies.

On third reading, 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. 15) 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. 100, Authorizing operation of low-speed vehicles on certain municipal 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: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins,

Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 100) 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. 155, 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. 155) 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. 155) 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. 331, Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding 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. S. B. No. 331) 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. 331) 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. 416, Relating to tentative appraisals of natural resources property.

On third reading, 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. 416) 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. 167, 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. 315, Clarifying use of certain funds under Military Authority Act.

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

Senate Bill No. 328, Terminating Strategic Research and Development Tax Credit.

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. 376, Requiring certain construction workers complete OSHA safety 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. 427, Relating to motor vehicle insurance.

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

Senate Bill No. 457, Requiring programs for temporarily detained inmates in regional jails.

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

Senate Bill No. 480, Expanding period during which certain motor vehicle liens are valid.

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. 540, Requiring SSAC promulgate rules allowing college preparatory team recognition.

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.

Pending announcement of meetings of standing and select committees of the Senate,

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 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, 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 the Judiciary.

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (S. B. No. 214) 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

Com. Sub. for Senate Bill No. 318, Setting fees for manufacture, distribution, dispensing and research of controlled substances.

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. 366, Transferring CHIP from Department of Administration to DHHR.

And,

Senate Bill No. 419, Creating Overdose Prevention 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.

At the request of Senator Stollings, unanimous consent being granted, the bills (S. B. Nos. 366 and 419) 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 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. 383, Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

And,

Senate Bill No. 485, Exempting DOH from certain permitting requirements of Natural Stream Preservation Act.

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. 424, Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.

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

Com. Sub. for Senate Bill No. 424 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating to authorization and regulation of unlicensed off-road motorcycles upon public streets, roads and highways by

municipalities and counties within the Hatfield-McCoy recreation area.

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. 424) 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.

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. 456, Extending expiration date for health care provider tax on eligible acute care hospitals.

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. 468, Providing for Veterans Medal and Service Cross.

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,

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. 476, Providing standards for conversion and retrofits of alternative-fuel motor 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.

At the request of Senator Beach, unanimous consent being granted, the bill (S. B. No. 476) 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 Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill No. 477, Providing teachers determine use of time during planning period.

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

Com. Sub. for Senate Bill No. 477 (originating in the Committee on Education)—A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time of a planning period; prohibiting administrators from compelling a teacher to attend any work-related event during a planning period except for occasional specified instances; defining “meeting”; and setting forth when a planning period begins.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Robert H. Plymale,
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. 487, Authorizing municipal sales tax.

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

Com. Sub. for Senate Bill No. 487 (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 §8-13-5b, relating to municipal sales tax; authorizing municipalities to enact a municipal sales tax at a rate of one percent or less; requiring reduction or elimination of municipal business and occupation tax with limitations; requiring services of State Tax Commissioner to administer tax; providing rule-making authority for the Tax Commissioner to administer municipal sales tax and charge a fee; requiring a public hearing before enacting a municipal sales tax; and requiring a municipal sales tax be read at least two times prior to enactment.

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 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.

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. 556, Providing complimentary certified veterans' death certificates under certain circumstances.

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

Com. Sub. for Senate Bill No. 556 (originating in the Committee on Military)—A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; providing for the issuance, without charge in certain instances, of up to two certified copies of a veteran's death certificate by the clerk of the county commission if requested within thirty days of the death of the veteran; providing no fee may be charged if the death certificate is needed to obtain state or federal benefits; and defining "veteran".

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. 556) 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 Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 558, Finding and declaring certain claims against state.

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. 559, Eliminating annual report late fees charged by Secretary of State.

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. 585, Removing unconstitutional language regarding access to rail lines.

Senate Bill No. 586, Removing unconstitutional language regarding jurors and verdicts permitted in certain civil litigation.

And,

Senate Bill No. 601, Removing unconstitutional language regarding relief in circuit court against erroneous assessments.

And reports the same back with the recommendation that they each 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. 599, Providing exemption from skilled nursing bed moratorium for geriatric psychological beds.

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

Com. Sub. for Senate Bill No. 599 (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 section, designated §16-2D-5d, relating to creating an exemption from the moratorium on skilled nursing beds for speciality skilled nursing beds; defining terms; and setting forth limitations.

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 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 Health and Human Resources.

At the request of Senator Stollings, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 599) was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Stollings, the bill 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. 600, Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

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

Com. Sub. for Senate Bill No. 600 (originating in the Committee on Government Organization)—A Bill to amend and reenact

§8-12-16, §8-12-16a and §8-12-16c of the Code of West Virginia, 1931, as amended, all relating to the registration, maintenance and regulation of dwellings unfit for human habitation and vacant buildings and properties by municipal governments; defining terms; clarifying the parties responsible for compliance with municipal ordinances regarding these dwellings, buildings and properties; and authorizing municipalities to enact maintenance of vacant buildings and properties ordinances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Herb Snyder,
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. 619, Exempting certain critical access hospitals from certificate of need requirement.

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

Com. Sub. for Senate Bill No. 619 (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 section, designated §16-2D-5e, relating to creating an exemption to the certificate of need process for certain critical access hospitals in certain situations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ron Stollings,
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. 21, Requesting DOH name bridge in Raleigh County “Army PFC Shelby Dean Stover Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 21 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 41-1-13.03, located on Route 1 over Clear Creek at the mouth of Toney’s Fork Road adjacent to the Presbyterian Church in Raleigh County, known as Artie Bridge Number 2, the “U. S. Army PFC Shelby Dean Stover Memorial Bridge”.

Whereas, Shelby Dean Stover was born on July 15, 1948, in Ameagle, West Virginia; and

Whereas, Shelby Dean Stover served West Virginia and his country as an infantryman in the U. S. Army; and

Whereas, Shelby Dean Stover was killed in Vietnam by enemy forces on September 23, 1969, the only member of his community to die in action; and

Whereas, Shelby Dean Stover represented the best of his community, being a friend to others, a good athlete and most of all willing to serve his country without hesitation; and

Whereas, It is fitting to honor Shelby Dean Stover for his commitment, dedication and service to his country and to his state, having given 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 41-1-13.03, located on Route 1 over Clear Creek at the mouth of Toney's Fork Road adjacent to the Presbyterian Church in Raleigh County, known as Artie Bridge Number 2, the "U. S. Army PFC Shelby Dean Stover Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U. S. Army PFC Shelby Dean Stover 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, Dennis Williams and the family of U. S. Army Private First Class Shelby Dean Stover.

Senate Concurrent Resolution No. 23, Requesting DOH name bridge in Boone County "U. S. Marine PFC Marshall Lee King Memorial Bridge".

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 23 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 3-17-8.80, locally known as the Low Gap Bridge, crossing

the Spruce Fork of the Little Coal River on Route 17 in Low Gap, Boone County, the “USMC PFC Marshall Lee King Memorial Bridge”.

Whereas, PFC King was born on July 5, 1924, in Coalwood, McDowell County, and grew up in Low Gap, Boone County; and

Whereas, PFC King served in the U. S. Marine Corps and was killed in action on May 19, 1945, on the Ryukyu Islands of Okinawa; and

Whereas, During his time serving our nation, PFC King was awarded the Purple Heart, the Asiatic-Pacific Campaign Medal and World War II Victory Medal; and

Whereas, It is fitting and proper that PFC King be remembered and acknowledged for his courageous action and dedicated service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 3-17-8.80, locally known as the Low Gap Bridge, crossing the Spruce Fork of the Little Coal River on Route 17 in Low Gap, Boone County, the “USMC PFC Marshall Lee King 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 it the “USMC PFC Marshall Lee King 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 the surviving family of PFC Marshall Lee King.

Senate Concurrent Resolution No. 25, Requesting DOH name portion of State Rt. 37 “Army Spec. 4th Class Darrell W. Sanders Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 25 (originating in the Committee on Transportation and Infrastructure)—Requesting that the portion of State Route 37 from the Town of Wayne to the Lincoln County line be named the “U. S. Army SP4 Darrell W. Sanders Memorial Highway”.

Whereas, Darrell W. Sanders, born on October 6, 1945, was the son of Lakie Epling Sanders and Early Sanders; and

Whereas, Darrell W. Sanders was a resident of East Lynn, Wayne County, West Virginia, and was a graduate of Wayne High School; and

Whereas, Darrell W. Sanders had eight brothers and sisters; and

Whereas, Darrell W. Sanders was drafted into the United States Army soon after graduating from Wayne High School and, following training, was deployed to South Vietnam; and

Whereas, Specialist Fourth Class Darrell W. Sanders was an infantryman in Company C, Second Battalion, Seventh Cavalry Regiment; and

Whereas, Specialist Fourth Class Darrell W. Sanders participated in the Battle of Ia Drang Valley, South Vietnam, a five-day battle which was the first major battle of the Vietnam War between regular forces of the United States and regular forces of the Peoples’ Army of North Vietnam; and

Whereas, The Battle of Ia Drang Valley was fought between November 11 and November 18, 1965; and

Whereas, After two days and nights of heavy fighting on November 14 to November 16, the initial Vietnamese assault was repulsed, but during a surprise followup attack on November 17 the enemy forces overran Specialist Fourth Class Darrell W. Sanders' unit in what was the deadliest ambush of a United States unit during the course of the entire war; and

Whereas, Specialist Fourth Class Darrell W. Sanders was killed in the battle on November 17, 1965; and

Whereas, Specialist Fourth Class Darrell W. Sanders' name appears on the Vietnam War Memorial, Panel 03E Line 091; and

Whereas, It is fitting that an appropriate memorial recognizing this soldier's service and sacrifice be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 37 from the Town of Wayne to the Lincoln County line the "U. S. Army SP4 Darrell W. Sanders Memorial 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 designated highway containing bold and prominent letters proclaiming that portion of State Route 37 the "U. S. Army SP4 Darrell W. Sanders 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 Commissioner of the Division of Highways.

And,

Senate Concurrent Resolution No. 28, Requesting DOH name road in Logan County the "Joshua Walls Memorial Highway".

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 28 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the stretch of road on CR 10/17, approximately at milepost 1.22 as measured on Google Earth from the intersection of CR 10/17 and CR 710/6, a distance of 0.68 miles beyond the indicated point in Lyburn, Logan County, the “Joshua Walls Memorial Highway”.

Whereas, Joshua Walls was born October 16, 1987, to Terry (deceased) and Diana Walls. He had three sisters: Shawn Walls, Sandy Walls and Terri Walls, all deceased; and

Whereas, Joshua Walls died on January 18, 2012. Josh was a graduate of Man High School, class of 2005, attended Lyburn Freewill Baptist Church and was loved; and

Whereas, Josh, his father and his sister Terri all passed away from the same disease, dyskeratosis congenita. It was believed that Josh would not live past the age of eighteen, but he lived to be twenty-four years of age and rarely complained about his illness; and

Whereas, It is only fitting that we honor Joshua Walls and provide awareness of the disease that took his life, for his dedicated and selfless contributions to his community and Logan County in the face of this debilitating disease; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of road on CR 10/17, approximately at milepost 1.22 as measured on Google Earth from the intersection of CR 10/17 and CR 710/6, a distance of 0.68 miles beyond the indicated point in Lyburn, Logan County, the “Joshua Walls 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 road as the “Joshua Walls 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 relatives of Joshua Walls.

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 21, 23, 25 and 28) 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. 22, Requesting DOH name I-81 overpass “Deputy John L. Burkett III Memorial Overpass”.

Senate Concurrent Resolution No. 26, Requesting DOH rename County Rt. 35/3 in Wayne County “Stonewall Veterans Memorial Highway”.

Com. Sub. for House Concurrent Resolution No. 10, The “Veterans Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 13, The “Thomas H. Stafford Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 54, Chief Denzil O. Lockard Memorial Bridge.

And,

Com. Sub. for House Concurrent Resolution No. 55, Alex Angelino 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 Beach, unanimous consent being granted, the resolutions (S. C. R. No. 22, S. C. R. No. 26, Com. Sub. for H. C. R. No. 10, Com. Sub. for H. C. R. No. 13, Com. Sub. for H. C. R. No. 54 and Com. Sub. for H. C. R. No. 55) 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 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. 31, Recognizing National Radio Astronomy Observatory's Center for STEM Education.

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

Respectfully submitted,

Robert H. Plymale,
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 Concurrent Resolution No. 42 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance conduct a study of topics related to permit requirements for farmers market vendors, including the suitability of the permits, licenses and certifications required to vend at a farmers market, as well as the appropriateness of the fees scale for the permits and their transferability across county lines.

Whereas, The Legislature recognizes a rising and existing consumer-driven market interested in purchasing locally grown food, which keeps food dollars circulating in the state's economy; and

Whereas, Farmers markets are critical incubators for small farm and food businesses because they offer an accessible, entry-level market for reaching consumers directly; and

Whereas, The number of farmers markets and the variety of products sold at farmers markets in West Virginia has increased significantly in the past ten years; and

Whereas, One study by the West Virginia Farmers Market Association found that the state's roughly ninety farmers markets contributed over \$4 million to the state's economy in just a six-month period, from July to December, 2012; and

Whereas, One study by the West Virginia Food and Farm Coalition finds that increasing West Virginia farm production to meet the state's in-season demand for fresh fruit and vegetables would create over one thousand seven hundred jobs and add over \$120 million to the state's economy; and

Whereas, A 2013 study by the West Virginia Food and Farm Coalition and the West Virginia Farmers Market Association finds that permit fees and requirements for farmers market vendors can vary widely from county to county, and sometimes from one regulatory official to the other. A survey conducted as part of this study found forty-three percent of vendors reporting significant variation in requirements from county to county; and

Whereas, Current food establishment permit categories are not designed for farmers markets and their vendors, but rather for restaurants, grocery stores or concessioners; and

Whereas, A 2012 study by the West Virginia Farmers Market Association finds that farmers market vendors average just \$152 in sales on any given market day; and

Whereas, Permits required for farmers market vendors are currently not recognized across county lines, putting additional regulatory and fiscal burdens on vendors selling in more than one county; and

Whereas, The Legislature has found that encouraging locally grown and raised food is important to protect the health and welfare of the citizens of West Virginia; and

Whereas, The Legislature recognizes the importance of strengthening our local and regional food systems for local and regional economic development and health; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study permit requirements for farmers market vendors, including the suitability of the permits, licenses and certifications required to vend at a farmers market, as well as the appropriateness of the fees scale for permits and their transferability across county lines; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Ronald F. Miller,
Chair.

At the request of Senator Miller, unanimous consent being granted, the resolution (S. C. R. No. 42) contained in the preceding report from the Committee on Agriculture and Rural Development was taken up for immediate consideration.

On motion of Senator Miller, the resolution was 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

House Concurrent Resolution No. 14, The “Army Specialist Fifth Class Elton Dale Workman Memorial Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 19, The “Army Specialist 4 William Lewis Reger Memorial Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 23, Army Sgt. Walter William Smith Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 27, The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 35, The Arden Bridge in Memory of Abbie Gall.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 37, Army Sergeant Charles Leo Dulaney 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.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Kirkendoll, the name of Senator Kirkendoll was removed as a sponsor of **Senate Bill No. 474** (*Allowing disposal of drill cuttings from well sites in commercial solid waste facilities*).

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, February 19, 2014, at 11 a.m.

WEDNESDAY, FEBRUARY 19, 2014

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.

West Virginia Schools for the Deaf and the Blind Tapestry and Mountain Melodies, Romney, West Virginia, then proceeded in the singing of a medley of West Virginia-themed songs and the West Virginia Schools for the Deaf and the Blind school song.

Pending the reading of the Journal of Tuesday, February 18, 2014,

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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 4302—A Bill to amend and reenact §18-9-2 of the Code of West Virginia, 1931, as amended, relating to elections for public school purposes; allowing use of county election officials to conduct the elections; and designating the county commission as the board of canvassers to canvass the returns of all elections for public school purposes.

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

Com. Sub. for Senate Bill No. 95 (originating in the Committee on Transportation and Infrastructure), Creating felony offense for 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. 95 (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.

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. 593, Authorizing issuance of limited lines travel insurance producer license.

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.

At the request of Senator Tucker, unanimous consent being granted, the bill (S. B. No. 593) contained in the preceding report from the Committee on Banking and Insurance 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 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. 610, Requiring health insurance coverage for certain nonnarcotic pain relief systems.

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.

At the request of Senator Tucker, unanimous consent being granted, the bill (S. B. No. 610) contained in the preceding report from the Committee on Banking and Insurance 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 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. 27, Amending Rules of Senate relating to witnesses before committees.

And reports the same back without recommendation as to adoption; but with the recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jeffrey V. Kessler,
Chairman ex officio.

At the request of Senator Unger, unanimous consent being granted, the resolution (S. R. No. 27) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

On motion of Senator Unger, the resolution was referred to the Committee on the Judiciary.

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. 253, Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

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

Com. Sub. for Senate Bill No. 253 (originating in the Select Committee on Children and Poverty)—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 the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth; updating certain titles; and making technical corrections.

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,

John R. Unger II,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 253) contained in the preceding report from the Select Committee on Children and Poverty 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 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. 628, Creating Healthy Children and Healthy Communities Act.

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

Com. Sub. for Senate Bill No. 628 (originating in the Select Committee on Children and Poverty)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to the Healthy Children and Healthy Communities Act; providing short title; providing legislative findings and purpose; defining terms; permitting the Bureau for Public Health to consult with Division of Highways and municipal governments; providing options and opportunities for development of healthy communities; encouraging physical activity and physical education; and requiring that governmental entities consider collaborative agreements and submit reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

John R. Unger II,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 628) contained in the preceding report from the Select Committee on Children and Poverty 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 Health and Human Resources.

The Senate proceeded to the sixth order of business.

Senators M. Hall, Carmichael and Stollings offered the following resolution:

Senate Concurrent Resolution No. 43—Requesting the Division of Highways to name the bridge in Putnam County, structure number 00000000040A157, on Route 35 crossing over 5 and 20 Creek Road, 1.17 miles north of CR 19, the “Sgt. Deforest Lee Talbert Memorial Bridge”.

Whereas, Sgt. Deforest Lee Talbert was born January 24, 1982, in Alexandria, Virginia, the son of Gloria Nesbitt and Benjamin Dickens. He graduated from T. C. Williams High School. He moved to West Virginia to attend West Virginia State University where he majored in communications. He enlisted in the West Virginia Army National Guard at Dunbar, West Virginia, and was assigned to Bravo Company 1/150 AR in 2001; and

Whereas, Sgt. Deforest Lee Talbert was mobilized as part of Operation Iraqi Freedom on October 1, 2003, and was reassigned to Charlie Company 1/150 AR. His company was deployed to the Iraqi Theater of Operations along with the 1-150th Armor Battalion and the 30th Brigade Team on February 29, 2004. He served as an assistant gunner with the First Platoon, Charlie 12 gun truck. While patrolling on the evening of July 27, 2004, Sgt. Talbert’s convoy was the target of an enemy attack using an improvised explosive device. Three of his fellow soldiers were injured, but Sgt. Talbert absorbed the brunt of the explosion and was instantly killed. Sgt. Deforest Lee Talbert received the Army Service Ribbon, the Sharpshooter Marksmanship Badge (Pistol), the Expert Marksmanship Badge (Grenade), SSI/FWS for the 30th Brigade Combat Team and the 1st Infantry Division and, posthumously, a Purple Heart and a Bronze Star with V Device; and

Whereas, Sgt. Deforest Lee Talbert made the ultimate sacrifice for his country and in doing so represented West Virginia and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed. Naming this bridge in Putnam County for him is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge in Putnam County, structure number 00000000040A157, on Route 35 crossing over 5 and 20 Creek Road, 1.17 miles north of CR 19, the “Sgt. Deforest Lee Talbert 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 “Sgt. Deforest Lee Talbert 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, the Commissioner of Highways and the surviving family members of Sgt. Deforest Lee Talbert: Mother, Gloria Nesbitt; father, Benjamin Dickens; sisters, Tawanna Talbert-Loving, Latasha Marble and Chiquita Talbert; brother, James Talbert; and his devoted friend, Frances Hamlet.

Which, under the rules, lies over one day.

Senators Prezioso, Stollings, Kessler (Mr. President), Cann, Beach and Edgell offered the following resolution:

Senate Concurrent Resolution No. 44—Requesting the Division of Highways to name bridge number 25-79-138.77 (25A145), on the northbound lane of I-79 at Exit 139, in Marion County, the “Junior Slaughter Bridge”.

Whereas, Junior Slaughter was born January 18, 1929, in Fairmont, the son of the late William and Liddia Ann Hawkins Slaughter and Reba Mosier; and

Whereas, Junior Slaughter served in the United States Navy on the USS Timbalier, and was stationed in Trinidad before returning to Fairmont to join the Fairmont City Police Department; and

Whereas, Junior Slaughter served on the Fairmont City Police Department for over twenty years before retiring as lieutenant in charge of the detective division; and

Whereas, Junior Slaughter subsequently served six years as Chief Deputy of the Marion County Sheriff's Department, two terms as Sheriff of Marion County, one term as a magistrate in Marion County and was reelected for an additional two terms as Sheriff of Marion County; and

Whereas, Junior Slaughter was a member of the Benton's Ferry United Methodist Church and was active in numerous other organizations in Marion County, including Moose Lodge No. 9, Lions Club, Fraternal Order of the Eagles, BPOE No. 294, VFW No. 7048, Fraternal Order of Police Lodge No. 69, United Mine Workers Association, AFL-CIO, President of the Marion County Democratic Men's Club, Marion County Democratic Executive Committee, Associated Businesses of East Fairmont, American Legion, National Rifle Association and a former member of the Board of Directors of the American Red Cross. In addition, he was a member of the AF&AM No. 157 in Fairmont. He was a noble in the Osiris Shrine Center in Wheeling and was a past President and member of the Upper Monongahela Valley Shrine Club in Fairmont; and

Whereas, Junior Slaughter enjoyed West Virginia University football, traveling and spending time with his family and friends; and

Whereas, Sadly, Junior Slaughter passed away in Fairmont on August 18, 2011, at the age of eighty-two; and

Whereas, Junior Slaughter was preceded in death by his wife, Ruby Gay Slaughter, in 1995. He is survived by a son and daughter-in-law, John and Sharlene Slaughter of Benton's Ferry Community; by three daughters, Martha Furbee of Benton's Ferry Community, Carolyn Ledsome of Montana Mines Community and Beverly Thomas of Mount Harmony Community; one sister, Vivian

Riley of Worthington; and his best friend and companion, Shirley Heston of Fairmont. He is also survived by six grandchildren, five great-grandchildren and many nieces and nephews; and

Whereas, It is only fitting and proper that we name this bridge on I-79 for Junior Slaughter to honor his many years of dedicated public service to the City of Fairmont, to Marion County and to the greater north central region of this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 25-79-138.77 (25A145), on the northbound lane of I-79 at Exit 139, in Marion County, the “Junior Slaughter 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 “Junior Slaughter 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 Junior Slaughter.

Which, under the rules, lies over one day.

Senators Miller, Snyder, Stollings, D. Hall, Jenkins, Laird, Cole, Fitzsimmons and Green offered the following resolution:

Senate Resolution No. 34—Recognizing the Greenbrier Valley Polar Bear Plunge Club for its commitment to doing charitable work for the youth of West Virginia.

Whereas, The Greenbrier Valley Polar Bear Plunge Club was created to honor the daring persona and fortitude of the late Kay Sweet Giggenbach; and

Whereas, The Greenbrier Valley Polar Bear Plunge Club is committed to raising money for the nonprofit Child and Youth Advocacy Center of Lewisburg, West Virginia, an organization that interviews and counsels sexually abused children in Greenbrier, Monroe and Pocahontas counties, and aids in the prosecution of child abusers; and

Whereas, The Greenbrier Valley Polar Bear Plunge Club meets each year on the Saturday closest to March 8 at Blue Bend in the Monongahela National Forest in Greenbrier County; and

Whereas, Kindred spirits gather to plunge into the icy cold waters of Anthony Creek and since 2008 have raised nearly \$40,000 for the Child and Youth Advocacy Center; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Greenbrier Valley Polar Bear Plunge Club for its commitment to doing charitable work for the youth of West Virginia; and, be it

Further Resolved, That the Senate wishes all the members of the Greenbrier Valley Polar Bear Plunge Club well as they take the plunge on the occasion of their eleventh annual event; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Greenbrier Valley Polar Bear Plunge Club.

At the request of Senator Miller, 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 Stollings, Snyder, Plymale, Kessler (Mr. President), Yost, D. Hall, Jenkins, Laird, Prezioso, Carmichael, Cole, Beach, Fitzsimmons, Edgell and Green offered the following resolution:

Senate Resolution No. 35—Designating February 19, 2014, as Disability Advocacy Day.

Whereas, There are over four hundred thousand West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the 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, 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, Job Squad, West Virginian Parent Training & Information, West Virginia Advocates, AARP WV, AARP Senior Medicare Patrol, West Virginia Relay, Ron Yost Personal Assistance Program, The Arc of WV, People First, West Virginia University Center for Excellence in Disabilities, Central West Virginia CAC, West Virginia ADA Coalition, Upper Potomac Area Agency on

Aging, West Virginia Alliance for Sustainable Families, Van Lifts Unlimited, West Virginia Human Rights Commission, Autism Training Center, West Virginia State Rehabilitation Council and the West Virginia Commission for the Deaf and Hard of Hearing have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; 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 19, 2014, 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 seventh order of business.

Senate Concurrent Resolution No. 31, Recognizing National Radio Astronomy Observatory's Center for STEM Education.

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. 39, Requesting DOH name road in Boone County “Army Sgt. Andy Messer Memorial Highway”.

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. 40, Requesting DOH name Joe’s Creek Road in Lincoln County “Army PFC John E. Runyan 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. 41, Requesting DOH name portion of Rt. 83 in McDowell County “Army MSG Joe C. Alderman Memorial Road”.

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. 14, The “Army Specialist Fifth Class Elton Dale Workman Memorial Bridge”.

On unfinished business, coming up in regular 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 two, after the seventh Whereas clause, by inserting a new Whereas clause, to read as follows:

“Whereas, Elton Dale Workman passed away on July 13, 2007; and”;

On page two, in the Resolved clause, by striking out the words “ ‘Army Specialist Fifth Class’ ” and inserting in lieu thereof the words “ ‘U. S. Army SP5’ ”;

On page two, in the first Further Resolved clause, by striking out the words “ ‘Specialist Fifth Class’ ” and inserting in lieu thereof the words “ ‘U. S. Army SP5’ ”;

And,

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

House Concurrent Resolution No. 14—Requesting that bridge number 8-15-4.55 (BARS Number 08A032) crossing Dog Run on West Virginia Route 15, in Clay County, West Virginia, be named the “U. S. Army SP5 Elton Dale Workman Memorial Bridge”.

The question 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.

Com. Sub. for House Concurrent Resolution No. 19, The “Army Specialist 4 William Lewis Reger Memorial Bridge”.

On unfinished business, coming up in regular 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:

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

Whereas, William Lewis Reger was born on February 20, 1945, in Buckhannon, West Virginia; and

Whereas, William Lewis Reger was a son of the late Bob and Gwen Reger; and

Whereas, William Lewis Reger was a 1963 graduate of Buckhannon-Upshur High School, graduated from West Virginia Wesleyan College in 1967 with a major in chemistry and was a graduate assistant at Marshall University; and

Whereas, William Lewis Reger was an Eagle Scout, a member of the First United Methodist Church, a member of the Kappa Alpha Order and played football at both Buckhannon-Upshur High School and West Virginia Wesleyan College; and

Whereas, William Lewis Reger joined the Army in July 1968 and began his tour of duty on April 22, 1969; and

Whereas, Army Specialist Fourth Class Reger was a Field Communications Electronics Equipment Mechanic with D Company, 1st Battalion, 12th Infantry; and

Whereas, Army Specialist Fourth Class Reger died on November 8, 1969, in Tay Ninh, South Vietnam; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who made the ultimate sacrifice while engaged in service for his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-151-0.68 (49A069) on Route 151 in Upshur County, West Virginia, the “U. S. Army SP4 William Lewis Reger 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 containing bold and prominent letters proclaiming the bridge the “U. S. Army SP4 William Lewis Reger Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and Army Specialist Fourth Class Reger’s three brothers, Robert H. (Bob) Reger, Jr., John E. (Jack) Reger and James P. (Jim) Reger.;

And,

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

Com. Sub. for House Concurrent Resolution No. 19—Requesting that bridge number 49-151-0.68 (49A069) on Route 151 in Upshur County, West Virginia, the “U. S. Army SP4 William Lewis Reger Memorial Bridge”.

The question 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.

Com. Sub. for House Concurrent Resolution No. 23, Army Sgt. Walter William Smith Memorial Bridge.

On unfinished business, coming up in regular 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:

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

Whereas, Walter William Smith was born on March 9, 1920, in Buckhannon, Upshur County, West Virginia; and

Whereas, Walter William Smith enlisted in the engineering corps of the Army in 1940 at St. Louis, Missouri; and

Whereas, Sergeant Walter William Smith was awarded a Purple Heart, Good Conduct Medal and three battle stars; and

Whereas, Sergeant Smith was killed in action at Kasserine Pass, North Africa, on February 19, 1943; and

Whereas, It is fitting to honor Sergeant Smith's life and service by naming bridge number 49-13-1.57 in Upshur County after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 49-13-1.57 (49A102) in Upshur County, as the "U. S. Army Sgt. Walter William Smith Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge

as the “U. S. Army Sgt. Walter William Smith Memorial Bridge”;
and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and Sergeant Smith’s surviving relatives.;

And,

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

Com. Sub. for House Concurrent Resolution No. 23—Requesting the Division of Highways to name bridge number 49-13-1.57 (49A102) in Upshur County the “U. S. Army Sgt. Walter William Smith Memorial Bridge”.

The question 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.

Com. Sub. for House Concurrent Resolution No. 27, The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky.

On unfinished business, coming up in regular 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 two, in the Resolved clause, by striking out the words “The Audra Park Bridge In Memory of Army Sergeant John A.

Charnoplosky”” and inserting in lieu thereof the words “the ‘U. S. Army Sergeant John A. Charnoplosky Memorial Bridge’”;

On page two, in the first Further Resolved clause, by striking out the words ““The Audra Park Bridge In Memory of Army Sergeant John A. Charnoplosky”” and inserting in lieu thereof the words “the ‘U. S. Army Sergeant John A. Charnoplosky Memorial Bridge’”;

And,

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

Com. Sub. for House Concurrent Resolution No. 27—Requesting that bridge number 1-11-6.35 (01A016), located .01 mile east of County Route 36 on County Route 11 and crossing over the Middle Fork River, be renamed the “U. S. Army Sergeant John A. Charnoplosky Memorial Bridge”.

The question 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.

Com. Sub. for House Concurrent Resolution No. 35, The Arden Bridge in Memory of Abbie Gall.

On unfinished business, coming up in regular 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 one, in the Resolved clause, by striking out the words “The Arden Bridge in Memory of Abbie Gall” and inserting in lieu thereof the words “Abbie Gall Memorial Bridge”;

On page two, in the first Further Resolved clause, by striking out the words “The Arden Bridge in Memory of Abbie Gall” and inserting in lieu thereof the words “Abbie Gall Memorial Bridge”;

And,

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

Com. Sub. for House Concurrent Resolution No. 35—Requesting the Division of Highways to name bridge number 1-12-6.12 (01A119) the Arden Plate Girder carrying Route 12 across the Tygart River in Arden, Barbour County, the “Abbie Gall Memorial Bridge”.

The question 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.

Com. Sub. for House Concurrent Resolution No. 37, Army Sergeant Charles Leo Dulaney Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page two, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 37—Requesting that bridge number 52-20-16.81 (52A134), located on Route 20, crossing over Fishing Creek, at Pine Grove, Wetzel County, West Virginia, and locally known as the North End Bridge, be named the “U. S. Army Sergeant Charles Leo Dulaney Memorial Bridge”.

The question 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 167, 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. 167) 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. 167) 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. 315, Clarifying use of certain funds under Military Authority 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. 315) 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. 328, Terminating Strategic Research and Development Tax Credit.

On third reading, 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. 328) 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. 376, Requiring certain construction workers complete OSHA safety 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: 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 S. B. No. 376) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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 S. B. No. 376) takes effect July 1, 2014.

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, Relating to motor vehicle insurance.

On third reading, 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.

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

Eng. Senate Bill No. 457, Requiring programs for temporarily detained inmates in regional jails.

On third reading, 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. 457) 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. 480, Expanding period during which certain motor vehicle liens are valid.

On third reading, 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. 480) 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. 480) 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. 540, Requiring SSAC promulgate rules allowing college preparatory team recognition.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 18, 2014, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Walters, the following amendment to the bill was reported by the Clerk:

On page five, section twenty-five, line fifty-five, after the word “school.” by inserting the following: No private or parochial secondary school shall, upon its application for membership, be denied membership in the West Virginia Secondary School Activities Commission on account of the private or parochial secondary school offering a boarding program to its students, and no students so boarded may be denied participation in league, regional or state championships on account of their status as boarding students.

Following discussion,

The question being on the adoption of the amendment offered by Senator Walters to the bill, the same was put and did not prevail.

Thereafter, at the request of Senator Kirkendoll, and by unanimous consent, the remarks by Senator Edgell regarding the adoption of the amendment offered by Senator Walters to the bill (Com. Sub. for S. B. No. 540) were ordered printed in the Appendix to the Journal.

The bill was then ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 540 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, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Blair, Snyder and Unger—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 S. B. No. 540) 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 Com. Sub. for Senate Bill No. 252, Allowing certain expelled students to return to school through Juvenile Drug Court.

Com. Sub. for Senate Bill No. 318, Setting fees for manufacture, distribution, dispensing and research of controlled substances.

Com. Sub. for Senate Bill No. 383, Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

Com. Sub. for Com. Sub. for Senate Bill No. 414, Redirecting nonprobate appraisal filings.

Senate Bill No. 456, Extending expiration date for health care provider tax on eligible acute care hospitals.

Com. Sub. for Senate Bill No. 461, Creating Future Fund.

Senate Bill No. 468, Providing for Veterans Medal and Service Cross.

Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

Senate Bill No. 485, Exempting DOH from certain permitting requirements of Natural Stream Preservation Act.

Com. Sub. for Senate Bill No. 487, Authorizing municipal sales tax.

Com. Sub. for Senate Bill No. 507, Relating to Board of Barbers and Cosmetologists.

Senate Bill No. 558, Finding and declaring certain claims against state.

Senate Bill No. 559, Eliminating annual report late fees charged by Secretary of State.

Senate Bill No. 583, Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.

Senate Bill No. 585, Removing unconstitutional language regarding access to rail lines.

Senate Bill No. 586, Removing unconstitutional language regarding jurors and verdicts permitted in certain civil litigation.

Com. Sub. for Senate Bill No. 600, Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

Senate Bill No. 601, Removing unconstitutional language regarding relief in circuit court against erroneous assessments.

Com. Sub. for Senate Bill No. 603, Requiring automatic de-energization of mine extraction apparatus when certain methane concentration exists.

Com. Sub. for Senate Bill No. 619, Exempting certain critical access hospitals from certificate of need requirement.

And,

Com. Sub. for Senate Bill No. 621, Authorizing insurers offer flood insurance.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale, Cole and Cookman.

Thereafter, at the request of Senator Snyder, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

At the request of Senator Carmichael, unanimous consent being granted, the remarks by Senator Cole were ordered printed in the Appendix to the Journal.

At the request of Senator Beach, and by unanimous consent, the remarks by Senator Cookman were ordered printed in the Appendix to the Journal.

At the request of Senator Beach, unanimous consent being granted, the Senate returned 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 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 Palumbo, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution No. 12, Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Joint Resolution No. 12 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article II thereof, by adding thereto a new section, designated section nine, relating to claiming the water resources of the state for the people; numbering and

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

With the recommendation that the committee substitute be adopted; 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 Tucker, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. No. 12) 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 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. 30 (originating in the Committee on Transportation and Infrastructure), Exempting autocycles from license examination and safety equipment requirements.

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

Com. Sub. for Com. Sub. for Senate Bill No. 30 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining “autocycle”; creating an autocycle exemption from motorcycle

examination, licensing and endorsement requirements; allowing a person with a valid driver's license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; and deleting obsolete language regarding the motorcycle safety and education committee.

And,

Com. Sub. for Senate Bill No. 317 (originating in the Committee on Government Organization), Requesting uniform regulation of firearms, ammunition and accessories.

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

Com. Sub. for Com. Sub. for Senate Bill No. 317 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-5a of said code, all relating to municipal firearm laws; removing firearm provisions from the Municipal Home Rule Pilot Program; prohibiting ordinances from being enacted under the Municipal Home Rule Pilot Program that restrict the sale or carry of a firearm and creating exceptions thereto; repealing the grandfather clause excepting certain municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition from the general provision prohibiting such ordinances; clarifying municipalities' authority to regulate possession and carrying of firearms in municipally owned or operated buildings or on municipally owned or operated property; and clarifying that municipalities cannot prohibit the otherwise lawful carrying of firearms on municipal streets and sidewalks except when a street or sidewalk is temporarily closed to traffic for purposes of municipally authorized events.

With the recommendation that the two committee substitutes for 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. 140, Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to substance abuse screening, standards and procedure.

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

Com. Sub. for Senate Bill No. 140 (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 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 Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to assessing health and safety violation penalties; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the program for the sharing of information between employers; authorizing the Office of

Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards and procedure; authorizing the Division of Labor to promulgate a legislative rule relating to the Wage Payment and Collection Act; authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to the electronic registration of wildlife.

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. 181, Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.

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

Com. Sub. for Senate Bill No. 181 (originating in the Committee on the Judiciary)—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 the Department of Administration to promulgate a legislative rule relating to state-owned vehicles; and authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System.

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. 260, Relating to residential community waivers for salvage yard establishments.

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

Com. Sub. for Senate Bill No. 260 (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 §17-23-4a, relating to residential community waivers for salvage yards.

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. 260), 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. 375, Excluding certain personal property from TIF assessment.

And,

Com. Sub. for Senate Bill No. 469, Creating Veterans and Warriors to Agriculture Program.

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. 407, Providing renewal of lapsed managing general insurance agent licenses.

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

Com. Sub. for Senate Bill No. 424, Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.

Now on second reading, having been read a first time and referred to the Committee on Government Organization on February 18, 2014;

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

Com. Sub. for Senate Bill No. 425 (originating in the Committee on Health and Human Resources), Relating to licensure, supervision and regulation of physician assistants.

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

Com. Sub. for Com. Sub. for Senate Bill No. 425 (originating in the Committee on Government Organization)—A Bill to repeal §30-3-16 and §30-3-16a of the Code of West Virginia, 1931, as amended; to repeal §30-14A-1, §30-14A-2, §30-14A-3, §30-14A-4 and §30-14A-5 of said code; and to amend said code by adding thereto a new article, designated §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-5, §30-3E-6, §30-3E-7, §30-3E-8, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-13, §30-3E-14, §30-3E-15, §30-3E-16, §30-3E-17, §30-3E-18 and §30-3E-19, all relating to physician assistants; defining terms; powers and duties of the Board of Medicine and the Board of Osteopathic Medicine; rule-making authority; licensing requirements; providing for a temporary license; license renewal requirements; expired licenses; termination of licenses; practice requirements; practice agreement requirements; supervision requirements; scope of practice; requiring identification be worn; special volunteer license requirements; summer camp or volunteer endorsement for in-state and out-of-state physician assistants; complaint process; health care facility reporting requirements; unlawful acts; and criminal penalties.

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. 430, Relating to receipting of state moneys.

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. 431 (originating in the Committee on Transportation and Infrastructure), Relating to issuance and renewal of certain driver's licenses and federal ID cards.

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

Com. Sub. for Com. Sub. for Senate Bill No. 431 (originating in the Committee on Finance)—A Bill to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to issuance and renewal of driver's licenses; changing the renewal cycle for driver's licenses from five to eight years; allowing the commissioner to provide a program for online renewal of driver's licenses; providing an additional fee for the issuance of driver's license issued for federal use; permitting more uses for military identification cards; permitting license expiration notifications by electronic means; and clarifying that a driver's license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter seventeen-e of the West Virginia Code.

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. 437, Requiring mortgage brokers file certain reports with Division of Financial Institutions.

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. 493, Excluding suspension days in determining student truancy.

With an amendment 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,

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. 535, Clarifying persons who buy dried ginseng root for retail sales are not dealers.

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

Com. Sub. for Senate Bill No. 535 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of “ginseng”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

William R. Laird IV,
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. 538, Adopting federal definition of “disabled veteran” for civil service and state contract bidding.

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

Com. Sub. for Senate Bill No. 538 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6-13-1 of said code, all relating to disabled veteran's preference eligibility in hiring for state civil service jobs; and resident vendor bidding on state contracts.

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. 538) 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 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. 543, Creating Jobs Impact Statement Act.

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

Com. Sub. for Senate Bill No. 543 (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, presiding officer of either house or minority leader of either house of the Legislature for certain proposed legislation; defining duties of the West Virginia Development Office, Marshall University, West Virginia University and other state agencies in responding to request for jobs impact statement; 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.

At the request of Senator Williams, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 543) 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 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. 547, Clarifying municipalities can increase and decrease voting wards and/or council members.

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 Tucker, as vice 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 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, Increasing penalty related to transporting illegal controlled substances into state.

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

Com. Sub. for Senate Bill No. 552 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for illegally transporting Schedule I and II narcotic controlled substances into the state by making the penalty a determinate sentence of not more than

fifteen years; and exempting from coverage of the statute certain methamphetamine precursors.

Senate Bill No. 553, Relating to deadlines for independent candidates to file for municipal elections.

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

Com. Sub. for Senate Bill No. 553 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-5-24 of the Code of West Virginia, 1931, as amended, relating to certificates of nomination for elected office; stating filing deadlines for certificates of nomination; declaring location where certificates of nomination must be filed; clarifying with whom the certificates are filed and to whom the fees are to be paid; and prohibiting untimely filings or untimely fee payment.

And,

Senate Bill No. 623, Requiring notification of certain substance abuse screening of mine personnel.

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

Com. Sub. for Senate Bill No. 623 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22A-1A-1 of the Code of West Virginia, 1931, as amended, relating to Office of Miners' Health, Safety and Training administration and substance abuse; and requiring employers to notify the director of a positive drug or alcohol test, refusing to submit a sample, possessing a substituted sample, submitting a substituted sample, possessing an adulterated sample or submitting an adulterated sample.

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. 566, Relating to domestic violence victims' eligibility for unemployment compensation benefits.

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

Com. Sub. for Senate Bill No. 566 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims' eligibility for unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; and requiring training of Workforce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants.

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 Tucker, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 566) 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 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. 571, Distributing Greyhound Breeder Development Funds previously dedicated to training facility construction.

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

Com. Sub. for Senate Bill No. 571 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-23-10 of the Code of West Virginia, 1931, as amended, relating to distributing money that was set aside from the West Virginia Greyhound Breeder Development Fund for two dog training track facilities during the period of 1996 through 2001 to the Secondary Road Maintenance Fund.

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 Tucker, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 571) 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 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. 572, Relating to financing statements covering as-extracted collateral or timber to be cut.

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.

At the request of Senator Laird, unanimous consent being granted, the bill (S. B. No. 572) contained in the preceding report from the Committee on Natural 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. 580, Permitting wine sales at certain college and university sports stadiums.

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 Tucker, unanimous consent being granted, the bill (S. B. No. 580) 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 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. 584, Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.

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

Com. Sub. for Senate Bill No. 584 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, relating to the Board of Registration for Professional Engineers; changing the renewal date for certificates, registrations and certificates of authorization for firms to January 1; authorizing annual or biennial renewal periods; authorizing renewal notification by mail or electronically; and providing expiration requirements.

With the recommendation that the committee substitute do pass.

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

Senate Bill No. 604, Creating Coal Employment Enhancement Act.

And,

Senate Bill No. 613, Expanding definition of “eligible safety property” in Innovative Mine Safety Technology Tax Credit 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 Finance.

Respectfully submitted,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the bills (S. B. Nos. 604 and 613) contained in the preceding report from the Committee on Economic Development 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 Concurrent Resolution No. 12, Requesting Joint Committee on Government and Finance study funding sources for law-enforcement training and certification programs.

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,

Roman W. Prezioso, Jr.,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

The Senate 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. 471** (*Relating to alternative and renewable energy portfolio standards*).

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 20, 2014, at 11 a.m.

THURSDAY, FEBRUARY 20, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Kevan Bartlett, Maranatha Baptist Church, Charleston, West Virginia.

Merry Hanning of Oak Hill, West Virginia, then proceeded in the singing of "Amazing Grace".

Pending the reading of the Journal of Wednesday, February 19, 2014,

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 Clerk presented a communication from the Court of Claims, submitting its Crime Victims Compensation Fund 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 Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, of

Eng. Senate Bill No. 443, Relating to SPRS.

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 from passage, instead of ninety days from passage.

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. 443) 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 passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, of

Eng. Senate Bill No. 444, Relating to PERS.

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 from passage, instead of ninety days from passage.

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. 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. 452, Relating to TRS annuity calculation of member with reciprocal service credit.

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 Calhoun County “U. S. Army Sergeant Robert Odell Orders Memorial 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. 4067—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 State Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; authorizing the Fire Commission to promulgate a legislative rule relating to the State Fire Code; authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors; authorizing the Regional Jail and Correctional Facility Authority to promulgate a legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the Authority; and 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 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. 4178—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, 2014, to the Department of Commerce, WorkForce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2014, organization 0323, by supplementing and amending the appropriation for the fiscal year ending June 30, 2014.

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. 4294—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto four new sections, designated §47-27-1, §47-27-2, §47-27-3 and §47-27-4, all relating to the establishment of standards for court reporters and entities providing court reporting services; prohibiting certain conduct by court reporters and persons utilizing or arranging for court reporting services; exempting certain court reporters and court reporting services; authorizing disclosure and certification of certain information; and creating civil 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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4339—A Bill to amend and reenact §22-16-11 and §22-16-12 of the Code of West Virginia, 1931, as amended, all relating to authorizing the expenditures of moneys from the Closure Cost Assistance Fund to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

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. 4359—A Bill to amend and reenact §33-37-2 of the Code of West Virginia, 1931, as amended, relating to licensure of managing general agents of insurers; removing unnecessary language; providing for retroactive renewal of lapsed licenses; establishing license application and renewal fees; extending period of some initial licenses; and clarifying that the appointment of the Secretary of State to receive process applies to administrative actions and actions involving license applications.

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. 4365—A Bill to amend and reenact §18-7A-14, §18-7A-17, §18-7A-18 and §18-7A-18a of the Code of West Virginia, 1931, as amended, all relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board; providing procedure for contributions by members and employers; requiring payment of compounded interest by members of the Public Employees Retirement System when granting service credit in the Teachers Retirement System; closing the Teachers Employers Contribution Collection Account on or before June 30, 2014 and transferring any balance of employer contributions to the Teachers Retirement System Fund; depositing employer contributions through state appropriations to the Teachers Retirement System Fund beginning July 1, 2014; and directing additional funds from the Employers Contribution Collection Account to the Teachers Retirement System Fund.

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 and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 4372—A Bill to amend and reenact §31-17-11 of the Code of West Virginia, 1931, as amended, relating to the filing of reports, data and other information deemed necessary by the Commissioner of Financial Institutions with the Division of Financial Institutions; permitting the commissioner to determine when those reports, data or information are filed; and providing that in addition to the reports not being public records, the filed data and information are also not public records.

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. Com. Sub. for House Bill No. 4384—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children; requiring processes for certain other teachers of students with exceptional needs to either participate or document understanding of student's individualized education program; and requiring modifications if needed or identified.

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. House Bill No. 4445—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 definition of “battery” and “domestic battery” to conform with federal laws.

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. 43—Requesting the Division of Highways name the segment of U.S. Route 52 from the intersection of State Route 71, Lorton Lick Road, south through Bluewell, West Virginia, for 2.4 miles to the intersection of U.S. Route 52 and State Route 123, Airport Road, in Mercer County, the “Dr. William Prudich 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. 92—Requesting that the West Virginia School Building Authority waive local matching requirements and fund all needed improvements for the West Virginia School for the Deaf and the Blind.

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

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. 204, Relating to crime victims compensation awards.

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

Com. Sub. for Senate Bill No. 204 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2A-3, §14-2A-9, §14-2A-12, §14-2A-14 and §14-2A-18 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes generally; redefining terms; increasing the amount of victim relocation costs; allowing student loans obtained by a victim to be treated as a lost scholarship in certain instances; modifying required time period in which a claimant should report offense to law enforcement; removing methamphetamine rehabilitation as a basis for receiving funds and exempting claims therefor if such are filed and pending before the court on the effective date of the amendment; clarifying that, absent the identity of a perpetrator being unknown, a criminal complaint being filed is a prerequisite to filing a claim; allowing victims of sexual offenses to undergo a forensic medical examination rather than reporting to law enforcement; permitting the Court of Claims to hire two additional 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. 204) 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 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. 419, Creating Overdose Prevention Act.

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

Com. Sub. for Senate Bill No. 419 (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 §16-46-1, §16-46-2 and §16-46-3, all relating to creating the Overdose Prevention Act; stating legislative findings; defining terms; providing immunity from citation, arrest or prosecution of certain offenses for certain persons who seek appropriate medical attention upon an overdose of drugs or alcohol; prohibiting seeking appropriate medical attention from constituting a violation of a condition of pretrial release, probation, furlough or parole; requiring certain action from persons seeking appropriate medical attention; providing that seeking medical attention is a mitigating factor at sentencing of any offense arising from the request for medical attention; allowing persons to plead guilty to certain exempted offenses if desired; providing certain exceptions to immunity for evidence found from an independent source; and providing immunity to law-enforcement officers who cite or arrest a person who receives immunity under this section unless the officer acted recklessly or intentionally.

And,

Senate Bill No. 574, Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

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

Com. Sub. for Senate Bill No. 574 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-5-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-12b of said code, all relating to cancelling certificates of title for certain mobile and manufactured homes; clarifying that a mobile home permanently attached to the real estate by the owner may not be classified as personal property if the owner has filed a canceled certificate of title with the clerk of the county commission and the clerk has recorded the canceled certificate of title; and providing a procedure for returning a canceled title to an owner or lienholder.

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

Com. Sub. for Senate Bill No. 499 (originating in the Committee on Government Organization), Making Prudent Investor Act primary standard of care for Investment Management Board.

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

Com. Sub. for Com. Sub. for Senate Bill No. 499 (originating in the Committee on Finance)—A Bill to repeal §12-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-6-2 and §12-6-11 of said code, all relating to investment of moneys by the West Virginia Investment Management Board; modifying the definition of the term “securities”; imposing the prudent investor standard of care set forth in the West Virginia Uniform Prudent Investor Act as the primary standard of care for the trustees of the West Virginia Investment Management Board; removing certain restrictions on investments by the Investment Management Board; and restating certain restrictions on investments by the West Virginia Investment Management Board.

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. 544, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

And,

Senate Bill No. 596, Modifying statute of limitations on demand note collections.

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. 570, Standardizing certificate of authority exemptions for corporations, LLCs, LPs and LLPs.

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 amend and reenact §31B-10-1003 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-15-1501 of said code; to amend and reenact §31E-14-1401 of said code; to amend said code by adding thereto a new section, designated §47-9-64; and to amend said code by adding thereto a new section, designated §47B-10-6, all relating to making exemptions from obtaining certificates of authority from the Secretary of State for certain foreign corporations, companies and partnerships the same as for corporations in this state; and making language consistent with state corporation language as to when the named foreign businesses are or are not considered to be doing business in this state.

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. 579, Creating Land Banking Authorization Act.

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 amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all relating to improving housing development and land use; authorizing creation of a land trust by West Virginia municipalities, counties or a combination thereof; stating legislative findings; defining terms; providing requirements for the permissive creation and operation of land trust entities; detailing certain requirements for a land trust board and staff; requiring certain terms of the land trust be set forth; providing certain immunity to land trust jurisdictions; setting forth powers and limitations of land trust entities; explicitly stating that land trust entities do not have the power of eminent domain; detailing criteria for acquisition and disposition of property by land trust entities; authorizing certain land trust-related property as exempt from property tax; stating land trust funding sources; stating requirements and constraints on disposition of property; detailing potential financing of land trust operations; permitting special allocation of certain property taxes in certain situations; authorizing the issuance of certain bonds; requiring land trust entities to follow open meetings and freedom of information requirements; providing a process for dissolution of land trusts; requiring the Ethics Act to apply to land trust employees and board members; providing for expedited quiet of title proceedings in circuit court; providing for liberal construction of the article; and requiring an annual audit and report of all land trusts.

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. 616, Allowing receipt of gifts, donations and contributions by Division of Energy.

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 43, Requesting DOH name bridge in Putnam County “Sgt. Deforest Lee Talbert 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. 44, Requesting DOH name bridge in Marion County “Junior Slaughter 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 Com. Sub. for Senate Bill No. 252, Allowing certain expelled students to return to school through Juvenile Drug Court.

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

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

On page nineteen, section one-d, line twenty-eight, by striking out the words “multidisciplinary team (MDT)” and inserting in lieu thereof the words “Juvenile Drug Court treatment team”.

The bill (Com. Sub. for Com. Sub. for S. B. No. 252), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 318, Setting fees for manufacture, distribution, dispensing and research of controlled substances.

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. 383, Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

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. 414, Redirecting nonprobate appraisalment filings.

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. 424, Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.

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

Senate Bill No. 456, Extending expiration date for health care provider tax on eligible acute care hospitals.

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 two, section thirty-eight, line five, by striking out the word “sixty” and inserting in lieu thereof the word “sixty-two”.

The bill (S. B. No. 456), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill No. 461, Creating Future Fund.

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

Senate Bill No. 468, Providing for Veterans Medal and Service Cross.

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, Providing teachers determine use of time during planning period.

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

At the request of Senator Barnes, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill No. 485, Exempting DOH from certain permitting requirements of Natural Stream Preservation 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. 487, Authorizing municipal sales 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. 507, Relating to Board of Barbers and Cosmetologists.

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

Senate Bill No. 558, Finding and declaring certain claims against state.

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 one, line eighty-four, by striking out "\$1,275.00" and inserting in lieu thereof "\$3,000.00".

The bill (S. B. No. 558), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 559, Eliminating annual report late fees charged by Secretary of State.

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

Senate Bill No. 583, Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.

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

Senate Bill No. 585, Removing unconstitutional language regarding access to rail lines.

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

Senate Bill No. 586, Removing unconstitutional language regarding jurors and verdicts permitted in certain civil litigation.

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. 600, Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

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 unconstitutional language regarding relief in circuit court against erroneous assessments.

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. 603, Relating to testing for presence of methane in underground mines.

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. 619, Exempting certain critical access hospitals from certificate of need requirement.

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. 621, Authorizing insurers offer flood insurance.

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. 30, Exempting autocycles from license examination and safety equipment requirements.

Com. Sub. for Com. Sub. for Senate Bill No. 95, Creating felony offense for DUI causing serious bodily injury.

Com. Sub. for Senate Bill No. 140, Authorizing Department of Commerce promulgate legislative rules.

Com. Sub. for Senate Bill No. 181, Authorizing Department of Administration promulgate legislative rules.

Com. Sub. for Com. Sub. for Senate Bill No. 317, Relating to municipal firearm laws.

Senate Bill No. 375, Excluding certain personal property from TIF assessment.

Senate Bill No. 407, Providing renewal of lapsed managing general insurance agent licenses.

Com. Sub. for Com. Sub. for Senate Bill No. 425, Relating to licensure, supervision and regulation of physician assistants.

Com. Sub. for Senate Bill No. 430, Relating to receipting of state moneys.

Com. Sub. for Com. Sub. for Senate Bill No. 431, Relating to issuance and renewal of certain driver's licenses and federal ID cards.

Senate Bill No. 437, Requiring mortgage brokers file certain reports with Division of Financial Institutions.

Com. Sub. for Senate Bill No. 469, Creating Veterans and Warriors to Agriculture Program.

Senate Bill No. 493, Excluding suspension days in determining student truancy.

Com. Sub. for Senate Bill No. 535, Clarifying definition of "ginseng".

Senate Bill No. 547, Clarifying municipalities can increase and decrease voting wards and/or council members.

Com. Sub. for Senate Bill No. 552, Increasing penalty related to transporting illegal controlled substances into state.

Com. Sub. for Senate Bill No. 553, Relating to deadlines for independent candidates to file for municipal elections.

Com. Sub. for Senate Bill No. 584, Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.

And,

Com. Sub. for Senate Bill No. 623, Requiring notification of certain substance abuse screening of mine personnel.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Snyder, Blair, Sypolt, Cann and Facemire.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senator Snyder were ordered printed in the Appendix to the Journal.

At the request of Senator Williams, unanimous consent being granted, the remarks by Senator Sypolt were ordered printed in the Appendix to the Journal.

At the request of Senator Barnes, and by unanimous consent, the remarks by Senator Cann were ordered printed in the Appendix to the Journal.

At the request of Senator Snyder, unanimous consent being granted, the remarks by Senator Facemire 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 and, at the request of Senator Unger, unanimous consent being granted, returned 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 Joint Resolution No. 14, Proposing constitutional amendment designated Future Fund Amendment.

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

Com. Sub. for Senate Joint Resolution No. 14 (originating in the Committee on the Judiciary)—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 the West Virginia Future Fund; prohibiting spending of principal and permitting spending of interest in certain instances from the West Virginia Future Fund; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; 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 resolution (Com. Sub. for S. J. R. No. 14) 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 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. 202, Creating Benefit Corporation Act.

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

Com. Sub. for Senate Bill No. 253, Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Education on February 19, 2014;

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

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

Com. Sub. for Senate Bill No. 254, Regulating equine boarding facilities.

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. 366, Transferring CHIP from Department of Administration to DHHR.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 18, 2014;

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

Com. Sub. for Senate Bill No. 378 (originating in the Committee on Transportation and Infrastructure), Relating to waste service vehicles.

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 the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-11; and to amend and reenact §17C-15-26 of said code, all relating to special speed limitations as to waste service vehicles; directing that no person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles per hour under certain circumstances; defining “waste service vehicle”; setting forth situations in which the special speed limit applies; providing criminal penalties; and permitting waste service vehicles to be equipped with special lights.

With the recommendation that the committee substitute for committee substitute 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. 409, Relating to education reform.

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

Com. Sub. for Senate Bill No. 409 (originating in the Committee on Education)—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-7 of said code; to amend and reenact §18A-3-1 and §18A-3-2a of said code; to amend said code by adding thereto two new sections, designated §18A-3-1e and §18A-3-1f; to amend and reenact §18B-1D-4 of said code; and to amend and reenact §18B-3C-4 of said code, all relating to education reform; modifying time frame for county and school strategic plans; modifying provisions pertaining to school system accreditation to more align with provisions pertaining to school accreditation; adding propane as an alternative fuel that will increase the foundation allowance for transportation cost; requiring that a teacher with a valid West Virginia teaching certificate be awarded certification to teach in an additional area of certification upon submission of a passing score on a certain test; providing for critical need alternative teaching certificates valid for the purposes of allowing the holder to teach in subject areas, public schools or geographic areas of the state in which the state board determines that critical teacher shortages exist; setting forth certificate eligibility requirements; providing for training, support and evaluation of certificate holder; setting forth requirements for renewing certificate and for conversion to an initial professional teaching certificate; providing for recommendation as to whether or not a professional certificate should be issued; modifying requirements for professional teaching certificate; adding duties for the Higher Education Policy Commission and the Council for Community and Technical College Education that pertain to creating a more seamless transfer process and making it easier for students to finish a degree program when transferring credit; requiring community and technical college/career and technical education consortia to implement a minimum of one advanced career program of study and each public education career-technical center and each comprehensive high school within the consortium to implement a minimum of one of the advanced career programs identified by the consortium; and charging district consortia,

for newly created community and technical college career technical programs, with developing or utilizing an existing corresponding program of study career pathway at the secondary school level that provides a seamless progression from public schools to community and technical college.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Robert H. Plymale,
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. 455, Creating Move to Improve Act.

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

Com. Sub. for Senate Bill No. 455 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, relating to creation of the West Virginia Move to Improve Act; establishing legislative findings; providing for integration of an average of thirty minutes of moderate to vigorous physical activity in school day; setting minimum amount of moderate to vigorous physical exercise in physical education classes; defining terms; requiring alternate programs to be submitted to the county board for approval; removing expired requirements; requiring accountability for the physical education and physical activity required herein; requiring provision of adequate professional development and training on physical activity integration; and requiring collaboration with teachers and administrators when developing any rule pursuant to this act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Robert H. Plymale,
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. 460, Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

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. 460) 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

Senate Bill No. 476, Providing standards for conversion and retrofits of alternative-fuel motor vehicles.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 18, 2014;

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

Com. Sub. for Senate Bill No. 504, Authorizing Auditor establish Debt Resolution Services Division.

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. 523 (originating in the Committee on Military), Providing for additional state veterans skilled nursing facility in Beckley.

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

Com. Sub. for Com. Sub. for Senate Bill No. 523 (originating in the Committee on Finance)—A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1B-1 of said code; and to amend and reenact §19-1-4 of said code, all relating to authorizing the Secretary of the Department of Veterans' Assistance and the Commissioner of the Department of Agriculture to enter into an agreement to transfer certain property for construction of a veterans' skilled nursing facility; and making legislative findings.

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. 533, Updating commercial feed laws; setting fees by rule.

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. 539, Providing certain law-enforcement officers employed as school security be allowed to carry firearms.

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.

At the request of Senator Plymale, unanimous consent being granted, the bill (S. B. No. 539) 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 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. 541, Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.

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. 562, Relating to training and compensation of county board of education members serving on RESAs.

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

Com. Sub. for Senate Bill No. 562 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-1a and §18-5-4 of said code, all relating to county board member attendance of board meetings, meetings of an administrative council of a multicounty vocational center, meetings of a regional council of a regional education service agency and training sessions; modifying provisions pertaining to compensation for attendance; removing language pertaining to reimbursement of travel to meetings of a regional council of a regional education service agency; requiring state board rule; setting forth provisions that must be included in rule; and requiring the West Virginia School Board Association to report to the Legislative Oversight Commission on Education Accountability on board member compensation.

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. 562) 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

Senate Bill No. 572, Relating to financing statements covering as-extracted collateral or timber to be cut.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 19, 2014;

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. 593, Authorizing issuance of limited lines travel insurance producer license.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 19, 2014;

And reports the same back with the recommendation that it 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. 602, Requiring health care providers wear ID badges.

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

Com. Sub. for Senate Bill No. 602 (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 and § 16-1C-5, all relating generally to requiring health care providers to wear identification badges; providing definitions; establishing identification badge requirement; setting forth exemptions; providing for applicability; and granting rule-making authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ron Stollings,
Chair.

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. 38, Requesting Joint Committee on Government and Finance study development of comprehensive early childhood 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 H. Plymale,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

The Senate proceeded to the sixth order of business.

Petitions

Senator Kessler (Mr. President) presented a petition from Jody Nichols Mohr and numerous West Virginia residents, requesting the Legislature to protect the people's rights to clean air, water and soil.

Referred to the Committee on Natural Resources.

Senators Laird, Miller and Williams, respectively, presented petitions from Fayette, Greenbrier, Summers and Barbour counties' schools, requesting the Legislature to develop a multi-year plan to make education employees' salaries competitive with surrounding states.

Referred to the Committee on Education.

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, February 21, 2014, at 11 a.m.

FRIDAY, FEBRUARY 21, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Bishop Sam Calloway, Jr., Spirit & Truth Ministries, Oak Hill, West Virginia.

Pending the reading of the Journal of Thursday, February 20, 2014,

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.

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. Senate Bill No. 402, Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

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. 4257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-19b, relating to providing criminal penalties for the dissemination of false information through automated telephone calls during a declared state of emergency; establishing criminal liability for a principal or employer who directs an agent or employee; establishing that a violation with the intent to sell a product or service is an unfair method of competition and unfair or deceptive act or practice under the consumer credit and protection act; and providing an exception to the pre-suit notice and cure requirement for an alleged unfair method of competition and unfair or deceptive act or practice.

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. 4259—A Bill to extend the time for the city council of the city of Sistersville, Tyler 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 operation of parks, the library, fire department and streets 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, 2014.

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. 4350—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1G-10, relating to providing for the awarding

of a West Virginia veterans service decoration, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia veterans; and providing rulemaking authority.

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. 4363—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.

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. 4425—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to giving the Superintendent of the West Virginia State Police authority to employ legal counsel and legal support staff when necessary.

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. 4431—A Bill to amend and reenact §20-2-37 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons who possess firearms, hunting dogs or other indicia of hunting or taking wildlife in or near fields, woods or streams do not necessarily need to have a hunting license; and requiring the totality of the circumstances be considered before it can be concluded that a person has been hunting, fishing, trapping or taking wildlife.

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. 4455—A Bill to amend and reenact §60-4-3a and §60-4-3b of the Code of West Virginia, 1931, as amended, relating to the sale of alcohol by licensed manufacturers; authorizing distilleries and mini-distilleries to make retail sales of alcoholic liquors manufactured by the distillery or mini-distillery for consumption off the premises on Sundays; authorizing earlier retail sales by licensed wineries and farm wineries on Sundays; pertaining to the time of allowed retail sales by licensed manufacturers on Sundays; pertaining to the times complimentary samples may be offered on premises of licensed manufacturer on Sundays; and authorizing mini-distilleries which manufacture less than fifty thousand gallons of alcoholic liquor per year to seek and hold a separate license to operate a private club on the premises of the mini-distillery.

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. 11—Requesting that the bridge to be constructed on State Route 33 in Pendleton County, West Virginia, that has been designated as bridge number 36-33-5.93, to be named the “Pendleton County Union Veterans 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. 12—Requesting that the portion of U.S. Route 220 from the city limits sign of Franklin to Virginia border in Pendleton County, West Virginia, be named the “Pendleton County Confederate Veterans Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

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, with its Senate amended title, of

House Concurrent Resolution No. 14, The “Army Specialist Fifth Class Elton Dale Workman 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

Com. Sub. for House Concurrent Resolution No. 17—Requesting the Division of Highways to name the bridge locally known as the North Mill Creek Bridge on Route 220, Pendleton County, bridge number 36-220-32.32 (36A166), as the “Captain Isaac Alt West Virginia Militia 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. 18—Requesting the Division of Highways to name the bridge on Route 33, crossing the South Branch Potomac River east of Franklin, Pendleton County, bridge number 36-33-33.85 (36A165), as the “Dr. H. Luke Eye Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 19, The “Army Specialist 4 William Lewis Reger 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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 23, Army Sgt. Walter William Smith 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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 37, Army Sergeant Charles Leo Dulaney 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

Com. Sub. for House Concurrent Resolution No. 45—Requesting the Division of Highways to name bridge number 22-3-7.00 (22A001) on Route 3 which crosses the Mud River and is located 0.11 miles east of County Route 1 in Hamlin, Lincoln County, the “U.S. Army SFC Bob L. VandeLinde 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. 53—Requesting the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) be named the “Julian, Earl and Edward Hill Brothers 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. 56—Requesting the Division of Highways to name bridge number 48-18-20.53 (48A087), and known locally as the Jackson Bridge on West Virginia Route 18 north of Middlebourne, Tyler County, as the “Army SSG Jesse Adam Ault 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. 72—Requesting that bridge number 50-52-29.04 (50A153) on Tolsia highway in Wayne County, West Virginia, be named the “Roy Elmer ‘Doc’ Moon 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 to name U.S. Route 119 from Clendenin, Kanawha County, to the Kanawha - Roane County line, the “Army SPC 4 Marvin Dewayne Canterbury 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

Com. Sub. for House Concurrent Resolution No. 76—Requesting that bridge number 50-37-3.29 (50A069) over Big Hurricane Creek in Wayne County be named the “Army PFC Richard Lee Lakin 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. 83—Requesting Congress erect a national monument to motherhood, with a special emphasis placed on those mothers whose children have served in the armed forces of the United States and especially those mothers whose children have

given their lives in service to their country, to be located in West Virginia.

Referred to the Committee on Government Organization.

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

February 19, 2014

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
The Honorable Timothy Miley
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear President Kessler and Speaker Miley:

After the submission of my recommended FY 2015 Executive Budget on January 8, 2014, there have been a few areas that require adjustments and, therefore, I would like to provide you with additional recommended revisions to the TITLE II – APPROPRIATIONS:

Section 1. Appropriations from general revenue.

Executive

Governor's Office, Fund 0101, Fiscal Year 2015, Org 0100
(To move funding for GOHELP to DHHR.)

- Decrease “GOHELP” Appropriation 11600 by \$250,651.

Governor's Office-Civil Contingent Fund, Fund 0105, Fiscal Year 2015, Org 0100

(To add funding for WVTAP home water testing project.)

- Add "Civil Contingent Fund - Total (R)" Appropriation 11400 for \$762,300.

Department of Administration

Division of General Services, Fund 0230, Fiscal Year 2015, Org 0211

(To clarify that funds can be used for all state-owned buildings.)

- Add the language, "The above appropriation to Capital Outlay, Repairs and Equipment (appropriation 58900) shall be expended for capital improvements, maintenance, repairs and equipment for state-owned buildings."

Department of Commerce

Division of Forestry, Fund 0250, Fiscal Year 2015, Org 0305

(To correct a drafting error and move funding to DHHR for Pill Mill Investigators.)

- Decrease "Equipment" Appropriation 07000 by \$500,000.

Department of Education

State Board of Education-State Department of Education, Fund 0313, Fiscal Year 2015, Org 0402

(To fully fund the Teachers' Retirement Savings Realized according to the final actuarial calculations.)

- Add "Teachers' Retirement Savings Realized" Appropriation 09500 for \$304,000.
- Add the language, "The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044)."

State Department of Education-State Aid to Schools, Fund 0317, Fiscal Year 2015, Org 0402

(To adjust School Aid Formula based on latest estimates.)

- Increase “Other Current Expenses” Appropriation 02200 by \$2,854,055.
- Decrease “Service Personnel” Appropriation 15200 by \$1,516,996.
- Decrease “Fixed Charges” Appropriation 15300 by \$64,131.
- Decrease “Professional Student Support Services” Appropriation 65500 by \$743,125.
- Decrease “Improved Instructional Program” Appropriation 05600 by \$2,449,728.
- Increase “21st Century Strategic Technology Learning Growth” Appropriation 93600 by \$1,034,059.
- Decrease “Less Local Share” line by \$6,101,195 from (\$443,503,272) to (\$437,402,077).
- Increase “Teachers’ Retirement System” Appropriation 01900 by \$55,531.
- Decrease “Retirement Systems - Unfunded Liability” Appropriation 77500 by \$9,836,000.

*State Board of Education-Division of Education Performance Audits,
Fund 0573, Fiscal Year 2015, Org 0402*

(To provide for additional staff to perform audits.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$600,000.

Department of Education and the Arts

*Educational Broadcast Authority, Fund 0300, Fiscal Year 2015, Org
0439*

(To maintain FY 2014 funding for Personal Services.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$392,803.
- Decrease “Current Expenses” Appropriation 13000 by \$392,803.

Department of Health and Human Resources

*Department of Health and Human Resources-Office of the Secretary,
Fund 0400, Fiscal Year 2015, Org 0501*

(To move funding for GOHELP from the Governor's Office.)

- Add "GOHELP" Appropriation 11600 for \$250,651.

Division of Human Services, Fund 0403, Fiscal Year 2015, Org 0511

(To correct drafting error and move Pill Mill Investigators from Division of Forestry, to increase funds for Medicaid due to revised state match requirement for FY 2015, based on latest information, and to replace some of the reduction in the adjusted FY 2014 surplus supplemental appropriation bill.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$500,000.
- Increase "Medical Services" Appropriation 18900 by \$5,719,408.

Department of Military Affairs and Public Safety

Department of Military Affairs and Public Safety-Office of the Secretary, Fund 0430, Fiscal Year 2015, Org 0601

(To provide additional funding for WV Fire and EMS Survivor Benefit and the Law-Enforcement, Safety and Emergency Workers Funeral Expense Payment Fund.)

- Increase "Directed Transfer" Appropriation 70000 by \$7,000.
- Increase "WV Fire and EMS Survivor Benefit" Appropriation 93900 by \$100,000.

West Virginia State Police, Fund 0453, Fiscal Year 2015, Org 0612

(To adjust the Trooper Retirement Fund contribution according to the final actuarial calculations.)

- Decrease "Trooper Retirement Fund" Appropriation 60500 by \$145,302.
- Decrease "Retirement Systems - Unfunded Liability" Appropriation 77500 by \$2,203,000.

Department of Transportation

Division of Public Transit, Fund 0510, Fiscal Year 2015, Org 0805

(To add reappropriation language for projects expected to not be completed by June 30, 2014.)

- Add “(R)” next to the appropriation for “Equipment” Appropriation 07000 and “Other Assets” Appropriation 69000.
- Amend the language following fund 0510 to read as follows:

“Any unexpended balances remaining in the appropriations for Unclassified-Total (fund 0510, appropriation 09600), Current Expenses (fund 0510, appropriation 13000), Equipment (fund 0510, appropriation 07000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.”

Department of Veterans’ Assistance

Department of Veterans’ Assistance, Fund 0456, Fiscal Year 2015, Org 0613

(To adjust funding between appropriations.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$250,000.
- Decrease “Veterans’ Nursing Home” Appropriation 28600 by \$250,000.

Section 3. Appropriations from other funds.

Department of Administration

Department of Administration-Office of the Secretary-Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2015, Org 0201

(To allow for the full transfer of the Teachers’ Retirement Savings Realized.)

- Increase “Current Expenses” Appropriation 13000 by \$304,000.

Department of Commerce

Division of Forestry-Timbering Operation Enforcement Fund, Fund 3082, Fiscal Year 2015, Org 0305

(To move positions from General Revenue due to budget reduction.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$120,000.

Department of Military Affairs and Public Safety

Department of Military Affairs and Public Safety-Office of the Secretary-Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund, Fund 6003, Fiscal Year 2015, Org 0601

(To allow for payment of funeral expenses.)

- Increase “Current Expenses” Appropriation 13000 by \$7,000.

Higher Education Policy Commission

Tuition Fee Revenue Bond Construction Fund, Fund 4906, Fiscal Year 2015, Org 0442

(To correct a drafting error in the language.)

- Amend the reappropriation language following fund 4906 to read as follows:

“Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.”

Miscellaneous Boards and Commissions

WV Board of Examiners for Registered Professional Nurses, Fund 8520, Fiscal Year 2015, Org 0907

(To increase spending authority to continue funding for two positions.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$155,009.
- Increase “Current Expenses” Appropriation 13000 by \$6,500.
- Increase “Equipment” Appropriation 07000 by \$5,000.
- Increase “Other Assets” Appropriation 69000 by \$2,000.

Section 6. Appropriations of federal funds.

Department of Education and the Arts

Educational Broadcasting Authority, Fund 8721, Fiscal Year 2015, Org 0439

(To increase federal spending authority for a U.S. Department of Agriculture grant to update the Charleston Studio.)

- Increase “Equipment” Appropriation 07000 by \$250,000.

Department of Veterans’ Assistance

Department of Veterans’ Assistance, Fund 8830, Fiscal Year 2015, Org 0613

(To continue federal spending authority from FY 2014 supplemental appropriation.)

- Increase “Personal Services and Employee Benefits” by \$2,000,000.

Department of Veterans’ Assistance-Veterans’ Home, Fund 8728, Fiscal Year 2015, Org 0618

(To increase federal spending authority for facility improvements.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$150,000.
- Increase “Current Expenses” Appropriation 13000 by \$28,000.
- Increase “Repairs and Alterations” Appropriation 06400 by \$120,000.
- Increase “Equipment” Appropriation 07000 by \$98,000.
- Increase “Buildings” Appropriation 25800 by \$20,000.

Section 8. Awards for claims against the state.

Please amend the language to read as follows:

“There are hereby appropriated for fiscal year 2015, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$2,920,734, special revenue funds in the amount of \$351,398, and state road funds in the amount of \$611,755 for payment of claims against the state.”

Thank you for your time and consideration of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Earl Ray Tomblin,
Governor.

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

Senator Kessler (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 19, 2014

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
The Honorable Timothy Miley
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear President Kessler and Speaker Miley:

After the submission of my recommended FY 2014 General Revenue Unappropriated Surplus Balance Supplemental Bill (SB 344/HB 4179) on January 14, 2014, there have been a few areas that require adjustments and, therefore, I would like to provide you with additional recommended revisions to the FY 2014 Surplus Supplemental Bill.

As the current fiscal year has progressed, the revenue collections are running behind the estimates for the first seven months of the year. The estimated year-end revenue deficit is now projected to be higher than the previous estimated deficit of \$60 million.

The attached revision to this FY 2014 Surplus Supplemental Bill reduces \$43 million of expirations and also reduces the recommended appropriation to Medicaid by \$43 million. These changes, combined with my recommended adjustments to the FY 2014 General Revenue Supplemental Bill (SB 345/HB 4180) and the FY 2015 Budget Bill, will help to balance the current and upcoming fiscal years.

Thank you for your time and consideration of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Earl Ray Tomblin,
Governor.

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

Senator Kessler (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 19, 2014

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
The Honorable Timothy Miley
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear President Kessler and Speaker Miley:

After the submission of my recommended FY 2014 General Revenue Unappropriated Balance Supplemental Bill (SB 345/HB 4180) on January 14, 2014, there have been a few areas that require adjustments and, therefore, I would like to provide you with additional recommended revisions to the FY 2014 Supplemental Bill.

As the current fiscal year has progressed, the revenue collections are running behind the estimates for the first seven months of the year. The estimated year-end revenue deficit is now projected to be higher than the previous estimated deficit of \$60 million.

The attached revisions to this FY 2014 Supplemental Bill increase the expirations to the FY 2014 General Revenue Unappropriated Balance by \$43 million. This change, combined with my recommended adjustments to the FY 2014 General Revenue Surplus Supplemental Bill (SB 344/HB 4179) and the FY 2015 Budget Bill, will help to balance the current and upcoming fiscal years.

Thank you for your time and consideration of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Earl Ray Tomblin,
Governor.

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

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 Joint Resolution No. 10, Proposing constitutional amendment designated Right of People to Hunt, Fish, Harvest Game in WV Amendment.

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 (Com. Sub. for S. J. R. No. 10) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Prezioso, the resolution was rereferred 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 Joint Resolution No. 12, Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens Amendment.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 19, 2014;

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

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. 379 (originating in the Committee on Government Organization), Reclassifying counties.

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

Com. Sub. for Com. Sub. for Senate Bill No. 379 (originating in the Committee on Finance)—A Bill to amend and reenact §7-7-3, §7-7-4 and §7-7-6b of the Code of West Virginia, 1931, as amended, all relating to counties; reclassifying counties from ten classes to five classes; authorizing an increase in the salaries of county commissioners and elected county officials; clarifying that the salary increases for county commissioners and elected county officials take effect with the new term of office; providing that the State Auditor shall not be held liable for relying upon information and data provided by a county commission in certifying a county's annual budget; and clarifying assessors' additional compensation classifications.

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. 379) 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

Com. Sub. for Senate Bill No. 391 (originating in the Committee on Education), Providing salary increase for teachers and school service personnel.

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

Com. Sub. for Com. Sub. for Senate Bill No. 391 (originating in the Committee on Finance)—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school service personnel salary increases; establishing a salary goal for certain teachers; adjusting effective dates; and revising state minimum salary schedules for teachers and school service personnel.

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. 391) 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

Com. Sub. for Senate Bill No. 432, Relating to calculating local share.

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. 432) 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. 439, Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

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

Com. Sub. for Senate Bill No. 439 (originating in the Committee on Finance)—A Bill to amend and reenact §7-22-9 and §7-22-15 of the Code of West Virginia, 1931, as amended, all 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; specifying that the Fort Henry Economic Opportunity Development District shall not be abolished until the year 2044, unless sooner abolished by the county commission after notice of public hearing; specifying that any district for which legislative authorization of the county commission to levy special district excise taxes was enacted after December 31, 2013, shall cease to exist and be abolished by operation of law on December 31 of the thirtieth calendar year subsequent to the year of enactment of such legislative authorization to levy special district excise taxes in the district; specifying that any district for which legislative authorization of the county commission to levy special district excise taxes was enacted prior to December 31, 2013, shall cease to exist and be abolished by operation of law on December 31 of the thirtieth calendar year subsequent to the initial year of enactment of such legislative authorization to levy special district excise taxes in the district, if an amendment to the district boundary, size or acreage is authorized, or other amendment relating to the district is authorized, after December 31, 2013; specifying that special district excise tax may not be levied, imposed or collected in or from an abolished district or from or on any business located therein or on any transaction occurring therein after the cessation and abolishment of the district; specifying that nothing in this code shall not be interpreted to abrogate or hinder the authority of the Tax Commissioner to collect, receive, process or administer any special district excise tax accrued, due or payable for any tax period prior to the cessation and abolishment of the district, or to audit and issue

assessments of tax, interest, additions to tax and penalties for the collection, remittance and enforcement thereof; specifying that upon cessation and abolishment of a district, the consumers sales and service tax and use tax and municipal consumers sales and service tax and use tax, if applicable, shall be imposed, collected, levied and remitted, as provided by law for sales and uses in the previously authorized district; and providing definitions.

With the recommendation that the 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 S. B. No. 439) 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 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

Com. Sub. for Senate Bill No. 628, Creating Healthy Children and Healthy Communities Act.

Now on second reading, having been read a first time and referred to the Committee on Health and Human Resources on February 19, 2014;

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

Respectfully submitted,

Ron Stollings,
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. 631 (originating in the Committee on Government Organization)—A Bill to extend the time for the city council of the Town of Fayetteville, Fayette 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 laying, repair and maintenance of the streets and sidewalks, 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, 2014.

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. 631) 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.

Senators Kirkendoll, Stollings, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 45—Requesting the Division of Highways to name a section of West Virginia Route 3 near Chapmanville, Logan County, West Virginia, lying between County Route 3/1 and County Route 3/16, consisting of approximately 1.2 miles and locally known as Smoke House Fork Crawley Creek Road, the “Army Colonel Anna M. Butcher Road”.

Whereas, Anna M. Butcher was born in Shively, West Virginia, attended Chapmanville High School from 1940 to 1942 and graduated from Logan General Hospital School of Nursing in 1946; and

Whereas, Anna M. Butcher, the daughter of Mr. and Mrs. T. E. Butcher, grew up with four sisters and three brothers; and

Whereas, Anna M. Butcher entered the United States Army Nurse Corps in November of 1951, and completed basic training at Fort Meade, Maryland, in December of 1951; and

Whereas, First Lieutenant Anna M. Butcher was assigned as a staff nurse to Fort Belvoir, Virginia, in December, 1951; and

Whereas, Anna M. Butcher enjoyed a long and distinguished career in the Army Nurse Corps, reaching the rank of Colonel before retiring; and

Whereas, Col. Anna M. Butcher completed assignments with increasing responsibilities as staff nurse, head nurse or chief nurse at U. S. Army medical facilities in Korea, Vietnam, Germany and Japan, as well as at home in Kentucky, Alabama, Virginia and Washington, D. C.; and

Whereas, Army Col. Anna M. Butcher’s last assignment before retiring was as Chief of the Department of Nursing at the U. S. Army Hospital at Fort Polk, Louisiana; and

Whereas, Col. Anna M. Butcher was awarded a Bronze Star, Army Commendation Medal with two oak leaf clusters and a Meritorious Service Medal; and

Whereas, Following her military career, Col. Anna M. Butcher returned home to her native Logan County where she cared for family and friends and continues to live and serve her community; and

Whereas, It is the wish of the Legislature to commemorate the service Col. Butcher offered to her country and to the many sick and injured members of the military; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of West Virginia Route 3 near Chapmanville, Logan County, West Virginia, lying between County Route 3/1 and County Route 3/16, consisting of approximately 1.2 miles and locally known as Smoke House Fork Crawley Creek Road, the “Army Colonel Anna M. Butcher Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the roadway containing bold and prominent letters proclaiming the road to be the “Army Colonel Anna M. Butcher 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 the Division of Highways.

Which, under the rules, lies over one day.

Senators D. Hall, Stollings, Plymale, Tucker, Jenkins and Green offered the following resolution:

Senate Concurrent Resolution No. 46—Requesting that the Division of Highways renovate Toney’s Fork Road to use as a state road providing an alternate route to the City of Beckley.

Whereas, State Route 3 is the only major road leading to the City of Beckley for communities west of Beckley, such as Whitesville, Naoma and Clear Creek; and

Whereas, When Route 3 is closed due to emergencies, there is no quick path to the City of Beckley; and

Whereas, Toney's Fork Road on the border of Fayette County and Raleigh County is a coal-mining road that is in a perfect position to provide an alternate route to Beckley via Interstate 77; and

Whereas, Toney's Fork Road is an old road that requires renovation to be used safely for heavy traffic; and

Whereas, The City of Beckley is an important metro area for many citizens in southern West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to renovate Toney's Fork Road to use as a state road providing an alternate route to the City of Beckley; and, be it

Further Resolved, That this new state road should be used for travel in the place of Route 3 if the latter cannot be used; and, be it

Further Resolved, That in conjunction with Route 1, people can travel to Beckley without using Route 3 at all by using this proposed road.

Which, under the rules, lies over one day.

Senators Laird, Stollings, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 47—Requesting the Division of Highways to rename the road from the entrance of the Summit Betchel Family National Scout Reserve to Route 61, known as Mill Road or Garden Ground Mountain Road, as “Jack Furst Drive” to match the name of the road through the Summit Betchel Family National Scout Reserve.

Whereas, Mr. Furst developed an interest in the Cub Scout and Boy Scout programs during his youth and, as an adult, became an Eagle Scout; and

Whereas, Mr. Furst serves as an officer and executive board member of Circle Ten Council of the Boy Scouts of America in Dallas, Texas; as an executive board member of Longhorn Council of the Boy Scouts of America in Fort Worth, Texas; and as an officer and executive board member of the National Council of the Boy Scouts of America; and

Whereas, Mr. Furst is the head volunteer that oversees all of the national council's high adventure programs that serve over fifty thousand scouts and scouters a year; and

Whereas, Mr. Furst serves as a team leader for developing and programming the Summit Betchel Family National Scout Reserve near Mount Hope, West Virginia, the home of the National Scout Jamboree; and

Whereas, As an adult, Mr. Furst's scouting activity honors include the Silver Beaver Award, the Silver Antelope Award, the Silver Buffalo Award and The Order of the Arrow's Vigil Honor Award; and

Whereas, In 2007, Mr. Furst had the privilege to serve as head of the United States Contingent at the World Jamboree in Chelmsford, England, where four thousand five hundred scouts and scouters from America attended. He is 21st Century Wood Badge trained, has staffed several Wood Badge courses held at Philmont and the Florida Sea Base and has been a course director; and

Whereas, Mr. Furst is a distinguished private equity investor. He manages his own capital, making investments in real estate, oil and gas, fixed income securities and public and private equities. He has over twenty-five years of private investment experience, completing over \$50 billion in transactions which resulted in attractive returns for investors; and

Whereas, Mr. Furst was a founding partner in HM Capital Partners, established in 1989, specializing in private investments of companies primarily serving the energy, financial services, food, manufacturing and media sectors of the economy. Prior to founding HM Capital, Mr. Furst was a partner at Hicks & Haas Incorporated, a private investment firm from 1987 to 1989. From 1984 to 1986, he was a merger and acquisition/corporate finance specialist for The First Boston Corporation in New York. Before joining First Boston, Mr. Furst was a financial consultant at Price Waterhouse in Phoenix, Arizona; and

Whereas, Mr. Furst received his B. S. degree with honors from the College of Business Administration at Arizona State University and his M. B. A. degree with honors from the Graduate School of Business at the University of Texas at Austin; and

Whereas, Mr. Furst serves as a member of the University of Texas at Austin McComb's School of Business Advisory Council and is a founding Advisory Council member of the MBA Investment Fund. Mr. Furst is also an Adjunct Professor at the University of North Texas, the "Harvard of the Southwest", where he teaches finance and investments; and

Whereas, Mr. Furst is a founding family and board member of Cross Timbers Community Church in Argyle, Texas; is an advisory board member of Christian Community Action in Lewisville, Texas; and serves as a trustee and board member of the National Safety Council in Chicago; and

Whereas, Mr. Furst is a 1998 Henry Crown Fellow, a fellowship of leaders that is administered by the Aspen Institute. He was inducted into W. P. Carey School of Business Hall of Fame at Arizona State University in 1999. In 2003, Mr. Furst received the Outstanding Young Texas Ex Award and in 2008 he received the W. P. Carey School of Business Distinguished Alumni Achievement Award. Mr. Furst also serves on the boards of directors of several companies; and

Whereas, Mr. Furst and his wife Debra have two children, Jackson and Jordan, and they reside at their ranch in Argyle, Texas; and

Whereas, It is fitting to commend Jack D. Furst's long-term passion, commitment and dedication to the Boy Scouts program and the Summit Betchel Family National Scout Reserve near Mount Hope, West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the road from the entrance of the Summit Betchel Family National Scout Reserve to Route 61, known as Mill Road or Garden Ground Mountain Road, as "Jack Furst Drive" to match the name of the road through the Summit Betchel Family National Scout Reserve; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying it as "Jack Furst Drive"; 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, the Boy Scouts of America and Jack D. Furst.

Which, under the rules, lies over one day.

Senators Kirkendoll, Stollings, Plymale and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 48—Requesting the Division of Highways to name a one-mile section of Buffalo Creek Road, beginning at the intersection of Route 10 and extending through the Town of Man, West Virginia, and which is also known as Main Street, the "U. S. Army SP4 Terry Robert Albright Memorial Road".

Whereas, Terry Robert Albright was born on February 1, 1950, the son of Robert and Sylvia Bailey Albright; and

Whereas, Terry Robert Albright attended public schools in Logan County and graduated from Man High School in 1968; and

Whereas, Terry Robert Albright entered the Army on September 17, 1969, and was deployed to Vietnam on April 4, 1970; and

Whereas, Specialist 4th Class Terry Robert Albright was serving with the 3rd Squadron, 4th Cavalry Regiment, B Troop when he was killed in Vietnam on October 11, 1970; and

Whereas, Specialist 4th Class Terry Robert Albright's military awards include the Vietnam Gallantry Cross Unit Citation, Order of the Spur, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal and expert badge with rifle and automatic rifle medallions; and

Whereas, Specialist 4th Class Terry Robert Albright's name appears on the Vietnam War Memorial, Panel 07W Line 125; and

Whereas, Terry Robert Albright is survived by a brother, Kerry Albright, who lived through the infamous Buffalo Creek Flood in 1972 as an infant and became known as the "miracle baby of Buffalo Creek"; and

Whereas, Terry Robert Albright's mother, Sylvia, and brother, Steven, were among the one hundred twenty-five people who perished in the Buffalo Creek Flood, and his father, Robert, passed away in 2000; and

Whereas, It is only fitting that an appropriate memorial recognizing Specialist 4th Class Terry Robert Albright's service and sacrifice be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile section of Buffalo Creek Road, beginning at the intersection of Route 10 and extending through the Town of Man, West Virginia, and

which is also known as Main Street, the “U. S. Army SP4 Terry Robert Albright Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that section of Buffalo Creek Road the “U. S. Army SP4 Terry Robert Albright 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 the Division of Highways and to Terry Robert Albright’s brother, Kerry Albright, and his cousin, Kathy Yeager.

Which, under the rules, lies over one day.

Senators Plymale, Wells, Kessler (Mr. President), Stollings, Williams, Tucker, Snyder, Cole, Jenkins, D. Hall, Green, McCabe and Prezioso offered the following resolution:

Senate Resolution No. 36—Designating Friday, February 21, 2014, 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 Friday, February 21, 2014, as Higher Education Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the commitment to excellence that 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 appropriate officials representing Higher Education Day at the Legislature.

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.

Thereafter, at the request of Senator Unger, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution No. 36 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, at the request of Senator Unger, and by unanimous consent, 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. 49 (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Government and Finance authorize the Legislative Oversight Commission on Health and Human Resources Accountability to study the responsibilities for the protection and care of children as well as implementing a standardized comprehensive universal assessment tool that assesses the needs and strengths of children as well as their caregivers as the accepted system for outcomes evaluation in the State of West Virginia.

Whereas, Children are some of the most vulnerable citizens and are the future generations of West Virginians and they deserve the best care the state can provide; and

Whereas, The Department of Health and Human Resources would benefit from adopting a comprehensive universal assessment tool that would be used for total clinical outcomes management providing greater care of children in the foster care system; and

Whereas, The National Governors Association selected West Virginia as one of the seven states to participate in the Three Branch Institute on Child Social and Emotional Well-Being; and

Whereas, One of the expected outcomes of the Three Branch Institute is an assessment tool with the goal of creating a more

comprehensive approach to providing child welfare services in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance authorize the Legislative Oversight Commission on Health and Human Resources Accountability to study the responsibilities for the protection and care of children as well as implementing a standardized comprehensive universal assessment tool that assesses the needs and strengths of children as well as their caregivers as the accepted system for outcomes evaluation in the State of West Virginia; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability is requested to study responsibilities for the protection and care of children as well as implementing a standardized comprehensive universal assessment tool; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability is requested to assess the findings of the Three Branch Institute and to study these recommendations with a goal toward creating a universal comprehensive assessment tool for child welfare; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability report to the regular session of the Legislature, 2015, 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,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolution (S. C. R. No. 49) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration.

On motion of Senator Stollings, the resolution was referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 252,
Allowing certain expelled students to return to school through
Juvenile Drug Court.

On third reading, 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. 252) 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. 318, Setting fees for manufacture, distribution, dispensing and research 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 S. B. No. 318) 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. 383, Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

On third reading, 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. 383) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 383) takes effect July 1, 2014.

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. 414,
Redirecting nonprobate appraisalment filings.

On third reading, 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. 414) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 414) takes effect July 1, 2014.

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. 424, Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.

On third reading, 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. 424) 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. 456, Extending expiration date for health care provider tax 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, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 456) 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. 456) 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. 461, Creating Future 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 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. 468, Providing for Veterans Medal and Service Cross.

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.

Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 20, 2014, for amendments to be received on third reading, was reported by the Clerk.

On motions of Senators Barnes and Plymale, the following amendment to the bill was reported by the Clerk and adopted:

On page three, section fourteen, line thirty, after the word “conferences.” by inserting the following: This does not prohibit any

teacher from conducting a meeting, as prescribed, at his or her discretion.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 477 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. 477) 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. 485, Exempting DOH from certain permitting requirements of Natural Stream Preservation 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. 485) 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. 487, Authorizing municipal sales tax.

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. 487 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 S. B. No. 487) 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. 507, Relating to Board of Barbers and Cosmetologists.

On third reading, 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. 507) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 507) takes effect July 1, 2014.

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

Eng. Senate Bill No. 558, 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, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 558) 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. 558) 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. 559, Eliminating annual report late fees charged by Secretary of 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. S. B. No. 559) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 559) takes effect July 1, 2014.

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

Eng. Senate Bill No. 583, Permitting emergency rule-making authority to implement Spay Neuter Assistance 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. S. B. No. 583) 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. 583) 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. 585, Removing unconstitutional language regarding access to rail lines.

On third reading, 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. 585) 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. 586, Removing unconstitutional language regarding jurors and verdicts permitted in certain civil litigation.

On third reading, 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. 586) 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. 600, Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

On third reading, 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. 600) 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. 601, Removing unconstitutional language regarding relief in circuit court against erroneous 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. 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. 603, Relating to testing for presence of methane in underground mines.

On third reading, 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. 603) 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. 619, Exempting certain critical access hospitals from certificate of need 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. Com. Sub. for S. B. No. 619) 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. 621, Authorizing insurers offer flood insurance.

On third reading, 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. 621) 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. 30, Exempting motorcycles from license examination and safety equipment requirements.

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. 95, Creating felony offense for DUI causing 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. 140, 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. 181, Authorizing Department of Administration 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. 253, Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section two, lines twelve through fourteen, by striking out the words “Executive Director or the Chancellor of the Community and Technical College System” and inserting in lieu thereof the words “Chancellor for Community and Technical College Education”;

On page two, section two, lines eighteen and nineteen, by striking out the words “of the Higher Education Policy Commission” and inserting in lieu thereof the words “for Higher Education”;

And,

On page three, section four, lines eight and nine, by striking out the words “of the Higher Education Policy Commission, Chancellor of the Community and Technical College System” and inserting in lieu thereof the words “for Higher Education, the Chancellor for Community and Technical College Education”.

The bill (Com. Sub. for S. B. No. 253), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 317, Relating to municipal firearm laws.

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

On motion of Senator Sypolt, the following 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 §8-1-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §8-12-5a of said code be amended and reenacted, all to read 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 sale or carry~~ 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 non-resident 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 of chapter sixty-one.~~

~~(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.~~

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition.

(a) The provisions of section five of this article notwithstanding, neither a municipality nor the governing body of any municipality may limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition.

~~Nothing herein shall in any way impair~~ (b) This section does not:

(1) Impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five of this article or from enforcing any such ordinance or resolution; ~~Provided, That any municipal ordinance in place as of the effective date of this section shall be excepted from the provisions of this section: Provided, however, That no provision in this section may be construed to limit or~~

(2) Limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

At the request of Senator Sypolt, unanimous consent being granted, Senator Sypolt's amendment to the bill (Com. Sub. for Com. Sub. for S. B. No. 317) was withdrawn.

At the request of Senator Palumbo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill No. 366, Transferring CHIP from Department of Administration to DHHR.

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

Senate Bill No. 375, Excluding certain personal property from TIF assessment.

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

Senate Bill No. 407, Providing renewal of lapsed managing general insurance agent licenses.

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 Com. Sub. for Senate Bill No. 425, Relating to licensure, supervision and regulation of physician assistants.

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, Relating to receipting of state moneys.

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. 431, Relating to issuance and renewal of certain driver's licenses and federal ID cards.

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

Senate Bill No. 437, Requiring mortgage brokers file certain reports with Division of Financial Institutions.

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, Creating Veterans and Warriors to Agriculture Program.

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

Senate Bill No. 476, Providing standards for conversion and retrofits of alternative-fuel motor vehicles.

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

Senate Bill No. 493, Excluding suspension days in determining student 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. 535, Clarifying definition of “ginseng”.

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

Senate Bill No. 547, Clarifying municipalities can increase and decrease voting wards and/or council 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. 552, Increasing penalty related to transporting illegal controlled substances into 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. 553, Relating to deadlines for independent candidates to file for municipal elections.

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

Senate Bill No. 572, Relating to financing statements covering as-extracted collateral or timber to be cut.

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, Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.

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

Senate Bill No. 593, Authorizing issuance of limited lines travel insurance producer license.

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. 623, Requiring notification of certain substance abuse screening of mine personnel.

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

Eng. House Bill No. 4359, Relating to licensure of managing general agents of insurers.

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

Eng. House Bill No. 4372, Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial Institutions.

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. 202, Creating Benefit Corporation Act.

Com. Sub. for Senate Bill No. 254, Regulating equine boarding facilities.

Com. Sub. for Com. Sub. for Senate Bill No. 378, Relating to special speed limitations as to waste service vehicles.

Com. Sub. for Senate Bill No. 409, Relating to education reform.

Com. Sub. for Senate Bill No. 419, Creating Overdose Prevention Act.

Com. Sub. for Senate Bill No. 455, Creating Move to Improve Act.

Com. Sub. for Com. Sub. for Senate Bill No. 499, Making Prudent Investor Act primary standard of care for Investment Management Board.

Com. Sub. for Senate Bill No. 504, Authorizing Auditor establish Debt Resolution Services Division.

Com. Sub. for Com. Sub. for Senate Bill No. 523, Providing for additional state veterans skilled nursing facility in Beckley.

Senate Bill No. 533, Updating commercial feed laws; setting fees by rule.

Senate Bill No. 541, Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.

Com. Sub. for Senate Bill No. 544, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

Com. Sub. for Senate Bill No. 570, Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement.

Com. Sub. for Senate Bill No. 574, Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

Com. Sub. for Senate Bill No. 579, Creating Land Trust Authorization Act.

Senate Bill No. 596, Modifying statute of limitations on demand note collections.

Com. Sub. for Senate Bill No. 602, Requiring health care providers wear ID badges.

And,

Senate Bill No. 616, Allowing receipt of gifts, donations and contributions by Division of Energy.

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 Monday, February 24, 2014, at 11 a.m.

MONDAY, FEBRUARY 24, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Damon Vest, Jr., Marianna Freewill Baptist Church, Wyoming, West Virginia.

Pending the reading of the Journal of Friday, February 21, 2014,

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 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. 3108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating to criminal background checks on applicants for employment by nursing homes.

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. 4318—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to continuing education relevant to mental health issues of veterans and their families; providing certain boards adopt continuing education courses relevant to mental health issues of veterans and their families as part of their continuing education requirements for licensure or renewal; and requiring a minimum of two hours of continuing education relevant to mental health issues of veterans and their families for licensure renewal for certain professions.

Referred to the Committee on Military; 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. 4399—A Bill to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to special elections for the purpose of submitting a levy question to voters; prohibiting a local levying body from holding more than one special election for the purpose of submitting a levy question to the voters in any year during which a regular primary or general election is held and prohibiting a local levying body from holding a special election for the purpose of submitting a levy question to voters during the months of January, February and December during years in which there is no regular primary or general election.

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. 4409—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-12-1, §21A-12-2, §21A-12-3, §21A-12-4, §21A-12-5, §21A-12-6, §21A-12-7, §21A-12-8, §21A-12-9, §21A-12-10, §21A-12-11, §21A-12-12 and §21A-12-13, all relating to the creation of Valued Employee Retention Program; authorizing the Commissioner to enforce the requirements of the program; specifying the contents of an application for participation; limitations on employer participation; providing criteria for approval or denial of work share plan; effective date and duration of program plan; revocation of an approved plan; modification of an approved program plan; eligibility for benefits; employee benefits; charging of program benefits to employer; eligibility for extended benefits; and requiring report to Legislature.

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. 4437—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

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. 4457—A Bill to amend and reenact §18B-17-3 of the Code of West Virginia, 1931, as amended, relating to authorizing a legislative rule for the Council for Community and Technical College Education regarding standards for granting college credit for courses under the West Virginia EDGE program.

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. 4473—A Bill to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; increasing the limit on the size of voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; permitting an increase in the size of standard receiving boards in enlarged precincts; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election.

Referred to the Committee on the Judiciary.

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

Com. Sub. for House Concurrent Resolution No. 27, The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky.

On motion of Senator Unger, the message on the resolution 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 resolution.

Committee Substitute for House Concurrent Resolution No. 27, as amended by deletion, was then put upon its adoption.

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 amendments to, and requested the Senate to recede therefrom, as to

Com. Sub. for House Concurrent Resolution No. 35, The Arden Bridge in Memory of Abbie Gall.

On motion of Senator Unger, the message on the resolution 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 resolution.

Committee Substitute for House Concurrent Resolution No. 35, as amended by deletion, was then put upon its adoption.

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 the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 64—Requesting that bridge number 21-33-22.22 near the Weston exit off I-79, and 0.09 miles west of the junction of county 119/21, locally known as Sauls Run W-Beam Bridge, crossing over Stonecoal Creek, Bars numbers 21A094 and 21A153, in Lewis County, West Virginia, be named the “SSG Earl F. (Fred) Brown 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. 70—Requesting the Division of Highways to name bridge number 35-40-7.52 (35A139) on Route 40 in Wheeling, Ohio County, the “US Army Sgt. Matthew D. Hunter 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 Bill No. 592, Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.

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. 592) 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 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. 29, Requesting DOH erect sign in Raleigh County “Birthplace of Bill Withers, noted Grammy Award-winning recording artist”.

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 erect a sign near the intersection of Slab Fork Road, Amy Lane and Harlock Lane in Slab Fork, Raleigh County, West Virginia, on County Route 28/1 that states “Home of Bill Withers”, noted Grammy Award-winning recording artist.

Whereas, William Harrison “Bill” Withers, Jr., a singer, songwriter and musician, was born on July 4, 1938, in the small coal mining town of Slab Fork, West Virginia. He was the youngest of six children and raised in nearby Beckley, West Virginia. His father died when Bill was thirteen; and

Whereas, Bill Withers enlisted in the United States Navy at age seventeen and served for nine years, during which time he became interested in singing and writing songs. Bill was discharged from the Navy in 1965, and he relocated to Los Angeles in 1967 to begin a musical career; and

Whereas, Bill Withers worked as an assembler for several different companies, including Douglas Aircraft Corporation, while recording demo tapes with his own money and performing in clubs at night. Bill would keep his day job as an assembler well after his subsequent breakthrough success in the music business because of his belief that it was a fickle industry; and

Whereas, On the strength of Bill's demonstration tapes, he was signed to a record deal by Sussex Records in 1970 and Booker T. Jones was assigned to produce his first album. "Just as I Am" was released in 1971 and included the single tracks, "Ain't No Sunshine" and "Grandma's Hands"; and

Whereas, Bill Withers won the 1972 Grammy Award for best R&B Song for "Ain't No Sunshine" and he was also awarded a R. I. A. A. platinum disc for the song. Bill Withers' second album, "Still Bill", which was described as "a stone-soul masterpiece" by *Rolling Stone* magazine, was released in 1972 and included the hit singles "Lean on Me" and "Use Me". The single "Lean on Me" went to number one the week of July 8, 1972, and Bill was awarded a R. I. A. A. gold disc for the song. The single "Use Me" became his third million seller and brought him another gold disc award. Bill won a second Grammy Award in 1982 for Best R&B Song for "Just the Two of Us", which was recorded with Grover Washington, Jr.; and

Whereas, Bill Withers was inducted into the Songwriters Hall of Fame in 2005, and he was honored by the American Society of Composers, Authors and Publishers in 2006 with the society's Rhythm & Soul Heritage Award, which is presented to ASCAP members who have had a major impact on the legacy of rhythm and

soul music. Additional honors include multiple Millionaires citations from Broadcast Music Incorporated (BMI); a Soul Train Hall of Fame award; two NAACP Image awards; induction into the inaugural class of the West Virginia Music Hall of Fame; and a Clio award. In 2007 “Lean on Me” was enshrined in the Grammy Hall of Fame; and

Whereas, In addition to his outstanding musical contributions, Bill Withers has also done good works for his native area, including generously donating to help restore Greenwood Memorial Park Cemetery in Beckley and commissioning a painting entitled “Grandma’s Hands” for display at Tamarack in Beckley; and

Whereas, It is only fitting that we recognize Bill Withers for his many accomplishments and for the pride he has instilled in all West Virginians by placing this marker in the town of his birth; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect a sign near the intersection of Slab Fork Road, Amy Lane and Harlock Lane in Slab Fork, Raleigh County, West Virginia, on County Route 28/1 that states “Home of Bill Withers”, noted Grammy Award-winning recording artist; 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 Bill Withers.

And,

Senate Concurrent Resolution No. 34, Requesting DOH name bridge in Tyler County “Staff Sgt. Jesse A. Ault Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 34 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 48-18-19.41 (48A101), locally known as Pleasant View Bridge, carrying Route 18 over Point Pleasant Creek, Tyler County, near the turnoff to Sellers Road, the “U. S. Army Staff Sgt. Jesse A. Ault Memorial Bridge”.

Whereas, Staff Sgt. Jesse A. Ault was born in Wheeling, West Virginia, and spent ten years of his life residing in Middlebourne, West Virginia; and

Whereas, Staff Sgt. Jesse A. Ault attended and graduated from Tyler Consolidated High School in 1998 where he played football and baseball; and

Whereas, Staff Sgt. Jesse A. Ault reenlisted in the National Guard and took his wife’s place when she was recalled to active duty so she could stay stateside and care for their children; and

Whereas, Staff Sgt. Jesse A. Ault left his small community to serve and protect the citizens of this great land and the Constitution of this great nation; and

Whereas, Staff Sgt. Jesse A. Ault was dedicated to his school, friends and community where he spent an important stint during his life; and

Whereas, Sadly, Staff Sgt. Jesse A. Ault gave his life forever and always on April 9, 2008, serving his country during Operation Iraqi Freedom; and

Whereas, Staff Sgt. Jesse A. Ault’s memory leaves a proud smile on the faces of the citizens of Tyler County, recounting his grand adventure of twenty-eight years as a student, friend, family member, husband, father and warrior soldier; and

Whereas, It is fitting to honor the life of Staff Sgt. Jesse A. Ault by naming this bridge in his memory as an everlasting tribute to his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 48-18-19.41 (48A101), locally known as Pleasant View Bridge, carrying Route 18 over Point Pleasant Creek, Tyler County, near the turnoff to Sellers Road, the "U. S. Army Staff Sgt. Jesse A. Ault Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Staff Sgt. Jesse A. Ault 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (S. C. R. Nos. 29 and 34) 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.

Senators Miller, Laird, Plymale, Jenkins, Green, Cole, Unger and Wells offered the following resolution:

Senate Concurrent Resolution No. 50—Requesting the Division of Highways to name that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “Marine Sgt. Mecot E. Camara Memorial Highway”.

Whereas, Mecot Eugene Camara was born in Hinton, West Virginia, on December 28, 1960, to Billie Jean Hoskins Camara, of American ancestry, and Prudencio Camara, of Philippine ancestry. He was raised and educated in Hinton where he met his high school sweetheart Tammy Ratliff. They eventually married on May 5, 1981. They had a son, Mecot Echo Camara, born on March 29, 1982; and

Whereas, Sgt. Mecot E. Camara enlisted in the U. S. Marine Corps to serve the country he loved in 1981. He commenced basic training at Parris Island, South Carolina, on January 21, 1981, completing his training on April 4, 1981. This prideful and passionate American then served his country for two years, sacrificing his life after going into Beirut in 1983 as a member of the International Peacekeeping Force in May, 1983. Sgt. Mecot E. Camara lost his life in October, 1983, during a terrorist suicide bombing in the battlefield. He received awards and service recognition including Meritorious Mast, Purple Heart, Combat Action Ribbon, Navy and Marine Corps Achievement Medal, Navy Unit Commendation, Marine Corp Expeditionary Medal and Sea Service Deployment Ribbon. However, his greatest military achievement was that of being a distinguished U. S. Marine sergeant; and

Whereas, Sgt. Mecot E. Camara was survived by two beautiful sisters and one son, Threase Camara Riggs, Elisa M. Camara and Mecot Echo Camara. The Camara family continues to share the legacy of their beloved Sgt. Camara to inspire West Virginians and Americans that they can be heroes even from small towns and serve and be proud of the America, Land of the Free, while also protecting innocent lives around the world; and

Whereas, Sgt. Mecot E. Camara made the ultimate sacrifice for his country and in doing so represented West Virginia and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed, and naming that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “Marine Sgt. Mecot E. Camara Memorial Highway” is an appropriate recognition of his patriotism, love of liberty and ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “Marine Sgt. Mecot E. Camara Memorial Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create signs at both ends of the highway, proclaiming this roadway to be the “Marine Sgt. Mecot Camara Memorial Road 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, Summers County Commission, and to Sgt. Camara’s sisters, Threase Camara Riggs and Elisa M. Camara, and his son, Mecot Camara.

Which, under the rules, lies over one day.

Senators Chafin, Plymale, Jenkins, Green and Cole offered the following resolution:

Senate Concurrent Resolution No. 51—Requesting the Division of Highways to name the bridge that crosses over Hurricane Creek in Wayne County on Route 37, 2.29 miles from the intersection with Route 52, the “Wilburn George ‘Button’ Meredith Memorial Bridge”.

Whereas, Wilburn George “Button” Meredith was born to Wilburn G. Meredith, Sr., and Rose Marie Meredith, and was a brother of Joe Frederick and John Franklin Daugherty; and

Whereas, Mr. Meredith went to Fort Gay Elementary School and Fort Gay High School, home of the Vikings, and was a resident of Fort Gay for forty-seven years; and

Whereas, Mr. Meredith met his wife, Melissa Meredith, when he was twelve years old. They were married during their senior year and were members of the last graduating class of Fort Gay High School. They had two children: A son, Justin Tyler Meredith, and a daughter, Kendra Rose Meredith; and

Whereas, Mr. Meredith always had a smile on his face and loved to joke with everyone. In his youth, Mr. Meredith was a volunteer fireman and volunteered on the Mountain Heritage Day Committee; and

Whereas, Mr. Meredith passed away on June 20, 2013, in Lincoln County, while employed as Transportation Crew Supervisor for the West Virginia Department of Highways, where he had worked for over twenty-three years; and

Whereas, The last year of Mr. Meredith’s life saw the birth of his first grandchild, Braxton Tyler Meredith. In December, 2013, his

second grandchild, Meredith Ann Brewer, was born and his third grandchild is scheduled to enter this world April 3, 2014; and

Whereas, Mr. Meredith loved his family and his job and truly cared for the men and women he worked with. He knew many people, and was a true friend not only to those he knew but to total strangers as well. Mr. Meredith could see this bridge from his home and watched as it was being rebuilt. He never got to see it completed; and

Whereas, It is fitting to honor the life of Department of Highways employee Wilburn George “Button” Meredith by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge that crosses over Hurricane Creek in Wayne County on State Route 37, 2.29 miles from the intersection with Route 52, the “Wilburn George ‘Button’ Meredith 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 “Wilburn George ‘Button’ Meredith 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 Mr. Meredith’s widow, Melissa Meredith.

Which, under the rules, lies over one day.

Senators Wells, Kessler (Mr. President), Plymale, Jenkins, D. Hall, Green, Edgell, Cookman, Yost and Unger offered the following resolution:

Senate Concurrent Resolution No. 52—Requesting the Division of Highways to place signage along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Whereas, More than ten thousand men and women from West Virginia have died during twentieth and twenty-first century military actions, either in combat or during the official period of conflict and prior to discharge from the military. The ultimate sacrifices made by these men and women for their country and West Virginia represent the highest levels of honor and courage and should not go unnoticed; and

Whereas, Gold Star Families are those families who have family members who died or were killed serving in the armed forces. They are the families of fallen military heroes, whether they gave their lives in Iraq, Afghanistan, Vietnam, Korea, WWII or another conflict; and

Whereas, Rather than attempt to acknowledge individually each of these fallen warriors and patriots by finding a bridge or stretch of road or highway to be named for the individual veterans, it would be a more worthy form of recognition, homage and honor to these heroes and heroines and the Gold Star Families if signage were erected at the highways that enter West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place signage along highways entering West Virginia honoring fallen veterans and Gold Star Families; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs upon any highway entering the State of West Virginia on which a “Welcome to West Virginia” sign is posted, and any other highway the Division of Highways considers appropriate, posted at a distance of not more than one mile from each border crossing. Each sign shall read “West Virginia is proud to honor its fallen Veterans and Gold Star Families” and shall have affixed to it a gold star symbol similar to the design of the lapel pin approved under 10 U. S. C. § 1126; 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.

Which, under the rules, lies over one day.

Senators Laird, Miller, Plymale, Jenkins, Green and Unger offered the following resolution:

Senate Concurrent Resolution No. 53—Requesting the Division of Highways to name portions of County Route 82, known as Fayette Station Road, beginning at the intersection with U. S. Route 19 and including all portions located south of the New River in Fayette County, the “Deputy Roger Lee Treadway Memorial Road”.

Whereas, Deputy Treadway was born May 5, 1950, in Oak Hill, Fayette County; and

Whereas, Following his graduation from Fayetteville High School in 1969, Deputy Treadway joined the U. S. Marine Corps and served his country in Vietnam; and

Whereas, Upon returning home from Vietnam, Deputy Treadway attended the State Police Academy, graduating in November, 1973; and

Whereas, Deputy Treadway spent four and a half years serving first in the Fayetteville Police Department and later in the Fayette County Sheriff’s Department; and

Whereas, Deputy Treadway was tragically killed in the line of duty on October 8, 1975, near Hico, Fayette County, by an assailant, while he and his partner were rendering aid to a motorist; and

Whereas, It is fitting to honor Deputy Treadway’s life and service by naming Fayette Station Road after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name portions of County Route 82, known as Fayette Station Road, beginning at the intersection with U. S. Route 19 and including all portions located south of the New River in Fayette County, the “Deputy Roger Lee Treadway 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 “Deputy Roger Lee Treadway 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 Deputy Treadway’s surviving relatives.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 45, Requesting DOH name Smoke House Fork Crawley Creek Road in Logan County “Army Colonel Anna M. Butcher 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. 46, Requesting DOH renovate Toney’s Fork Road for use as state road into Beckley.

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. 47, Requesting DOH rename Mill Road/Garden Ground Mountain Road “Jack Furst Drive”.

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. 48, Requesting DOH name portion of Rt. 10 in Man, “U. S. Army SP4 Terry Robert Albright 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 Com. Sub. for Senate Bill No. 30, Exempting autocycles from license examination and safety equipment 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 30) 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. 95, Creating felony offense for DUI causing 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 95) 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. 140, 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, Fitzsimmons, Green, D. Hall, 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: Facemire-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. 140) 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: None.

Absent: Facemire-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. 140) 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. 181, Authorizing Department of Administration 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 181) 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: None.

Absent: Facemire—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. 181) 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. 253, Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

On third reading, 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: None.

Absent: Facemire—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. 253) 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 Com. Sub. for Senate Bill No. 317, Relating to municipal firearm laws.

On third reading, coming up in regular order, with the right having been granted on Friday, February 21, 2014, for amendments to be received on third reading, 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. 366, Transferring CHIP from Department of Administration to DHHR.

On third reading, 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: None.

Absent: Facemire—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. 366) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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: None.

Absent: Facemire—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. 366) takes effect July 1, 2014.

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

Eng. Senate Bill No. 375, Excluding certain personal property from TIF 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 375) 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. 425, Relating to licensure, supervision and regulation of physician assistants.

On third reading, 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: None.

Absent: Facemire—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. 425) 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. 430, Relating to receipting of state moneys.

On third reading, 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: None.

Absent: Facemire—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. 430) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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: None.

Absent: Facemire-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. 430) takes effect July 1, 2014.

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. 431, Relating to issuance and renewal of certain driver's licenses and federal ID cards.

On third reading, 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: None.

Absent: Facemire-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. 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. 468, Providing for Veterans Medal and Service Cross.

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. 469, Creating Veterans and Warriors to Agriculture 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 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. Senate Bill No. 476, Providing standards for conversion and retrofits of alternative-fuel motor 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: Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes, Carmichael, M. Hall and Sypolt—4.

Absent: Facemire—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. 476) 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. 493, Excluding suspension days in determining student 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, 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: None.

Absent: Facemire—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. 493) passed.

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

Eng. Senate Bill No. 493—A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-1-4 of said code, all relating to excluding certain days a student is suspended from school from being counted as days absent for the purpose of prosecuting a person for failing to cause a child under eighteen years of age to attend school, for the purpose of prosecuting a person eighteen years of age or older and enrolled in school for failing to attend school and for the purpose of adjudicating a juvenile habitually absent from school.

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, Clarifying definition of “ginseng”.

On third reading, 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: None.

Absent: Facemire—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. Senate Bill No. 547, Clarifying municipalities can increase and decrease voting wards and/or council 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 547) 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. 552, Increasing penalty related to transporting illegal controlled substances into state.

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

Pending discussion,

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 first reading calendar, following consideration of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 317, already placed in that position.

Eng. Com. Sub. for Senate Bill No. 553, Relating to deadlines for independent candidates to file for municipal elections.

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

Pending discussion,

At the request of Senator Sypolt, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill No. 572, Relating to financing statements covering as-extracted collateral or timber to be cut.

On third reading, 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: None.

Absent: Facemire—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. 572) 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. 584, Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.

On third reading, 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: None.

Absent: Facemire—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.

Eng. Senate Bill No. 593, Authorizing issuance of limited lines travel insurance producer 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 593) 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: None.

Absent: Facemire—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. 593) 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. 623, Requiring notification of certain substance abuse screening of mine 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 623) 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. 4359, Relating to licensure of managing general agents of insurers.

On third reading, 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: None.

Absent: Facemire—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. 4359) passed with its title.

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

Eng. House Bill No. 4372, Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4372) 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 Joint Resolution No. 12, Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens Amendment.

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

Senate Bill No. 202, Creating Benefit Corporation 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. 254, Regulating equine boarding facilities.

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, Relating to special speed limitations as to waste service vehicles.

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. 379, Reclassifying counties.

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

At the request of Senator Green, 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 Com. Sub. for Senate Bill No. 391, Providing salary increase for teachers and school service personnel.

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

Senate Bill No. 407, Providing renewal of lapsed managing general insurance agent licenses.

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 Government Organization.

Com. Sub. for Senate Bill No. 409, Relating to education reform.

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. 419, Creating Overdose Prevention 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. 432, Relating to calculating local share.

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

Senate Bill No. 437, Requiring mortgage brokers file certain reports with Division of Financial Institutions.

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.

Com. Sub. for Senate Bill No. 439, Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

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. 455, Creating Move to Improve 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. 499, Making Prudent Investor Act primary standard of care for Investment Management Board.

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. 504, Authorizing Auditor establish Debt Resolution Services Division.

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. 523, Providing for additional state veterans skilled nursing facility in Beckley.

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

Senate Bill No. 533, Updating commercial feed laws; setting fees by rule.

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

Senate Bill No. 541, Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.

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, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

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. 570, Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement.

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. 574, Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

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, Creating Land Trust Authorization Act.

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

On motion of Senator Palumbo, 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 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.

§31-18E-1. Short title.

This article may be known and cited as the West Virginia Land Reuse Agency Authorization Act.

§31-18E-2. Legislative findings.

The Legislature finds and declares that:

(1) Strong communities are important to the social and economic vitality of this state. Whether urban, suburban or rural, many communities are struggling to cope with vacant, abandoned and tax-delinquent properties.

(2) Citizens of this state are affected adversely by vacant, abandoned and tax-delinquent properties, including properties which have been vacated or abandoned due to mortgage foreclosure.

(3) Vacant, abandoned and tax-delinquent properties impose significant costs on neighborhoods, communities, municipalities and counties by lowering property values, increasing fire and police protection costs, decreasing tax revenues and undermining community cohesion.

(4) Vacant, abandoned and tax-delinquent properties contribute to blight, invite crime and pests and provide unsafe play spaces.

(5) There is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to enable municipalities and counties to turn vacant, abandoned and tax-delinquent spaces into vibrant places.

(6) Land reuse agencies, often called land banks in other jurisdictions, are one of the tools that municipalities and counties may use to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use.

§31-18E-3. Definitions.

As used in this article:

(1) “Board” means the board of directors of a land reuse agency;

(2) “Deconstruct” means to attempt to remove salvageable pieces of a housing unit prior to or as part of demolition or renovation;

(3) “Financial institution” means a bank, savings association, operating subsidiary of a bank or savings association, credit union, association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution;

(4) “Land reuse agency” means a public body established under this article;

(5) “Land reuse jurisdiction” means: (A) A county or municipality in this state; or (B) two or more municipalities or counties that enter into an intergovernmental cooperation agreement to establish and maintain a land reuse agency;

(6) “Municipality” means a municipality as defined in section two, article one, chapter eight of this code; and

(7) “Real property” means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest and right, legal or equitable, in them, including terms of years and liens by way of judgment, mortgage or otherwise, and indebtedness secured by the liens.

§31-18E-4. Creation and existence.

(a) *Authority.* – A land reuse jurisdiction may elect to create a land reuse agency by the adoption of an ordinance to create a binding legal obligation. The ordinance must specify the type of entity created and the following:

(1) The name of the land reuse agency;

(2) The number of members of the board;

(3) The names of individuals to serve as initial members of the board;

(4) The qualifications, manner of selection or appointment and terms of office of members of the board;

(5) The manner by which residents will be provided an opportunity to have input into the land reuse agency decision-making process; and

(6) Additional terms and conditions the land reuse jurisdiction deems reasonable and necessary for operation of the land reuse agency that are not inconsistent with this article.

(b) *Filing.* – The governing body of the land reuse jurisdiction which creates a land reuse agency shall file a copy of the ordinance with the West Virginia Housing Development Fund and with the Secretary of State. After receipt of the ordinance, the Secretary of State shall issue the appropriate documentation indicating the formation of the entity.

(c) *Combinations.* – (1) The authority under subsection (a) of this section may be exercised in combination pursuant to an intergovernmental cooperation agreement by:

(A) More than one land reuse jurisdiction; or

(B) A land reuse jurisdiction and one or more municipalities or counties.

(2) If a land reuse agency is established under subdivision (1) of this subsection, the intergovernmental cooperation agreement must specify matters identified in subsection (a) of this section.

(d) *Limitation.* – Except as set forth in subsection (c) of this section, if a county establishes a land reuse agency, the land reuse agency may acquire real property only in those portions of the

county located outside of the geographical boundaries of any other land reuse agency established by another land reuse jurisdiction located partially or entirely within the county.

(e) *Legal status of land reuse agency.* – A land reuse agency:

(1) Is a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this article; and

(2) Exists until terminated and dissolved under section fourteen of this article.

(f) *Collaboration.* – A land reuse agency, a political subdivision and another municipal entity may enter into an intergovernmental cooperation agreement relative to the operations of a land reuse agency.

§31-18E-5. Board of directors of a land reuse agency.

(a) *Membership.* – A board shall consist of an odd number of members and be not less than five members nor more than eleven members. Unless restricted by the actions or agreements specified in section four of this article and subject to the limits stated in this section, the size of the board may be adjusted in accordance with bylaws of the land reuse agency.

(b) *Eligibility to serve on board.* –

(1) Notwithstanding any law to the contrary, a public officer is eligible to serve as a board member, and the acceptance of the appointment neither terminates nor impairs that public office;

(2) A municipal employee is eligible to serve as a board member;

(3) An established land reuse agency board shall include at least one voting member who:

(A) Is a resident of the land reuse jurisdiction;

(B) Is not a public official or municipal employee; and

(C) Maintains membership with a recognized civic organization within the land reuse jurisdiction;

(4) A member removed under subdivision (3), subsection (d) of this section is ineligible for reappointment to the board unless the reappointment is confirmed unanimously by the board;

(5) As used in this subsection, the term “public officer” means an individual who is elected to office.

(c) *Officers.* – The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer and other officers as the board determines.

(d) *Rules.* – The board shall establish rules on all of the following:

(1) Duties of officers;

(2) Attendance and participation of members in its regular and special meetings;

(3) A procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and

(4) Other matters necessary to govern the conduct of a land reuse agency.

(e) *Vacancies.* – A vacancy on the board shall be filled in the same manner as the original appointment. Upon removal under subdivision (3), subsection (d) of this section, the position becomes vacant.

(f) *Compensation.* – Board members serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land reuse agency.

(g) *Meetings.* – (1) The board shall meet as follows:

(A) In regular session according to a schedule adopted by the board;

(B) In special session:

(i) As convened by the chair; or

(ii) Upon written notice signed by a majority of the members;

(2) A majority of the board, excluding vacancies, is a quorum. Physical presence is required under this paragraph.

(h) *Voting.* – (1) Except as set forth in subdivision (2) or (3) of this subsection or elsewhere in this article, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:

(A) Adoption of bylaws;

(B) Adoption of rules under subsection (d) of this section;

(C) Hiring or firing of an employee or contractor of the land reuse agency. This function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the land reuse agency;

(D) Incurring of debt;

(E) Adoption or amendment of the annual budget; or

(F) Sale, lease, encumbrance or alienation of real property or personal property with a value of more than \$50,000.

(3) A resolution under section fourteen of this article, relating to dissolution of a land reuse agency, must be approved by two thirds of the entire board membership.

(4) A member of the board may not vote by proxy.

(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

(i) *Immunity.* – A land reuse jurisdiction which establishes a land reuse agency and a municipality or county which are parties to an intergovernmental cooperation agreement establishing a land reuse agency shall not be liable personally on the bonds or other obligations of the land reuse agency. Rights of creditors of a land reuse agency are solely against the land reuse agency.

§31-18E-6. Staff of the land reuse agency.

(a) *Employees.* – A land reuse agency may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees.

(b) *Contracts.* – A land reuse agency may enter into a contract with a municipality or county for:

(1) The municipality or county to provide staffing services to the land reuse agency; or

(2) The land reuse agency to provide staffing services to the municipality or county.

§31-18E-7. Powers of the land reuse agency.

A land reuse agency is a public body, corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate

the purposes and provisions of this article, including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the land reuse agency;

(3) To adopt a seal and to alter the same at pleasure;

(4) To borrow from federal government funds, from the state, from private lenders or from municipalities or counties, as necessary, for the operation and work of the land reuse agency;

(5) To issue negotiable revenue bonds and notes according to the provisions of this article;

(6) To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the land reuse agency and to pay premiums in connection with the insurance or guarantee;

(7) To enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers. This paragraph includes intergovernmental cooperation agreements for the joint exercise of powers under this article;

(8) To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the land reuse agency or by the land reuse agency on behalf of municipalities or counties;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land

reuse agency. Any contract or instrument signed shall be executed by and for the land reuse agency if the contract or instrument is signed, including an authorized facsimile signature, by:

(A) The chair or vice chair of the land reuse agency; and

(B) Either:

(i) The secretary or assistant secretary of the land reuse agency;
or

(ii) The treasurer or assistant treasurer of the land reuse agency;

(10) To procure insurance against losses in connection with the real property, assets or activities of the land reuse agency;

(11) To invest money of the land reuse agency at the discretion of the board in instruments, obligations, securities or property determined proper by the board and to name and use depositories for its money;

(12) To enter into contracts for the management of, the collection of rent from or the sale of real property of the land reuse agency;

(13) To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate and otherwise improve real property or rights or interests in real property;

(14) To fix, charge and collect rents, fees and charges for the use of real property of the land reuse agency and for services provided by the land reuse agency;

(15) To grant or acquire licenses, easements, leases or options with respect to real property of the land reuse agency;

(16) To enter into partnerships, joint ventures and other collaborative relationships with municipalities, counties and other

public and private entities for the ownership, management, development and disposition of real property;

(17) To organize and reorganize the executive, administrative, clerical and other departments of the land reuse agency and to fix the duties, powers and compensation of employees, agents and consultants of the land reuse agency; and

(18) To do all other things necessary or convenient to achieve the objectives and purposes of the land reuse agency or other law related to the purposes and responsibility of the land reuse agency.

§31-18E-8. Eminent domain.

A land reuse agency does not possess the power of eminent domain. Any property obtained by the power of eminent domain after the effective date of this article may not be acquired by a land reuse agency by any means.

§31-18E-9. Acquisition of property.

(a) *Title to be held in its name.* – A land reuse agency shall hold in its own name all real property it acquires.

(b) *Tax exemption.* – (1) Except as set forth in subdivision (2) of this subsection, the real property of a land reuse agency and its income and operations are exempt from property tax.

(2) Subdivision (1) of this subsection does not apply to real property of a land reuse agency after the fifth consecutive year in which the real property is continuously leased to a private third party. However, real property continues to be exempt from property taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.

(c) *Methods of acquisition.* – A land reuse agency may acquire real property or interests in real property by any means on terms and conditions and in a manner the land reuse agency considers proper.

(d) *Acquisitions from municipalities or counties.* – (1) A land reuse agency may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the land reuse agency and the municipality or county.

(2) A municipality or county may transfer to a land reuse agency real property and interests in real property of the municipality or county on terms and conditions and according to procedures determined by the municipality or county as long as the real property is located within the jurisdiction of the land reuse agency.

(3) An urban renewal authority, as defined in section four, article eighteen, chapter sixteen of this code, located within a land reuse jurisdiction established under this article may, with the consent of the local governing body and without a redevelopment contract, convey property to the land reuse agency. A conveyance under this subdivision shall be with fee simple title, free of all liens and encumbrances.

(e) *Maintenance.* – A land reuse agency shall maintain all of its real property in accordance with the statutes and ordinances of the jurisdiction in which the real property is located.

(f) *Prohibition.* – (1) Subject to the provisions of subdivision (2) of this subsection, a land reuse agency may not own or hold real property located outside the jurisdictional boundaries of the entities which created the land reuse agency under subsection (c), section four of this article.

(2) A land reuse agency may be granted authority pursuant to an intergovernmental cooperation agreement with a municipality or county to manage and maintain real property located within the jurisdiction of the municipality or county.

(g) *Acquisition of tax-delinquent properties.* – Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or otherwise by intergovernmental cooperation agreement, a land reuse agency may acquire an interest in tax-delinquent property through the provisions of chapter eleven-a of this code. Notwithstanding the provisions of section eight, article three, chapter eleven-a of this code, if no person present at the tax sale bids the amount of the taxes, interest and charges due on any unredeemed tract or lot or undivided interest in real estate offered for sale, the sheriff shall, prior to certifying the real estate to the auditor for disposition pursuant to section forty-four, article three, chapter eleven-a of this code, provide a list of all of said real estate within a land reuse jurisdiction to the land reuse agency and the land reuse agency shall be given an opportunity to purchase the tax lien and pay the taxes, interest and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency were an individual who purchased the tax lien at the tax sale.

§31-18E-10. Disposition of property.

(a) *Public access to inventory.* – A land reuse agency shall maintain and make available for public review and inspection an inventory of real property held by the land reuse agency.

(b) *Power.* – A land reuse agency may convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the land reuse agency in the form and by the method determined to be in the best interests of the land reuse agency.

(c) *Consideration.* – (1) A land reuse agency shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant or mortgage interests in real property.

(2) Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the

present and future use of the property, contractual commitments of the transferee and other forms of consideration as determined by the board to be in the best interest of the land reuse agency.

(d) *Policies and procedures.* – (1) A board shall determine and state in the land reuse agency policies and procedures the general terms and conditions for consideration to be received by the land reuse agency for the transfer of real property and interests in real property, including, but not limited to, a process for distribution of any proceeds to any claimants, taxing entities and the land reuse agency.

(2) Requirements which may be applicable to the disposition of real property and interests in real property by municipalities or counties shall not be applicable to the disposition of real property and interests in real property by a land reuse agency.

(e) *Ranking of priorities.* – (1) A land reuse jurisdiction may establish a hierarchical ranking of priorities for the use of real property conveyed by a land reuse agency, including use for:

- (A) Purely public spaces and places;
- (B) Affordable housing;
- (C) Conservation areas; and
- (D) Retail, commercial and industrial activities.

(2) The priorities established may be for the entire land reuse jurisdiction or may be set according to the needs of different neighborhoods, municipalities or other locations within the land reuse jurisdiction, or according to the nature of the real property.

(f) *Land use plans.* – A land reuse agency shall consider all duly adopted land use plans and make reasonable efforts to coordinate the disposition of land reuse agency real property with the land use plans.

(g) *Specific voting and approval requirements.* – (1) A land reuse jurisdiction may, in its ordinance creating a land reuse agency or in the case of multiple land reuse jurisdictions and municipalities or counties creating a single land reuse agency in the applicable intergovernmental cooperation agreement, require that a particular form of disposition of real property or a disposition of real property located within specified jurisdictions be subject to specified voting and approval requirements of the board.

(2) Except as restricted or constrained under subdivision (1) of this subsection, the board may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and other related documents pertaining to the conveyance of real property by the land reuse agency.

§31-18E-11. Financing of land reuse agency operations.

(a) *General rule.* – A land reuse agency may receive funding through grants and loans from:

- (1) The federal government;
- (2) The state;
- (3) A municipality or county;
- (4) The land reuse jurisdiction which created the land reuse agency; and
- (5) Private or other public sources.

(b) *Funding.* – A land reuse agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments and for an asset and activity lawfully permitted to a land reuse agency under this article.

(c) *Allocated real property taxes.* – (1) A taxing jurisdiction may authorize the remittance or dedication of a portion of real property taxes collected pursuant to the laws of this state to a land reuse agency on real property conveyed by a land reuse agency.

(2) Allocation of property tax revenues in accordance with this subsection, if authorized by the taxing jurisdiction, begins with the first taxable year following the date of conveyance and continues for a period of up to five years and may not exceed a maximum of fifty percent of the aggregate property tax revenues generated by the property.

(3) Remittance or dedication of real property taxes include the real property taxes of a county board of education only if the county board of education enters into an agreement with the land reuse agency for the remittance or dedication.

§31-18E-12. Borrowing and issuance of bonds.

(a) *Authority.* – (1) A land reuse agency may issue a bond for any of its corporate purposes.

(2) The principal and interest of a bond is payable from the land reuse agency's general revenue.

(3) The bond may be secured by any of the following:

(A) A pledge of revenue. This paragraph includes a grant or contribution from: (i) The federal government or a federal agency or instrumentality; or (ii) the state, a state agency or an instrumentality of the state; or

(B) A mortgage of property of the land reuse agency.

(b) *Nature.* – The bond is a negotiable instrument under the provisions of article eight, chapter forty-six of this code.

(c) *Tax exempt.* – A bond and the income from the bond is exempt from taxation by: (1) The state; and (2) a political subdivision.

(d) *Procedure.* – (1) A bond must be authorized by resolution of the board and shall be a limited obligation of the land reuse agency.

(2) The principal and interest, costs of issuance and other costs incidental to the bond are payable solely from the income and revenue derived from the sale, lease or other disposition of the assets of the land reuse agency. The land reuse agency may secure the bond by a mortgage or other security device covering all or part of the project from which the pledged revenues may be derived.

(3) A refunding bond issued under this section:

(A) Is payable from: (i) A source described in this article; or (ii) the investment of the proceeds of the refunding bonds; and

(B) Is not an indebtedness or pledge of the general credit of a political subdivision within the meaning of a constitutional or statutory limitation of indebtedness and shall contain a recital to that effect.

(4) A bond must comply with the authorizing resolution as to:

(A) Form;

(B) Denomination;

(C) Interest rate;

(D) Maturity; and

(E) Execution.

(5) A bond may be subject to redemption at the option of and in the manner determined by the board in the authorizing resolution.

(e) *Powers of municipalities or counties.* – A municipality or county may elect to guarantee, insure or otherwise become primarily or secondarily obligated on the indebtedness of a land reuse agency, subject, however, to all other provisions of law of this state applicable to municipal or county indebtedness.

(f) *Sale.* – (1) A bond shall be issued, sold and delivered in accordance with the terms and provisions of the authorizing resolution. The board, to effectuate its best interest, may determine the manner of sale, public or private, and the price of the bond.

(2) The resolution issuing a bond must be published in a newspaper of general circulation within the jurisdiction in which the land reuse agency is located.

(g) *Liability.* – (1) Neither the members of a land reuse agency nor a person executing the bond shall be liable personally on the bonds by reason of the issuance of the bond.

(2) The bond or other obligation of a land reuse agency related to a bond shall not be a debt of a municipality, county or of the state. A statement to this effect shall appear on the face of the bond or obligation.

(3) On the bond or other obligation of a land reuse agency related to a bond, all of the following apply:

(A) The state has no liability. This paragraph applies to the revenue and property of the state; and

(B) A municipality or county has no liability. This paragraph applies to the revenue and property of a municipality or county.

§31-18E-13. Public records and public access.

(a) *Public records.* – A board shall keep minutes and a record of its proceedings.

(b) *Public access.* – A land reuse agency is subject to article nine-a, chapter six of this code, relating to open meetings, and chapter twenty-nine-b of this code, relating to public records.

§31-18E-14. Dissolution of land reuse agency.

(a) *General rule.* – A land reuse agency may be dissolved as a public body corporate and politic upon compliance with all of the following:

(1) Sixty calendar days' advance written notice of consideration of a resolution to request dissolution must be:

(A) Given to the land reuse jurisdiction which created the land reuse agency;

(B) Published in a local newspaper of general circulation; and

(C) Sent by certified mail to the trustees of outstanding bonds of the land reuse agency;

(2) Satisfaction of all outstanding liabilities; and

(3) Approval of a resolution requesting dissolution, pursuant to subdivision (3), subsection (h), section five of this article.

(b) *Authority.* – Upon receipt of a proper resolution described in subsection (a) of this section, the land reuse jurisdiction which created the land reuse agency may dissolve the land reuse agency by adoption of an ordinance or order. If approved, the governing body of the land reuse jurisdiction which created the land reuse agency shall file a certified copy of the ordinance or order with the Secretary of State and notify the West Virginia Housing Development Fund of the dissolution of the land reuse agency. The Secretary of State shall cause the termination of the existence of the land reuse agency to be noted on the record of incorporation. Upon the filing, the land reuse agency shall cease to function.

(c) *Transfer of assets.* – Upon dissolution of the land reuse agency, real property, personal property and other assets of the land reuse agency become the assets of the municipality in which the property is located or the county in which the property is located, if it is not within a municipality. The following apply:

(1) Personal property, including financial assets, of the land reuse agency shall be divided among participating land reuse jurisdictions in proportion to the population of each jurisdiction.

(2) The municipality in which real property is located or the county in which the property is located, if it is not within a municipality, shall approve the transfer of title to the municipality or county.

(d) *Multiple jurisdictions.* – If multiple land reuse jurisdictions create a land reuse agency under section four of this article, the withdrawal of one or more land reuse jurisdictions does not require dissolution of the land reuse agency unless:

(1) The intergovernmental cooperation agreement provides for dissolution in this event; and

(2) There is no land reuse jurisdiction which desires to continue the existence of the land reuse agency.

§31-18E-15. Conflicts of interest.

(a) *Ethics Act.* – The acts and decisions of members of a board and of employees of a land reuse agency are subject to chapter six-b of this code.

(b) *Supplemental rules and guidelines.* – The board may adopt:

(1) Supplemental rules addressing potential conflicts of interest; and

(2) Ethical guidelines for members of the board and land reuse agency employees.

§31-18E-16. Expedited quiet title proceedings.

(a) *Authorization.* – (1) A land reuse agency may file an action in circuit court to quiet title to real property in which the land reuse agency has an interest.

(2) A land reuse agency may join in a single complaint to quiet title to one or more parcels of real property.

(3) For purposes of an action under this section, the land reuse agency shall be deemed to be the holder of sufficient legal and equitable interests and possessory rights so as to qualify the land reuse agency as an adequate complainant in the action.

(b) *Procedural requirements.* – (1) Prior to the filing of an action to quiet title, the land reuse agency must conduct an examination of title to determine the identity of any person possessing a claim or interest in or to the real property.

(2) Service of the complaint to quiet title shall be provided in accordance with the requirements to serve a civil complaint generally, including that service to interested parties be made as follows:

(A) By first-class mail to the identity and address reasonably ascertainable by an inspection of public records;

(B) In the case of occupied real property, by first-class mail, addressed to “occupant”;

(C) By posting a copy of the notice on the real property;

(D) By publication; and

(E) As ordered by the court.

(3) As part of the complaint to quiet title, the land reuse agency must file an affidavit identifying:

(A) Persons discovered under subdivision (1) of this subsection; and

(B) The form of service under subdivision (2) of this subsection.

(c) *Hearing.* – (1) The court shall schedule a hearing on the complaint within ninety days following filing of the complaint and as to all matters upon which an answer was not filed by an interested party.

(2) The court shall issue its final judgment within one hundred twenty days of the filing of the complaint.

§31-18E-17. Construction, intent and scope.

This article shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the implementation of this article, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.

§31-18E-18. Annual audit and report.

(a) The land reuse agency shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.

(b) A duplicate of the audit and the report shall be filed with the governing body of:

(1) The land reuse jurisdiction which created the land reuse agency; and

(2) Each political subdivision which opted to participate in the land reuse agency pursuant to an intergovernmental agreement.

The bill (Com. Sub. for S. B. No. 579), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 596, Modifying statute of limitations on demand note collections.

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. 602, Requiring health care providers wear ID badges.

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

Senate Bill No. 616, Allowing receipt of gifts, donations and contributions by Division of Energy.

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. 628, Creating Healthy Children and Healthy Communities Act.

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

Senate Bill No. 631, Extending time for Fayetteville City Council to meet as levying body.

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. 4350, Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West

Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans.

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 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 resumed business under the tenth order.

Consideration of bills on today's first reading calendar having been concluded, the Senate returned to the consideration of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 317,
Relating to municipal firearm laws.

On third reading, coming up in deferred order, with the right having been granted on Friday, February 21, 2014, for amendments to be received on third reading, 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, and with the right for amendments to be considered on third reading remaining in effect.

Action as to Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 317 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill No. 552, Increasing penalty related to transporting illegal controlled substances into state.

Having been read a third time in earlier proceedings today, and now 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.

Pending announcement of a meeting of a standing committee of the Senate,

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

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 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 Joint Resolution No. 10 (originating in the Committee on the Judiciary), Proposing constitutional amendment designated Right of People to Hunt, Fish, Harvest Game in WV Amendment.

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

Com. Sub. for Com. Sub. for Senate Joint Resolution No. 10 (originating in the Committee on Finance)—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 right to hunt and fish; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute for committee substitute be adopted.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Unger, unanimous consent being granted, the resolution (Com. Sub. for Com. Sub. for S. J. R. No. 10) 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

Com. Sub. for Senate Bill No. 204 (originating in the Committee on the Judiciary), Relating to crime victims compensation awards.

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

Com. Sub. for Com. Sub. for Senate Bill No. 204 (originating in the Committee on Finance)—A Bill to amend and reenact §14-2A-3, §14-2A-9, §14-2A-12, §14-2A-14 and §14-2A-18 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes generally; redefining terms; increasing the amount of victim relocation costs; allowing student loans obtained by a victim to be treated as a lost scholarship in certain instances; modifying required time period in which a claimant should report offense to law enforcement; clarifying that, absent the identity of a perpetrator being unknown, a criminal complaint being filed is a prerequisite to filing a claim; allowing victims of sexual offenses to undergo a forensic examination rather than reporting to law enforcement; permitting the Court of Claims to hire two additional claim investigators; and

permitting claim investigators to acquire autopsy reports from the State Medical Examiner.

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. 204) 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. 365, Excepting certain Ethics Act provisions for elected conservation district supervisors.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 365) 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.

On motion of Senator Palumbo, the bill was then rereferred 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. 393 (originating in the Committee on Government Organization), Amending funding levels and date Governor may borrow from Revenue Shortfall Reserve Fund.

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

Com. Sub. for Com. Sub. for Senate Bill No. 393 (originating in the Committee on Finance)—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to the Revenue Shortfall Reserve Fund; increasing the percentage of surplus revenue paid into the fund for fiscal years 2014 and 2015; and changing the October 31 deadline that the Governor may borrow money from the fund to April 1 for a limited period.

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. 393) 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. 460, Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 20, 2014;

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. 467, Updating code section relating to expungement of criminal convictions.

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

Com. Sub. for Senate Bill No. 467 (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 preventing certain current or former spouses or current or former sexual or intimate partners from being able to have certain convictions expunged.

And,

Senate Bill No. 539, Providing certain law-enforcement officers employed as school security be allowed to carry firearms.

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

Com. Sub. for Senate Bill No. 539 (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 persons possessing deadly weapons on school buses or on the premises of educational facilities; and authorizing active law-enforcement officers and certain retired law-enforcement officers acting as security for schools to carry deadly weapons on a school bus, on school property or at school-sponsored functions when certain conditions are met.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bills (Com. Sub. for S. B. Nos. 467 and 539) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

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. 473, Providing undesirable highway property be offered for public utility use.

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

Com. Sub. for Senate Bill No. 473 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-19 of the Code of West Virginia, 1931, as amended, relating to the sale of real property by the Division of Highways; and providing that property not necessary or desirable for highway purposes may be offered first to public service districts or municipalities for a public utility use without having to follow the public auction provisions of this section and without first offering such property to the principal abutting landowners.

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 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.

At the request of Senator Beach, and by unanimous consent, the bill (Com. Sub. for S. B. No. 473) 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. 486 (originating in the Committee on Government Organization), Establishing salaries and providing raises for State Police forensic lab employees.

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

Com. Sub. for Com. Sub. for Senate Bill No. 486 (originating in the Committee on Finance)—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to establishing salaries and providing raises for employees within the West Virginia State Police Forensic Laboratory; and requiring the Director of the State Police Crime Laboratory to submit a report on its ability to retain employees to the Joint Committee on Government and Finance before January 1, 2018.

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. 486) 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

Com. Sub. for Senate Bill No. 495, Increasing collections into Land Division special revenue account.

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. 495) 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

Com. Sub. for Senate Bill No. 556 (originating in the Committee on Military), Providing complimentary certified veterans' death certificates under certain circumstances.

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

Com. Sub. for Com. Sub. for Senate Bill No. 556 (originating in the Committee on Finance)—A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; providing for the issuance, without charge in certain instances, of up to two certified copies of a veteran's death certificate by the clerk of the county commission if requested within thirty days of the death of the veteran; providing no fee may be charged if the death certificate is needed to obtain state or federal benefits; specifying effective date; and defining "veteran".

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. 556) 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 thirteenth order of business.

At the respective requests of Senators Barnes, Boley, Cole, D. Hall, Jenkins, Nohe, Tucker and Walters, the names of Senators Barnes, Boley, Cole, D. Hall, Jenkins, Nohe, Tucker and Walters were removed as sponsors of **Committee Substitute for Senate Joint Resolution No. 12** (*Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens Amendment*).

At the request of Senator Nohe, the name of Senator Nohe was removed as a sponsor of **Engrossed Committee Substitute for Senate Bill No. 552** (*Increasing penalty related to transporting illegal controlled substances into state*).

At the request of Senator M. Hall, the name of Senator M. Hall was removed as a sponsor of **Senate Bill No. 598** (*Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund*).

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, February 25, 2014, at 11 a.m.

TUESDAY, FEBRUARY 25, 2014

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.

The Tiger Music Orff Ensemble from New Haven Elementary School, New Haven, West Virginia, then proceeded in the playing of “Palm Valley Rondo” and “Firework”.

Pending the reading of the Journal of Monday, February 24, 2014,

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 concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution No. 2, Requesting DOH name bridge in Harrison County “U. S. Navy Petty Officer First Class Kevin S. Rux 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. 3, Requesting DOH name bridge in Gypsy, Harrison County, “U. S. Navy Seaman First Class Sam Lopez 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 new bridge crossing West Fork of Monongahela River at Shinnston “Veterans 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. 5, Requesting DOH name bridge in Kanawha County “Army PFC William Floyd Harrison 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. 8, Requesting DOH name bridge in West Milford, Harrison County, “USMC Cpl. Gene William Somers, Jr., 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. 9, Requesting DOH name portion of U. S. Rt. 522 “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson 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. 10, Requesting DOH name bridge in Switzer, Logan County, “U. S. Army Cpl. James Melvin ‘Pete’ Spradlin 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. 11, Requesting DOH name bridge in Logan “U. S. Army Major Thomas McElwain 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. 3011—A Bill to amend and reenact §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, relating to removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed to grow hemp for industrial purposes in the state or as part of a complete defense to a prosecution for the possession or cultivation of marijuana.

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, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4137—A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to the reimbursement to county boards of education for costs of serving high cost/high acuity special needs students; eliminating the requirement for annual reporting on rules, policies, standards and federal laws for serving the needs of exceptional children; defining terms; and requiring the state superintendent to develop a method of funds disbursement.

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 July 1, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4290—A Bill to amend and reenact §32A-2-1, §32A-2-3, §32A-2-4, §32A-2-5, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-18, §32A-2-19, §32A-2-22 and §32A-2-27 of the Code of West Virginia, 1931, as amended, relating to licensing and regulation of those engaged in the business of currency exchange, transmission or transport; providing definitions; providing exemptions; clarifying the form of application for license, renewal or required reports; providing that license fees are based upon volume of business; providing minimum surety requirements for licensees; clarifying examination costs; authorizing civil penalties; providing for cease and desist orders; clarifying duties and requirements of delegates designated by a licensee.

Referred to the Committee on Banking and Insurance; 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. 4304—A Bill to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 and §17C-11-7 of said code, all relating to use of a bicycle on a roadway; overtaking a bicycle on a roadway; providing exceptions to the requirement bicycles ride as close as practicable to the edge of the roadway; and allowing a person to operate a bicycle without a bell or other device capable of giving an audible signal.

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. 4373—A Bill to repeal §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, to amend and reenact §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code, all relating to driver education programs; repealing requirements on the State Department of Education and county superintendents related to instruction and licensing of commercial driver education schools; removing the requirement that schools provide course availability to out-of-school youths and adults; allowing summer school offerings in driver education; prohibiting charges to students for the course; authorizing permitted instructors under certain circumstances; and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of article.

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. 4392—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, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9, §21-16-10 and §21-16-11; to amend and reenact §29-3-12b of said code; and 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 and §29-3E-9, all relating to regulating persons who perform work on heating, ventilating and cooling systems and dampers; requiring persons who perform work on heating, ventilating and cooling systems to be licensed by the Commissioner of Labor; requiring persons who perform work on dampers to be licensed by the State Fire Marshal; providing for exemptions from licensure; authorizing the

commissioner to promulgate legislative rules; authorizing the State Fire Marshal to promulgate legislative rules; authorizing enforcement procedures; authorizing interagency agreements; authorizing the issuance, renewal, denial, suspension and revocation of licenses; providing for criminal penalties; providing that no political subdivision of the state may mandate additional licensing requirements; and providing for the disposition of fees.

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. 4393—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 and §19-34-9, all relating to the regulation of dangerous wild animals; creating the Dangerous Wild Animals Act; 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.

Referred to the Committee on Agriculture and Rural Development; 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. 4410—A Bill to amend and reenact §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-2C-9a, all relating to auctioneers and apprentice auctioneers, generally; redefining auctioneer exceptions; adding definitions; amending license renewal for expired licenses; allowing certain fees to be set by legislative rule; increasing length of record retention; clarifying qualifying test scores; restricting length of apprenticeship; adding duties of sponsoring auctioneer; increasing criminal penalties; requiring contracts to have certain provisions; and requiring escrow accounts.

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. House Bill No. 4460—A Bill to amend and reenact §8-15-26 of the Code of West Virginia, 1931, as amended, relating to violating provisions of the civil service law for paid fire departments; and increasing 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. House Bill No. 4488—A Bill to amend and reenact §19-4-6 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

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. 4490—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-1a; to amend and reenact §5-3-2, §5-3-3, §5-3-4 and §5-3-5 of said code, all Attorney General Ethics and Accountability Act; defining conflict of interest for the Attorney General; mandating the effect of a disqualification of an assistant or special assistant Attorney General; authorizing the appointment of a special assistant Attorney General in the event of a conflict of interest; legislative abrogation of common law powers; authority of Attorney General to act a counsel for state; describing the duties and powers of the Attorney General; authorizing the Attorney General to enter into contracts for legal services; requiring particular provisions for contracts for legal services; requiring a biannual report to the Governor of the activities of the Attorney General; describing the contents of the biannual report; establishing the Attorney General's Litigation; requiring the deposit of fees, expenses and costs; requiring the deposit of the proceeds of causes to be deposited in the general revenue with specific exceptions; certification of Attorney General's expenses; necessity of appropriation by the Legislature; management of the special revenue account; and requiring detailed records of expenditures and disbursements.

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. 4503—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. House Bill No. 4504—A Bill to amend and reenact §49-7-1 of the Code of West Virginia, 1931, as amended, relating to providing for sharing juvenile records in certain circumstances with another state; authorizing the Division of Juvenile Services to enter into reciprocal agreements with other states; specifying the information which may be shared; authorizing rule-making authority in certain instances in the Division of Juvenile Services; and providing limitations on this process.

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. 4529—A Bill to amend and reenact §60-8-2 and §60-8-16 of the Code of West Virginia, 1931, as amended, all relating to the sale of wine generally; expanding the definition of “person” for purposes of holding a distributor license; 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.

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. 4560—A Bill to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating to reimbursement for copies of medical records; copies of medical records in electronic format; and limiting the reimbursement fee for electronic records.

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. 4618—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, relating to establishing transformative system of support for early literacy; making legislative findings; requiring state board rule; minimum provisions of rule; eliminating critical skills instructional support programs for third and eighth graders; and modifying critical skills program framework to apply only to early literacy program.

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. 68—Requesting the Joint Committee on Government and Finance to undertake a study of the development of a high speed commuter rail system in West Virginia.

Referred to the Committee on Transportation and Infrastructure; 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. 69—Requesting the Division of Highways to name bridge number 27-62-37.01 (27A052) on Route 62 in Hartford, Mason County, the “US Army Corporal John L. Gibbs 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. 73—Requesting the Division of Highways to name bridge number 35-88-2.84 (35A083) on Bridge Street in Wheeling, Ohio County, the “US Army Captain David Van Camp 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. 74—Requesting the Division of Highways to name the pedestrian bridge, numbered 10-19/58-0.01 (10A204), on U.S. Route 19 near Fayetteville, Fayette County, as the “Deputy Roger Lee Treadway 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. 82—Requesting the Division of Highways to name bridge number 20-79-1.95 (20A497) on Interstate 79 in Kanawha County, the “U.S. Army Staff Sergeant Kenneth Amick 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. 95—Requesting that a new bridge currently under construction and referred to as the Dabney Bridge, tying New State Route 10 to Old State Route 10, crossing the Guyandotte River, near the intersection of Old State Route 10 and County Route 14, known as Rum Creek Road, in Logan County, be named the “Betty Jo Delong Memorial Bridge”.

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

Com. Sub. for Senate Joint Resolution No. 14, Proposing constitutional amendment designated Future Fund Amendment.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 20, 2014;

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

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. No. 14) 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 resolution, from the Committee on Finance, was reported by the Clerk and adopted:

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in 2014, which proposed amendment is that article X thereof be amended by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§12. Future Fund.

The principal of the West Virginia Future Fund, as created by general law, may not be spent, appropriated or encumbered. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered after a term of six years following the statutory creation of the West Virginia Future Fund. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia in a manner and subject to conditions, definitions, qualifications and requirements as prescribed by general law. For purposes of this amendment, "investment income" means income of any nature whatsoever that is generated by or from an investment, including, but not limited to, distributions, dividends, interest payments and earnings, but shall not include unrealized gains.

The Legislature shall provide, by general law, for the implementation of the provisions of this amendment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Future Fund Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to protect the principal of the West Virginia Future Fund and to specify how the investment income from the fund may be spent. The principal of the “West Virginia Future Fund”, as created by general law, may not be spent, appropriated or encumbered. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered after a term of six years following the statutory creation of the West Virginia Future Fund. Investment income of the West Virginia Future Fund may be spent, appropriated, or encumbered solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia in a manner and subject to conditions, definitions, qualifications and requirements as prescribed by general law.”

The resolution (Com. Sub. for S. J. R. No. 14), as amended, was then ordered to engrossment and third reading.

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. 490, Relating to noncovered insurance discounts by health care providers.

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

Com. Sub. for Senate Bill No. 490 (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 §33-6-38, relating to dental and vision insurance; defining terms; specifying an effective date; prohibiting insurers from requiring optometrists, ophthalmologists and dentists to provide discounts on noncovered services; prohibiting optometrists, ophthalmologists and dentists from charging more to covered persons on noncovered services than their customary or usual rate charged to noninsured individuals for such services; and providing that insurers may not provide for a nominal reimbursement for a service in order to claim that a service or material is covered.

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.

At the request of Senator Tucker, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 490) contained in the preceding report from the Committee on Banking and Insurance 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.

The Senate proceeded to the sixth order of business.

Senators D. Hall, Stollings, Plymale, Unger, Wells, Cole, Green and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 54—Requesting the Division of Highways to name U. S. Route 54/6 in Wyoming County the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”.

Whereas, Virginia Cook was born on August 25, 1918, in Mullens, Wyoming County, to Bob and Gertrude Wildey. She graduated from Mullens High School in 1935 as the salutatorian of her class and then became a West Virginia University Mountaineer in 1937. Virginia returned to her beloved native town, married Woodrow Cook at the Presbyterian Church in August, 1940, and served as an inspirational home economics teacher for over thirty-three years at Mullens High School. Woodrow Cook was an educated and dedicated citizen, who served five years in the United States Army during WWII, where he attained the rank of Major. He became a successful businessman and served as Mayor of Mullens for eight years and on the Wyoming County Commission for eighteen years; and

Whereas, Virginia and Woodrow Cook continued their outstanding public service to Wyoming County and the City of Mullens following their retirements. Virginia Cook, since the death of Woodrow, has continued to remain a passionate and community-minded woman, including establishing an endowment at the Beckley Area Foundation for the beautification of Mullens for future generations. The contributions of these two community leaders and loyal West Virginians should not go unnoticed and should be remembered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name U. S. Route 54/6 in Wyoming County the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create signs at both ends of the highway proclaiming this roadway to be the “Virginia & U. S. Army Major Woodrow Cook 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 the

Division of Highways, to the Wyoming County Commission and to Mrs. Virginia Cook and her children, Barbara Cook Bean and Lucinda Cook Chagnon.

Which, under the rules, lies over one day.

Senators Laird, Miller, Stollings, Unger, Green and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 55—Requesting the Division of Highways to name bridge number 10-77-63.83 (10A222), on I-77 near mile marker 63, 2.31 miles south of the Mahan exit in Fayette County, West Virginia, the “Tygrett Brothers Seven Veterans Bridge”.

Whereas, Charles R. Tygrett, John D. Tygrett, Harold M. Tygrett, Paul A. Tygrett, R. G. Tygrett, Tommy E. Tygrett and Reginald D. Tygrett are the seven sons of Marion A. and June O. Tygrett; and

Whereas, The seven Tygrett brothers served in the armed forces during World War II and the Korean War; and

Whereas, The seven brothers’ primary units and areas of service included: CPL Charles R. Tygrett, WWII, 302 AAF, Algeria, French Morocco and Tunisia; CPL John D. Tygrett, WWII, U. S. Army Medical Det.; PFC Harold M. Tygrett, WWII, U. S. Army 577th Ambulance Co., Normandy, Northern France, Ardennes; SSGT Paul A. Tygrett, WWII, 47th Armored Artillery, Northern France, Ardennes, Rhineland; PFC R. G. Tygrett, WWII, 127th Anti-Aircraft Battalion, Ardennes, Central Europe; PFC Tommy E. Tygrett, U. S. Army 21st AFA and 1st Infantry (Big Red One), Germany; and SSGT Reginald D. Tygrett, Korean War, U. S. Air Force, 19th Supply Squadron; and

Whereas, At a Veterans Day Ceremony on November 9, 2001, American Legion Post 149 of Fayetteville, West Virginia, honored the seven brothers for their selfless service and commitment to the United States military and a grateful nation; and

Whereas, It is only fitting and proper that CPL Charles R. Tygrett, CPL John D. Tygrett, PFC Harold M. Tygrett, SSGT Paul A. Tygrett, PFC R. G. Tygrett, PFC Tommy E. Tygrett and SSGT Reginald D. Tygrett be remembered and acknowledged for their dedicated service on behalf of their country, state and communities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 10-77-63.83 (10A222), on I-77 near mile marker 63, 2.31 miles south of the Mahan exit in Fayette County, West Virginia, the “Tygrett Brothers Seven Veterans 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 containing bold and prominent letters proclaiming the bridge the “Tygrett Brothers Seven Veterans 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, to Tommy Tygrett, the sole surviving Tygrett brother, and to the families of the remaining Tygrett brothers.

Which, under the rules, lies over one day.

Senators Wells, McCabe, Palumbo, Walters, Stollings, Plymale, Unger, Fitzsimmons, Green, Kessler (Mr. President), D. Hall and Jenkins offered the following resolution:

Senate Resolution No. 37—Recognizing ten years of 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 and visual and performing arts in one facility; and

Whereas, The Clay Center houses West Virginia's only science center, its only large-format film theater, its largest planetarium and its largest orchestral performance hall; 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 has featured over one hundred world-class art exhibits; and

Whereas, In the past ten years, the Clay Center has provided science, music and art education opportunities to more than four hundred thousand students from fifty-three counties, and has gifted free musical instruments and lessons to over one thousand students in five West Virginia counties; and

Whereas, The Clay Center has provided ten years of world class entertainment, hosting four hundred fifty performances for over two hundred fifty thousand show goers; and

Whereas, More than 1.5 million people from all fifty states have visited the Clay Center since its opening in 2003; and

Whereas, Clay Center activities add approximately \$16.4 million to West Virginia's economy each year; and

Whereas, The Clay Center provides a first-class cultural and social environment along with a higher sense of community and creativity for all citizens; and

Whereas, The Clay Center is and will continue to serve as the flagship for cultural offerings in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes ten years of the statewide contributions of the Clay Center for the Arts and Sciences of West Virginia; 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 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 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, and by unanimous consent, 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. 56 (originating in the Committee on Banking and Insurance)—Requesting the Joint Committee on Government and Finance study consumer protection in the event of storm damage to the roofs of residential properties.

Whereas, Many residents of the State of West Virginia have suffered and will likely continue to suffer natural disasters that damage their homes and particularly their roofs; and

Whereas, Many West Virginians have purchased property and casualty insurance and rely on such insurance coverage for the payment of repair costs or replacement costs related to the roofs and

roofing components of their homes that were damaged by storms, hail and other natural disasters; and

Whereas, West Virginia residents and roofing contractors may enter into residential roofing contracts with the expectation that payments for the work will be made solely from the proceeds of a property or casualty insurance policy; and

Whereas, Roofing contractors may induce homeowners to contract with them by means of offering them certain discounts that amount to being a reimbursement of their insurance deductible; and

Whereas, Homeowners may be induced into entering into roofing contracts because of a belief that all of the moneys due under such contract will be paid by insurance; and

Whereas, West Virginia homeowners may become legally responsible for part or all of the payments pursuant to such roofing contracts if their insurance carrier subsequently denies all or part of their insurance claim, even though they would not have entered into such contracts but for the expectation of insurance coverage; and

Whereas, Roofing contractors may expend time and money meeting with homeowners, inspecting roofs, preparing estimates, drafting contracts and purchasing roofing materials in anticipation that payments under roofing contracts will be made by the homeowner's insurance carrier; and

Whereas, The Legislature finds that the citizens of the State of West Virginia should be protected from being persuaded from entering into roofing contracts by incorrect or misleading insurance coverage information and monetary inducements that result in them being personally responsible for paying for such roofing work; and

Whereas, In order to protect West Virginia homeowners, their ability to obtain reasonably priced insurance, their ability to obtain correct insurance coverage information and their ready access to quality roofing contractors need all be considered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study consumer protection in the event of storm damage to the roofs of residential properties; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 56) 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 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. 57 (originating in the Committee on Banking and Insurance)—Requesting the Joint Committee on Government and Finance study 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 of West Virginia; 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 of the department by the State Fire Marshal; and

Whereas, Many of these volunteer or part-volunteer fire companies or departments are experiencing significant difficulties in recruiting new volunteers and retaining current volunteers because of the financial difficulties; 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 of West Virginia 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 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, 2015, 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. 57) 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 50, Requesting DOH name portion of State Rt. 20, Hinton, Summers County, “Marine Sgt. Mecot E. Camara Memorial Highway”.

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. 51, Requesting DOH name bridge in Wayne County “Wilburn George ‘Button’ Meredith 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. 52, Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families.

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. 53, Requesting DOH name portions of County Rt. 82, Fayette County, “Deputy Roger Lee Treadway 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 Joint Resolution No. 12, Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens Amendment.

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

At the request of Senator Unger, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Eng. Senate Bill No. 202, Creating Benefit Corporation 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: Beach, Boley, Cann, Carmichael, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes, Blair, Cole and Sypolt—4.

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. 202) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Beach, Boley, Cann, Carmichael, Chafin, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes, Blair, Cole and Sypolt—4.

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. 202) takes effect July 1, 2014.

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. 254, Regulating equine boarding 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, 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. 254) 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. 317, Relating to municipal firearm laws.

On third reading, coming up in regular order, with the right having been granted on February 21, 2014, for amendments to be received on third reading, 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 second reading calendar.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 378, Relating to special speed limitations as to waste service 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, 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. 378) 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 Com. Sub. for Senate Bill No. 379, Reclassifying counties.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 24, 2014, for

amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Green, the following 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. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-3. Classification of counties for purpose of determining compensation of elected county officials.

(a) Effective July 1, 1996, and thereafter, for the purpose of determining the compensation of elected county officials, the counties of the State of West Virginia will be grouped into ten classes based on their assessed valuation of property, all classes. These ten classes and the minimum and maximum valuation of property, all classes, established to determine the classification of each county are as follows:

Class	Minimum Assessed Valuation of Property All Classes	Maximum Assessed Valuation of Property All Classes
Class I	\$2,000,000,000	No Limit
Class II	\$1,500,000,000	\$1,999,999,999
Class III	\$1,000,000,000	\$1,499,999,999
Class IV	\$ 700,000,000	\$ 999,999,999
Class V	\$ 600,000,000	\$ 699,999,999
Class VI	\$ 500,000,000	\$ 599,999,999
Class VII	\$ 400,000,000	\$ 499,999,999
Class VIII	\$ 300,000,000	\$ 399,999,999
Class IX	\$ 200,000,000	\$ 299,999,999
Class X	\$ -0-	\$ 199,999,999

(b) Effective July 1, 2014, and thereafter, for the purpose of determining the compensation of elected county officials, the counties of the State of West Virginia will be grouped into five classes based on their assessed valuation of property. These five classes and the minimum and maximum valuation of property, all classes, established to determine the classification of each county are as follows:

<u>Class</u>	<u>Minimum Assessed Valuation of Property All Classes</u>	<u>Maximum Assessed Valuation of Property All Classes</u>
<u>Class I</u>	<u>\$8,000,000,000</u>	<u>No Limit</u>
<u>Class II</u>	<u>\$2,000,000,000</u>	<u>\$7,999,999,999</u>
<u>Class III</u>	<u>\$ 600,000,000</u>	<u>\$1,999,999,999</u>
<u>Class IV</u>	<u>\$ 400,000,000</u>	<u>\$ 599,999,999</u>
<u>Class V</u>	<u>\$ -0-</u>	<u>\$ 399,999,999</u>

(1) Before the increased salaries to be paid to the county commissioners and the other elected county officials described in section four of this article on and after July 1, 2014, are paid to the county commissioners and the elected county officials, the following requirements must be met:

(A) The Auditor has certified that the proposed annual county budget for the fiscal year beginning July 1, 2014, has increased over the previous fiscal year in an amount sufficient for the payment of the increase in the salaries, and the related employment taxes: *Provided*, That the Auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subdivision, the term "receipts" does not include unencumbered fund balance or federal or state grants; and

(B) Each county commissioner or other elected official described in this subsection in office on the effective date of the increased

salaries provided by this subsection who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county commission his or her written agreement to accept the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this subsection who fails to file the written agreement as required by this paragraph shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this subsection until the person vacates the office or his or her term of office expires, whichever first occurs.

(2) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county's elected officials and commissioners shall remain at the level in effect at the time certification was sought.

~~(b)~~ (c) The assessed valuation of property, all classes, that shall be used as the base to determine the class of a county shall be the assessed valuation of property, all classes, of the county as certified by the county assessor, State Auditor and county clerk prior to March 29, 1996.

~~(c)~~ (d) Prior to March 29, 1998, and each second year thereafter, the county commission of each county shall determine if the assessed valuation of property, all classes, of the county, as certified by the county assessor, State Auditor and county clerk is within the minimum and maximum limits of a class above or below the ~~class in which the county then is~~ county's current classification. If the county commission so determines, it shall record the new classification of the county with the State Auditor and State Tax Commissioner and record its action on its county commission record.

~~(d)~~ (e) The classification of each county ~~shall be~~ is subject to review by the State Auditor. He or she shall determine if the classification of each county is correct based on the final assessed valuation of property, all classes, certified to him or her by the county assessor, State Auditor and county clerk. If he or she finds

that a county is incorrectly classified, he or she shall notify the county commission of that county promptly of his or her finding and in any case shall notify the county prior to June 30 of that current fiscal year. Any county commission so notified shall correct its classification immediately and make any necessary corrections in the salaries of its elected county officials for the next fiscal year.

(e) (f) Notwithstanding the provisions of this article, whenever any other provision of this code refers to classifications of counties for purposes of imposing any right, duty or responsibility, the classification system set forth in subsection (a) of this section shall be utilized for determining the classification of a particular county.

§7-7-4. Compensation of elected county officials and county commissioners for each class of county; effective date.

(H) (a) The increased salaries to be paid to the county commissioners and the other elected county officials described in this ~~subsection~~ section on and after July 1, 2006, are set out in ~~subdivisions (5) and (7)~~ subsections (j) and (l) of this ~~subsection~~ section. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, 2006, shall receive the same annual salary by virtue of the legislative findings of extra duties as set forth in section one of this article.

(b) On or after July 1, 2014, the salaries to be paid to the county commissioners and the other elected county officials described in this section are set out in subsections (c), (d) and (e) of this section: Provided, That the salaries set out in subsections (c), (d) and (e) shall not take effect until the county commissioners' or elected county officials' new term of office.

(c)

COUNTY COMMISSIONERS

<u>Class I</u>	<u>\$42,000</u>
<u>Class II</u>	<u>\$41,000</u>

<u>Class III</u>	<u>\$40,000</u>
<u>Class IV</u>	<u>\$31,000</u>
<u>Class V</u>	<u>\$28,000</u>

(d)

OTHER ELECTED OFFICIALS

	<u>Sheriff</u>	<u>County Clerk</u>	<u>Circuit Clerk</u>	<u>Assessor</u>	<u>Prosecuting Attorney</u>
<u>Class I</u>	<u>\$51,000</u>	<u>\$63,000</u>	<u>\$63,000</u>	<u>\$51,000</u>	<u>\$109,000</u>
<u>Class II</u>	<u>\$50,000</u>	<u>\$62,000</u>	<u>\$62,000</u>	<u>\$50,000</u>	<u>\$108,000</u>
<u>Class III</u>	<u>\$49,000</u>	<u>\$61,000</u>	<u>\$61,000</u>	<u>\$49,000</u>	<u>\$105,000</u>
<u>Class IV</u>	<u>\$48,000</u>	<u>\$55,000</u>	<u>\$55,000</u>	<u>\$48,000</u>	<u>\$ 95,000</u>
<u>Class V</u>	<u>\$47,000</u>	<u>\$54,000</u>	<u>\$54,000</u>	<u>\$47,000</u>	<u>\$ 93,000</u>

Any county clerk, circuit clerk, county assessor or sheriff of a Class I through Class III county, inclusive, any assessor or any sheriff of a Class IV through Class V county, inclusive, shall devote full time to his or her public duties to the exclusion of any other employment: *Provided*, That any public official, whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.

(e) Notwithstanding provisions of this code to the contrary, on or after July 1, 2016, any prosecutor that is employed by a county on a part-time basis shall be paid a salary of \$57,500.

~~(2)~~ (f) Before the increased salaries, as set out in subdivisions (5) and (7) of this subsection, are paid to the county commissioners and the elected county officials, the following requirements must be met:

~~(A)~~ (1) The Auditor has certified that the proposed annual county budget for the fiscal year ~~beginning the first days of July 1, 2006;~~

has increased over the previous fiscal year in an amount sufficient for the payment of the increase in the salaries ~~set out in subdivisions (5) and (7) of this subsection~~ and the related employment taxes: *Provided*, That the Auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this ~~subdivision~~ subsection, the term "receipts" does not include unencumbered fund balance or federal or state grants: *Provided, however, That the Auditor shall not be held liable for relying upon information and data provided by a county commission in certifying that county's annual budget; and*

~~(B)~~ (2) Each county commissioner or other elected county official, described in this ~~subsection~~ section, in office on the effective date of the increased salaries provided by this ~~subsection~~ section, who desires to receive the increased salary has, prior to that date, filed in the office of the clerk of the county commission his or her written agreement to accept the salary increase. The salary for the person who holds the office of county commissioner or other elected county official, described in this ~~subsection~~ section, who fails to file the written agreement as required by this paragraph, ~~shall be~~ is the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this ~~subsection~~ section until the person vacates the office or his or her term of office expires, whichever first occurs.

~~(3)~~ (g) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county's elected officials and commissioners shall remain at the level in effect at the time certification was sought.

~~(4)~~ (h) In any county having a tribunal in lieu of a county commission, the county commissioners of that county may be paid less than the minimum salary limits of the county commission for that particular class of the county.

(5) (i)

COUNTY COMMISSIONERS

Class I	\$36,960
Class II	\$36,300
Class III	\$35,640
Class IV	\$34,980
Class V	\$34,320
Class VI	\$28,380
Class VII	\$27,720
Class VIII	\$25,080
Class IX	\$24,420
Class X	\$19,800

(6) (j) For the purpose of determining the salaries to be paid to the elected county officials of each county, the salaries for each county office by class, set out in ~~subdivision (7)~~ subsection (1) of this ~~subsection section~~, are established and shall be used by each county commission in determining the salaries of each of their county officials other than salaries of members of the county commission.

(7) (k)

OTHER ELECTED OFFICIALS

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting Attorney
Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

~~(8)~~ (1) Any county clerk, circuit clerk, county assessor or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other employment: *Provided*, That any public official, whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.

§7-7-6b. Additional compensation of assessors according to county classification.

(a) For the purpose of determining the additional compensation to be paid to the county assessor of each county for the additional duties provided by section six-a of this article, the following compensations for each county assessor by class, as provided in section three of this article, are ~~hereby~~ established and shall be used by each county commission in determining the compensation of each county assessor: For assessors in Class I - V counties, inclusive, \$15,000; for assessors in Class VI and VII counties, \$10,000; for assessors in Class VIII and IX counties, \$9,000; and for assessors in Class X counties, \$6,500.

(b) Beginning July 1, 2014, for the purpose of determining the additional compensation to be paid to the county assessor of each county for the additional duties provided by section six-a of this article, the following compensations for each county assessor by class, as provided in section three of this article, are established and shall be used by each county commission in determining the compensation of each county assessor:

(1) For assessors in Class I - III counties, inclusive, \$15,000;

(2) For assessors in Class IV counties, \$10,000; and

(3) For assessors in Class V counties, \$9,000.

(c) Before the increased salaries to be paid to the county assessors described in this subsection on and after July 1, 2014, are paid to the county assessors, the following requirements must be met:

(1) The Auditor has certified that the proposed annual county budget for the fiscal year beginning July 1, 2014, has increased over the previous fiscal year in an amount sufficient for the payment of the increase in the salaries and the related employment taxes: *Provided*, That the Auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subdivision, the term “receipts” does not include unencumbered fund balance or federal or state grants; and

(2) Each county assessor described in this subsection in office on the effective date of the increased salaries provided by this subsection who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county assessor his or her written agreement to accept the salary increase. The salary for the person who holds the office of county assessor described in this subsection who fails to file the written agreement as required by this paragraph shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this subsection until the person vacates the office or his or her term of office expires, whichever first occurs.

(3) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county’s elected officials and assessors shall remain at the level in effect at the time certification was sought.

Senators Barnes and Sypolt, respectively, moved to be excused from voting on any matter pertaining to the bill under rule number forty-three of the Rules of the Senate, which motions prevailed.

The question being on the adoption of Senator Green’s amendment to the bill, the same was put and prevailed.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 379 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, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Miller—1.

Excused from voting: Barnes and Sypolt—2.

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. 379) 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, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Miller—1.

Excused from voting: Barnes and Sypolt—2.

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. 379) 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 Com. Sub. for Senate Bill No. 391, Providing salary increase for teachers and school service personnel.

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

At the request of Senator Plymale, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill No. 409, Relating to education reform.

On third reading, 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, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—27.

The nays were: Barnes, Boley, M. Hall, Nohe, Sypolt and Walters—6.

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. 409) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Beach, Blair, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—27.

The nays were: Barnes, Boley, M. Hall, Nohe, Sypolt and Walters—6.

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. 409) takes effect July 1, 2014.

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. 419, Creating Overdose Prevention 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. 419) 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. 432, Relating to calculating 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, 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. 432) 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. 432) 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. 439, Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

On third reading, 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. 439) 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. 439) 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. 455, Creating Move to Improve 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. 455) 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. 468, Providing for Veterans Medal and Service Cross.

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 Com. Sub. for Senate Bill No. 499, Making Prudent Investor Act primary standard of care for Investment Management 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, 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: Boley—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. 499) 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. 504, Authorizing Auditor establish Debt Resolution Services Division.

On third reading, 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. 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. Com. Sub. for Com. Sub. for Senate Bill No. 523, Providing for additional state veterans skilled nursing facility in Beckley.

On third reading, 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. 523) 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. 533, Updating commercial feed laws; setting fees by 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, 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. 533) 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. 533) 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. 541, Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.

On third reading, 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. 541) 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. 544, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

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. 552, Increasing penalty related to transporting illegal controlled substances into state.

Having been read a third time on yesterday, Monday, February 24, 2014, and now coming up in regular order, was 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 three, section four hundred nine, line twenty, by striking out the word “four” and inserting in lieu thereof the word “ten”.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 552 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, 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. 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 Senate Bill No. 553, Relating to deadlines for independent candidates to file for municipal elections.

Having been read a third time on yesterday, Monday, February 24, 2014, and now coming up in regular order, was 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 three, section twenty-four, after line thirty, by adding a new subsection, designated subsection (e), to read as follows:

(e) This section is inapplicable to nonpartisan elections.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 553 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, 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. 553) 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. 553—A Bill to amend and reenact §3-5-24 of the Code of West Virginia, 1931, as amended, relating to certificates of nomination for elected office; stating filing deadlines for certificates of nomination; declaring location where certificates of nomination must be filed; clarifying with whom the certificates are filed and to whom the fees are to be paid; prohibiting untimely filings or untimely fee payment; and clarifying that this section does not apply to nonpartisan elections.

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, Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority 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, 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. 570) 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. 574, Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

On third reading, 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. 574) 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. 574) 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, Creating Land Trust Authorization 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. 579) passed.

JOURNAL
of
THE SENATE
State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2014

First Extraordinary Session, 2014

Second Extraordinary Session, 2014

VOLUME II



NOTE: The second volume continues with Journal proceedings proper (page 1071) of February 25 and continues with the proceedings of March 8, ending with page 2156 of the Regular Session.



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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. 579—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all relating to improving housing development and land use; authorizing creation of a land reuse agency by West Virginia municipalities, counties or a combination thereof; stating legislative findings; defining terms; providing requirements for the permissive creation and operation of land reuse agencies; detailing certain requirements for a land reuse agency board and staff; requiring certain terms of the land reuse agency be set forth; providing certain immunity to land reuse jurisdictions; setting forth powers and limitations of land reuse agencies; explicitly stating that land reuse agencies do not have the power of eminent domain; detailing criteria for acquisition and disposition of property by land reuse agencies; authorizing certain land reuse agency property as exempt from property tax; stating land reuse agency funding sources; stating requirements and constraints on disposition of property; detailing potential financing of land reuse agency operations; permitting special allocation of certain property taxes in certain situations; authorizing the issuance of certain bonds; requiring land reuse agencies to follow open meetings and freedom of information requirements; providing a process for dissolution of land reuse agencies; requiring the Ethics Act to apply to land reuse agency employees and board members; providing for expedited quiet of title proceedings in circuit court; providing for liberal construction of the article; and requiring an annual audit and report of all land reuse agencies.

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

Eng. Senate Bill No. 596, Modifying statute of limitations on demand note collections.

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

At the request of Senator Tucker, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill No. 602, Requiring health care providers wear ID badges.

On third reading, 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. 602) 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. 616, Allowing receipt of gifts, donations and contributions by Division of Energy.

On third reading, 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. 616) 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. 628, Creating Healthy Children and Healthy Communities 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. 628) 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. 631, Extending time for Fayetteville City Council to meet as levying body.

On third reading, 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. 631) 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. 631) 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 Joint Resolution No. 10, Proposing constitutional amendment designated Right to Hunt and Fish in WV Amendment.

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

At the request of Senator Palumbo, and by unanimous consent, the resolution was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill No. 204, Relating to crime victims compensation awards.

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

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page three, section three, line twenty-four, after the word “fiduciary;” by inserting the word “and”;

On page three, section three, line twenty-seven, by striking out the word “and”;

On page three, section three, lines twenty-eight through thirty, by striking out all of paragraph (6);

On page seven, section three, lines one hundred five through one hundred eight, by striking out all of paragraph (3);

And by renumbering the remaining paragraphs;

On page nine, section three, line one hundred fifty-five, by striking out “(1)”;

On page ten, section three, lines one hundred sixty-six through one hundred sixty-eight, by striking out all of paragraph (2);

And,

On page twenty-two, section eighteen, line six, by striking the word “changes” and inserting in lieu thereof the word “charges”.

Following discussion,

The question being on the adoption of Senator Carmichael’s amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. No. 204), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 393, Amending funding levels and date Governor may borrow from Revenue Shortfall Reserve Fund.

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

Senate Bill No. 460, Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

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. 467, Updating code section relating to expungement of criminal convictions.

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. 473, Providing undesirable highway property be offered for public utility use.

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

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

On page five, section nineteen, by striking out all of lines fifty-eight through sixty-five and inserting in lieu thereof the following: That if the right-of-way or other interest or right in the property is within a public service district and the public service district states in writing to the Division of Highways that the right-of-way or other interest or right in the property will be used for a public utility, then the Division of Highways may offer the right-of-way or other interest or right in the property to the public service district without first offering it to the principal abutting landowner and may transfer the right-of-way or other interest or right in the property to the public service district without following the procedure for public auction provided in subsection (b) of this section.

The bill (Com. Sub. for S. B. No. 473), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill No. 486, Establishing salaries and providing raises for State Police forensic lab 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. 495, Increasing collections into Land Division special revenue account.

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. 539, Providing certain law-enforcement officers employed as school security be allowed to carry firearms.

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. 556, Providing complimentary certified veterans' death certificates under certain circumstances.

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. 4350, Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans.

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

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

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Unger, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the ninth order of business.

Consideration of bills on today's second reading calendar having been concluded, the Senate returned to the consideration of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 317,
Relating to municipal firearm laws.

On third reading, coming up in deferred order, with the right having been granted on February 21, 2014, for amendments to be received on third reading, was again reported by the Clerk.

On motion of Senator Palumbo, 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 §8-1-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §8-12-5 and §8-12-5a of said code be amended and reenacted, all to read 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 the 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;

(7) The provisions of section five-a, article twelve of this chapter:
and

~~(7)~~ (8) 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 Constitution 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)~~ (11) 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 of chapter sixty-one.~~

~~(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.~~

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5. General powers of every municipality and the governing body thereof.

In addition to the powers and authority granted by: (i) The Constitution of this state; (ii) other provisions of this chapter; (iii) other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative charters, every municipality and the governing body thereof shall have plenary power and authority therein by ordinance

or resolution, as the case may require, and by appropriate action based thereon:

(1) To lay off, establish, construct, open, alter, curb, recurb, pave or repave and keep in good repair, or vacate, discontinue and close, streets, avenues, roads, alleys, ways, sidewalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them which have not been authorized pursuant to the succeeding provisions of this subdivision; and, subject to such terms and conditions as the governing body shall prescribe, to permit, without in any way limiting the power and authority granted by the provisions of article sixteen of this chapter, any person to construct and maintain a passageway, building or other structure overhanging or crossing the airspace above a public street, avenue, road, alley, way, sidewalk or crosswalk, but before any permission for any person to construct and maintain a passageway, building or other structure overhanging or crossing any airspace is granted, a public hearing thereon shall be held by the governing body after publication of a notice of the date, time, place and purpose of the public hearing has been published as a Class I 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 the municipality: *Provided*, That any permit so granted shall automatically cease and terminate in the event of abandonment and nonuse thereof for the purposes intended for a period of ninety days, and all rights therein or thereto shall revert to the municipality for its use and benefit;

(2) To provide for the opening and excavation of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality and regulate the conditions under which any such opening may be made;

(3) To prevent by proper penalties the throwing, depositing or permitting to remain on any street, avenue, road, alley, way, sidewalk, square or other public place any glass, scrap iron, nails,

tacks, wire, other litter or any offensive matter or anything likely to injure the feet of individuals or animals or the tires of vehicles;

(4) To regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality, including the naming or renaming thereof, and to consult with local postal authorities, the Division of Highways and the directors of county emergency communications centers to assure uniform, nonduplicative addressing on a permanent basis;

(5) To regulate the width of streets, avenues and roads, and, subject to the provisions of article eighteen of this chapter, to order the sidewalks, footways and crosswalks to be paved, repaved, curbed or recurbed and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto;

(6) To establish, construct, alter, operate and maintain, or discontinue, bridges, tunnels and ferries and approaches thereto;

(7) To provide for the construction and maintenance of water drains, the drainage of swamps or marshlands and drainage systems;

(8) To provide for the construction, maintenance and covering over of watercourses;

(9) To control and administer the waterfront and waterways of the municipality and to acquire, establish, construct, operate and maintain and regulate flood control works, wharves and public landings, warehouses and all adjuncts and facilities for navigation and commerce and the utilization of the waterfront and waterways and adjacent property;

(10) To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash and other similar accumulations whether on private or public property: *Provided*, That, in the event the municipality annexes an area which has been

receiving solid waste collection services from a certificated solid waste motor carrier, the municipality and the solid waste motor carrier may negotiate an agreement for continuation of the private solid waste motor carrier services for a period of time, not to exceed three years, during which time the certificated solid waste motor carrier may continue to provide exclusive solid waste collection services in the annexed territory;

(11) To construct, establish, acquire, equip, maintain and operate incinerator plants and equipment and all other facilities for the efficient removal and destruction of garbage, refuse, wastes, ashes, trash and other similar matters;

(12) To regulate or prohibit the purchase or sale of articles intended for human use or consumption which are unfit for use or consumption, or which may be contaminated or otherwise unsanitary;

(13) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome;

(14) To regulate the keeping of gunpowder and other combustibles;

(15) To make regulations guarding against danger or damage by fire;

(16) To arrest, convict and punish any individual for carrying about his or her person any revolver or other pistol, dirk, bowie knife, razor, slingshot, billy, metallic or other false knuckles or any other dangerous or other deadly weapon of like kind or character; Provided, That with respect to any firearm a municipality may only arrest, convict and punish someone if they are in violation of an ordinance authorized by subsection five-a of this article, a state law proscribing certain conduct with a firearm or applicable federal law;

(17) To arrest, convict and punish any person for importing, printing, publishing, selling or distributing any pornographic publications;

(18) To arrest, convict and punish any person for keeping a house of ill fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding or loitering in a house of ill fame, or frequenting same;

(19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene and indecent;

(20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations;

(21) To arrest, convict and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs or narcotics;

(22) To arrest, convict and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;

(23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the

operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of section four, article thirteen of this chapter; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;

(25) To protect places of divine worship and to preserve peace and order in and about the premises where held;

(26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large;

(27) To arrest, convict and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, or overloading or overdriving or willfully depriving of necessary sustenance any domestic animal;

(28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;

(29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;

(30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;

(31) To regulate the location and placing of signs, billboards, posters and similar advertising;

(32) To erect, establish, construct, acquire, improve, maintain and operate a gas system, a waterworks system, an electric system or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of articles nineteen and twenty of this chapter and particularly to the limitations or qualifications on the right of eminent domain set forth in articles nineteen and twenty), within or without the corporate limits of the municipality, except that the municipality may not erect any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;

(33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way and any and all other property and appurtenances necessary, appropriate, useful, convenient or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of articles nineteen and twenty of this chapter;

(34) To establish, construct, acquire, maintain and operate and regulate markets and prescribe the time of holding the same;

(35) To regulate and provide for the weighing of articles sold or for sale;

(36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots or any other public works;

(37) To establish, construct, acquire, provide, equip, maintain and operate recreational parks, playgrounds and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of article two, chapter ten of this code;

(38) To establish, construct, acquire, maintain and operate a public library or museum or both for public use;

(39) To provide for the appointment and financial support of a library board in accordance with the provisions of article one, chapter ten of this code;

(40) To establish and maintain a public health unit in accordance with the provisions of section two, article two, chapter sixteen of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia Board of Health and State Bureau for Public Health;

(41) To establish, construct, acquire, maintain and operate hospitals, sanitariums and dispensaries;

(42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;

(43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;

(44) To protect and promote the public morals, safety, health, welfare and good order;

(45) To adopt rules for the transaction of business and the government and regulation of its governing body;

(46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;

(47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;

(48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;

(49) To establish, construct, require, maintain and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;

(50) To create, maintain and operate a system for the enumeration, identification and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;

(51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric

portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: *Provided*, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section;

(52) To appropriate and expend not exceeding twenty-five cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an employee benefits fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for the purpose of stimulating and encouraging employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes;

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of section one, article eleven of this chapter, and such penalties may not exceed any penalties provided in this chapter and chapter sixty-one of this code for like offenses and violations; and

(59) To participate in a purchasing card program for local governments authorized and administered by the State Auditor as an alternative payment method.

§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition.

(a) ~~The~~ Except as provided by the provisions of this section and the provisions of section five of this article, notwithstanding, neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

~~Nothing herein shall in any way impair~~

(b) For the purposes of this section:

(1) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building or other similar municipal building used for a municipal purpose permitted by state law: *Provided,* That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

(2) “Municipally owned recreation facility” means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program or other similar facility where children are regularly present.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a firearm in municipally owned or operated buildings.

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a firearm openly or that is not lawfully concealed in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun permit from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed firearm in a motor vehicle in municipal public parking facilities if the vehicle is locked and the firearm is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a firearm on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2) of this section: *Provided*, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a firearm that the person: (1) Upon being requested to do so, left the premises with the firearm or temporarily relinquished the firearm in response to being informed that his or her possession of the firearm was contrary to municipal

ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the firearm.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a firearm pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of chapter fifty-three of this code, which may include the awarding of reasonable attorneys fees and costs.

(g) Upon the effective date of this section, section fourteen, article seven, chapter sixty-one of this code is inapplicable to municipalities. For the purposes of that section, municipalities may not be considered a person charged with the care, custody and control of real property.

(h) This section does not:

(1) Impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five of this article or from enforcing any such ordinance or resolution; *Provided*, That any municipal ordinance in place as of the effective date of this section shall be excepted from the provisions of this section. *Provided*, however, That no provision in this section may be construed to limit

(2) Authorize municipalities to restrict the carrying or possessing of firearms, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality: *Provided*, That whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a

municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held; or

(3) Limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 317 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, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, 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: None.

Absent: Chafin and Green—2.

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. 317) 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. 317—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-5 and §8-12-5a of said code, all relating to municipal firearm laws; removing firearm provisions from the Municipal Home Rule Pilot Program;

prohibiting ordinances from being enacted under the Municipal Home Rule Pilot Program that are in conflict with certain other state law; clarifying municipal authority to arrest, convict and punish individuals for certain firearms offenses authorized by code and federal law; removing the grandfather clause excepting certain municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition from the general provision prohibiting such ordinances; defining terms; clarifying municipalities' authority to regulate possession and carrying of firearms; permitting municipalities to enact and enforce certain ordinances relating to limiting possession of firearms in municipal buildings and on municipal property; permitting persons to store firearms in vehicles on public property under certain circumstances; creating absolute defenses to a violation of municipal firearm ordinances; requiring posting of certain signs; specifying that private redress for violations may be brought under chapter fifty-three of this code and may include reasonable attorneys fees and costs; excluding municipalities from the use of section fourteen, article seven, chapter sixty-one of this code; and clarifying that municipalities cannot prohibit the otherwise lawful carrying of firearms on municipal streets and sidewalks except when a street or sidewalk is temporarily closed to traffic for purposes of municipally authorized events of limited duration.

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, D. Hall, 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: None.

Absent: Chafin and Green—2.

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. 317) takes effect from passage.

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 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. 365, Excepting certain Ethics Act provisions for elected conservation district supervisors.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 24, 2014;

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. 365) 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:

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 §6B-2-5c; that said code be amended by adding thereto a new section, designated §19-21A-4a; and that said code be amended by adding thereto a new section, designated §61-10-15a, all to read as follows:

**CHAPTER 6B. PUBLIC OFFICERS AND EMPLOYEES;
ETHICS; CONFLICTS OF INTEREST; FINANCIAL
DISCLOSURE.**

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS
AND DUTIES; DISCLOSURE OF FINANCIAL
INTEREST BY PUBLIC OFFICIALS AND
EMPLOYEES; APPEARANCES BEFORE PUBLIC
AGENCIES; CODE OF CONDUCT FOR
ADMINISTRATIVE LAW JUDGES.**

§6B-2-5c. Exception.

The provisions of section five of this article do not apply to elected conservation district supervisors and their immediate family when the elected conservation district supervisor qualifies, under the legislative rules established by the State Conservation Committee pursuant to section four-a, article twenty-one-a, chapter nineteen of this code, to participate in West Virginia Conservation Agency programs: *Provided*, That the elected conservation district supervisor does not participate in the ranking process for applicants and does not consider, act or vote on matters that affect the elected conservation district supervisor or his or her immediate family.

CHAPTER 19. AGRICULTURE.

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-4a. Rulemaking.

(a) The State Conservation Committee shall propose rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to establish:

(1) The criteria, ranking and standards required for an applicant, including an elected conservation district supervisor and his or her immediate family, to qualify to participate in West Virginia Conservation Agency programs;

(2) A process to disclose the recipients of the award, including the elected conservation district supervisor; and

(3) The process for an unsuccessful qualified applicant to appeal an award given to a conservation district supervisor.

(b) The State Conservation Committee may propose emergency rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to establish the criteria, ranking and standards required for an applicant, including an elected conservation district supervisor and his or her immediate family, to qualify to participate in West Virginia Conservation Agency programs.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-15a. Exception.

The provisions of section fifteen of this article do not apply to elected conservation district supervisors and their immediate family when the elected conservation district supervisor qualifies, under the legislative rules established by the State Conservation Committee pursuant to section four-a, article twenty-one-a, chapter nineteen of this code, to participate in West Virginia Conservation Agency programs: *Provided*, That the elected conservation district supervisor does not participate in the ranking process for applicants and does not consider, act or vote on matters that affect the elected conservation district supervisor or his or her immediate family.

At the request of Senator Palumbo, and by unanimous consent, the bill, as amended, was advanced to third reading with the right for further amendments to be considered on that 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. 577, Making Department of Corrections and DHHR subject to OSHA.

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

Com. Sub. for Senate Bill No. 577 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-3A-2 of the Code of West Virginia, 1931, as amended, relating to making the Department of Corrections and the Department of Health and Human Resources, and their respective workplaces, subject to the Occupational Safety and Health 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,

Corey Palumbo,
Chair.

The bill (Com. Sub. for S. B. No. 577), 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. 36, Requesting DOH name portion of Rt. 25 in Kanawha County “Army Sgt. James Lawrence Taylor Memorial Road”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 36 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the “U. S. Army Sgt. James Lawrence Taylor Memorial Road”.

Whereas, Sergeant James Lawrence Taylor was born on June 9, 1943, the son of Monte and Ruth Taylor of Nitro, and brother of Monte, Jr., Kent, Jerry and David; and

Whereas, Sergeant James Lawrence Taylor attended Nitro High School, but left in 1960 before graduating to enlist in the Army, serving in Germany and Vietnam; and

Whereas, While in Vietnam, Sergeant James Lawrence Taylor was a member of the 5th Mobile Strike Force Command, Detachment A-503, known as the Green Berets; and

Whereas, On March 9, 1966, Sergeant James Lawrence Taylor was on a special mission to reinforce a special force detachment located at Camp A Shau in South Vietnam when Camp A Shau came under attack by Viet Cong; and

Whereas, Sergeant James Lawrence Taylor assumed command when the company commander was killed by enemy fire; and

Whereas, Sergeant James Lawrence Taylor was injured by Viet Cong rifle fire, and he was carried out of Camp A Shau when troops were forced to abandon the evacuation; and

Whereas, Sergeant James Lawrence Taylor's body was never recovered, and he was presumed dead by the military; and

Whereas, Sergeant James Lawrence Taylor was awarded the Purple Heart medal posthumously and the Award of the Silver Star posthumously in 1966; 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 that Sergeant James Lawrence Taylor'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 portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the "U. S. Army Sgt. James Lawrence Taylor Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to make two signs that state, in bold and prominent lettering, the "U. S. Army Sgt. James Lawrence Taylor Memorial Road" and to erect these signs on either side of that 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 Sergeant James Lawrence Taylor.

Senate Concurrent Resolution No. 37, Requesting DOH name road in Logan County “Lance Corporal Larry G. Williamson Memorial Highway”.

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 a stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, the “USMC Lance Corporal Larry G. Williamson Memorial Highway”.

Whereas, Lance Corporal Larry G. Williamson was born on February 9, 1947, in Lincoln County to John B. and Georgia Napier Williamson. He had three sisters, Patty Egnor, Peggy Perry (deceased) and Robin Williamson. Larry attended Harts High School, played varsity basketball, was on the school newspaper and was secretary/treasurer of his senior class. He graduated in 1964 and attended Marshall University’s Logan branch for two years. On September 9, 1967, at the age of twenty, Larry married Wanda Brumfield and moved to Columbus, Ohio, where he became manager of car parts and tires at a Firestone Automotive Center; and

Whereas, In January, 1969, Larry was drafted from West Virginia. While on a bus taking him for Army training, he was among the draftees separated and reassigned to the Marines. He received basic training at Camp Pendleton, California, and after a brief visit home was ordered to Vietnam and assigned to the 5th Marine Division. He soon received a promotion to Lance Corporal. In Vietnam, Larry was assigned as a squad leader in the First Platoon of Company G. On March 11, 1970, the squad was acting as a blocking force and was located approximately two miles northeast of An Hoa Combat Base in Quang Nam Province. Lance Corporal Larry G. Williamson was killed when a well-concealed explosive device detonated. A squad corpsman rushed to his aid but death had been instantaneous. Lance Corporal Larry G. Williamson

received a Purple Heart, Rifle Sharpshooter, National Defense, Republic of Vietnam Service, Chien Dich Vietnam Medal and Boi-Tinh 1960 Medals; and

Whereas, Lance Corporal Larry G. Williamson made the ultimate sacrifice for his country and in doing so represented West Virginia and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed. Naming that stretch of road in Logan County the “USMC Lance Corporal Larry G. Williamson Memorial Highway” is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, the “USMC Lance Corporal Larry G. Williamson Memorial 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 one-mile stretch of road beginning at Route 10 and the Logan and Lincoln county line, going one mile into Logan, containing bold and prominent letters proclaiming the stretch of road the “USMC Lance Corporal Larry G. Williamson 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 Lance Corporal Larry G. Williamson.

Senate Concurrent Resolution No. 40, Requesting DOH name Joe’s Creek Road in Lincoln County “Army PFC John E. Runyan Memorial Road”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 40 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name County Route 13/03, known as Joe’s Creek Road, in Sumerco, Lincoln County, the “U. S. Army PFC John E. Runyan Memorial Road”.

Whereas, Army PFC John E. Runyan was born in Sumerco, Lincoln County, on August 22, 1922; and

Whereas, Army PFC John E. Runyan was drafted into the Army on December 1, 1942, and was assigned to the 99th Division, 22nd Infantry, Company 1; and

Whereas, Army PFC John E. Runyan was killed in action in France on June 25, 1944, after a cargo truck he was in struck a German landmine; and

Whereas, Army PFC John E. Runyan was finally laid to rest on November 20, 1948, at Midkiff Cemetery in Lincoln County; and

Whereas, It is fitting to honor Army PFC John E. Runyan’s life and service by naming County Route 13/03 after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 13/03, known as Joe’s Creek Road, in Sumerco, Lincoln County, the “U. S. Army PFC John E. Runyan 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 “U. S. Army PFC John E. Runyan 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, the Commissioner of Highways and the family of the late Army PFC John E. Runyan.

And,

Senate Concurrent Resolution No. 41, Requesting DOH name portion of Rt. 83 in McDowell County “Army MSG Joe C. Alderman Memorial Road”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 41 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the stretch of West Virginia Route 83 between its intersection with West Virginia Route 16 at Yukon, McDowell County, and its intersection with County Road 83/03 in Bartley, McDowell County, the “U. S. Army MSG Joe C. Alderman Memorial Road”.

Whereas, MSG Alderman was born in Bartley, McDowell County, on September 11, 1940; and

Whereas, MSG Alderman enlisted in the Army in 1958 following his graduation from Big Creek High School; and

Whereas, MSG Alderman began his career with the Army Special Forces in 1962; and

Whereas, During his time in the Special Forces, MSG Alderman spent seven years on special detachments in Vietnam; and

Whereas, MSG Alderman’s awards and honors include the Silver Star, Legion of Merit, Soldier’s Medal, six Bronze Stars, the Meritorious Service Medal, five Air Medals, the Joint Service Medal, six Army Commendation Medals and three Purple Hearts. Other awards from his time in Vietnam include the Special Service Medal for Heroism, the Cross of Gallantry with a Silver Star, two Bronze Stars and the Armed Forces Honor Medal; and

Whereas, MSG Alderman retired in November, 1980, and his career achievements were marked with his induction into the Ranger Hall of Fame in 1998; and

Whereas, It is fitting to honor MSG Alderman's life and service by naming the stretch of West Virginia Route 83 after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of West Virginia Route 83 between its intersection with West Virginia Route 16 at Yukon, McDowell County, and its intersection with County Road 83/03 in Bartley, McDowell County, the "U. S. Army MSG Joe C. Alderman 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 "U. S. Army MSG Joe C. Alderman 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 Transportation, the Commissioner of Highways and MSG Alderman's surviving relatives.

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 36, 37, 40 and 41) 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 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. 2165, Relating to death certificates of military veterans.

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 Government Organization.

Respectfully submitted,

Erik P. Wells,
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 Military.

At the request of Senator Wells, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 2165) was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate again proceeded to the sixth order of business.

Petitions

Senators Boley and Carmichael, respectively, presented petitions from Wirt and Mason counties' schools, requesting the Legislature to develop a multi-year plan to make education employees' salaries competitive with surrounding states.

Referred to the Committee on Education.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Kirkendoll and Miller.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Kirkendoll were ordered printed in the Appendix to the Journal.

Pending announcement of a meeting of a select committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, February 26, 2014, at 11 a.m.

WEDNESDAY, FEBRUARY 26, 2014

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, February 25, 2014,

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. 4245—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-20, relating to anticipated retirement dates of certain health care professionals; requiring certain health care related professional licensing boards to request that licensees provide their anticipated retirement dates; and requiring data on anticipated retirement dates to be included in the boards' annual reports.

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. House Bill No. 4256—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to amending the annual salary schedule for members of the State Police beginning on July 1, 2014, and continuing thereafter.

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. 4312—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §18-2-26B; and to amend and reenact §22A-10-1 of said code, all relating to certification of emergency medical technician-industrial personnel by the State Board of Education through education programs delivered by Regional Educational Service Agencies; transferring and redesignating emergency medical technician-miner; providing that emergency medical technician-industrial takes the place of emergency medical technician-miner; and defining the scope of practice for an emergency medical technician-industrial.

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. House Bill No. 4588—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, and §16-2M-9, all relating to abortions generally and protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks post-fertilization except when the mother has a medical emergency; providing for civil remedies; creating misdemeanors and felonies; stating legislative findings; and providing definitions.

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

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

February 26, 2014

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, Parkways Authority, William Cipriani, Wellsburg, Brooke County, for the term ending June 30, 2014.
2. For Member, Board of Banking and Financial Institutions, Larry Mazza, Bridgeport, Harrison County, for the term ending June 30, 2018.
3. For Member, Board of Banking and Financial Institutions, Brent Gray, Jodie, Fayette County, for the term ending June 30, 2018.
4. For Member, College Prepaid Tuition and Savings Program Board of Trustees, Phyllis Arnold, Charleston, Kanawha County, for the term ending June 30, 2014.
5. For Member, Public Service Commission, Michael Albert, Charleston, Kanawha County, for the term ending June 30, 2019.
6. For Secretary, Department of Health and Human Resources, Karen Bowling, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

7. For Executive Director, Public Defender Services, Dana Eddy, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

8. For Secretary, Department of Revenue, The Honorable Robert S. Kiss, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

9. For Secretary, Department of Veterans' Assistance, The Honorable Richard Thompson, Lavalette, Wayne County, to serve at the will and pleasure of the Governor.

10. For Member, New River Community and Technical College Board of Governors, Leslie Baker, Beckley, Raleigh County, for the term ending June 30, 2017.

11. For Member, New River Community and Technical College Board of Governors, Robert Farley, Princeton, Mercer County, for the term ending June 30, 2014.

12. For Member, New River Community and Technical College Board of Governors, Albert Martine III, Daniels, Raleigh County, for the term ending June 30, 2014.

13. For Member, New River Community and Technical College Board of Governors, Deborah Hill, Mt. Nebo, Nicholas County, for the term ending June 30, 2017.

14. For Member, New River Community and Technical College Board of Governors, Shirley Runyon, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

15. For Member, New River Community and Technical College Board of Governors, David Nalker, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

16. For Member, Marshall University Board of Governors, Dale Lowther, Parkersburg, Wood County, for the term ending June 30, 2017.

17. For Member, Marshall University Board of Governors, Dr. Joseph Touma, Huntington, Cabell County, for the term ending June 30, 2016.

18. For Member, Marshall University Board of Governors, Edward Howard III, Scottsdale, Arizona, for the term ending June 30, 2017.

19. For Member, Marshall University Board of Governors, James Bailes, Huntington, Cabell County, for the term ending June 30, 2016.

20. For Member, Marshall University Board of Governors, Tim Dagostine, Charleston, Kanawha County, for the term ending June 30, 2016.

21. For Member, Marshall University Board of Governors, Christie Kinsey, Lavalette, Wayne County, for the term ending June 30, 2016.

22. For Member, Marshall University Board of Governors, Phil Cline, Huntington, Cabell County, for the term ending June 30, 2017.

23. For Member, West Virginia University Board of Governors, Rob Alsop, Charleston, Kanawha County, for the term ending June 30, 2017.

24. For Member, West Virginia University Board of Governors, Diane Lewis, Morgantown, Monongalia County, for the term ending June 30, 2017.

25. For Member, West Virginia University Board of Governors, William Wilmoth, Wheeling, Ohio County, for the term ending June 30, 2017.

26. For Member, Pierpont Community and Technical College Board of Governors, Kyle Hamilton, Fairmont, Marion County, for the term ending June 30, 2016.

27. For Member, Pierpont Community and Technical College Board of Governors, Earl McConnell, Fairmont, Marion County, for the term ending June 30, 2016.

28. For Member, Pierpont Community and Technical College Board of Governors, Lewis Weaver, Fairmont, Marion County, for the term ending June 30, 2016.

29. For Member, Pierpont Community and Technical College Board of Governors, Jeff Tucker, Bridgeport, Harrison County, for the term ending June 30, 2016.

30. For Member, Pierpont Community and Technical College Board of Governors, Sharon Shaffer, Barrackville, Marion County, for the term ending June 30, 2016.

31. For Member, Pierpont Community and Technical College Board of Governors, Warren VanAlsbury, Bridgeport, Harrison County, for the term ending June 30, 2014.

32. For Member, West Virginia State University Board of Governors, Paul Konstanty, Hurricane, Putnam County, for the term ending June 30, 2017.

33. For Member, West Virginia State University Board of Governors, The Honorable Thomas Susman, Charleston, Kanawha County, for the term ending June 30, 2017.

34. For Member, West Virginia State University Board of Governors, Dr. Ann Brothers Smith, Detroit, Michigan, for the term ending June 30, 2017.

35. For Member, Glenville State College Board of Governors, Timothy Butcher, Glenville, Gilmer County, for the term ending June 30, 2017.

36. For Member, Glenville State College Board of Governors, Mike Fulks, Bridgeport, Harrison County, for the term ending June 30, 2017.

37. For Member, Glenville State College Board of Governors, Mike Forbes, Charleston, Kanawha County, for the term ending June 30, 2017.

38. For Member, West Liberty University Board of Governors, George Couch, Wheeling, Ohio County, for the term ending June 30, 2017.

39. For Member, West Liberty University Board of Governors, Sandra Chapman, Wheeling, Ohio County, for the term ending June 30, 2016.

40. For Member, West Liberty University Board of Governors, Joe Carey, New York, New York, for the term ending June 30, 2017.

41. For Member, Fairmont State University Board of Governors, Dixie Yann, Fairmont, Marion County, for the term ending June 30, 2017.

42. For Member, Fairmont State University Board of Governors, Bryan Towns, Fairmont, Marion County, for the term ending June 30, 2017.

43. For Member, Fairmont State University Board of Governors, John Schirripa, Bridgeport, Harrison County, for the term ending June 30, 2017.
44. For Member, Natural Resources Commission, Byron Chambers, Romney, Hampshire County, for the term ending June 30, 2020.
45. For Member, Veterans' Council, James DeCarlo, St. Albans, Kanawha County, for the term ending June 30, 2019.
46. For Member, Veterans' Council, Miles Epling, Point Pleasant, Mason County, for the term ending June 30, 2019.
47. For Member, Veterans' Council, Bill Harris, Glen Easton, Marshall County, for the term ending June 30, 2019.
48. For Member, Veterans' Council, James McCormick, New Haven, Mason County, for the term ending June 30, 2016.
49. For Member, Bluefield State College Board of Governors, Harold Wells, Bluefield, Mercer County, for the term ending June 30, 2017.
50. For Member, Bluefield State College Board of Governors, Roger Topping, Princeton, Mercer County, for the term ending June 30, 2017.
51. For Member, Bluefield State College Board of Governors, Richard Bezjak, Bluefield, Mercer County, for the term ending June 30, 2017.
52. For Member, School of Osteopathic Medicine Board of Governors, Dr. John Manchin II, Farmington, Marion County, for the term ending June 30, 2017.

53. For Member, School of Osteopathic Medicine Board of Governors, David Ramsey, Charleston, Kanawha County, for the term ending June 30, 2017.

54. For Member, Concord University Board of Governors, Steven Collins, Princeton, Mercer County, for the term ending June 30, 2017.

55. For Member, Concord University Board of Governors, Elliot Hicks, Charleston, Kanawha County, for the term ending June 30, 2017.

56. For Member, Concord University Board of Governors, Robert Foglesong, Red Lodge, Montana, for the term ending June 30, 2016.

57. For Member, Concord University Board of Governors, The Honorable Frank Blackwell, Mullens, Wyoming County, for the term ending June 30, 2016.

58. For Member, Concord University Board of Governors, William McKee, Jr., Charleston, Kanawha County, for the term ending June 30, 2017.

59. For Member, Shepherd University Board of Governors, John Beatty, Martinsburg, Berkeley County, for the term ending June 30, 2017.

60. For Member, Shepherd University Board of Governors, Douglas Scott Roach, Martinsburg, Berkeley County, for the term ending June 30, 2017.

61. For Member, Shepherd University Board of Governors, Tia McMillan, Martinsburg, Berkeley County, for the term ending June 30, 2016.

62. For Member, Mountwest Community and Technical College Board of Governors, Mark George, Huntington, Cabell County, for the term ending June 30, 2016.

63. For Member, Mountwest Community and Technical College Board of Governors, Jim Hale, Huntington, Cabell County, for the term ending June 30, 2016.

64. For Member, Mountwest Community and Technical College Board of Governors, Mike Herron, Weston, Lewis County, for the term ending June 30, 2016.

65. For Member, Mountwest Community and Technical College Board of Governors, Ruth Cline, Huntington, Cabell County, for the term ending June 30, 2016.

66. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2016.

67. For Member, West Virginia University-Parkersburg Board of Governors, Joe Campbell, Parkersburg, Wood County, for the term ending June 30, 2016.

68. For Member, West Virginia University-Parkersburg Board of Governors, Gerard El Chaar, Vienna, Wood County, for the term ending June 30, 2014.

69. For Member, West Virginia University-Parkersburg Board of Governors, Curtis Miller, Vienna, Wood County, for the term ending June 30, 2016.

70. For Member, West Virginia University-Parkersburg Board of Governors, Rock Wilson, Williamstown, Wood County, for the term ending June 30, 2014.

71. For Member, West Virginia University-Parkersburg Board of Governors, The Honorable Karen L. Facemyer, Ripley, Jackson County, for the term ending June 30, 2016.

72. For Member, West Virginia University-Parkersburg Board of Governors, Sam Winans, Vienna, Wood County, for the term ending June 30, 2014.

73. For Member, Board of Directors of the West Virginia United Health System, Inc., Richard Pill, Martinsburg, Berkeley County, for the term ending October 15, 2018.

74. For Member, Board of Directors of the West Virginia United Health System, Inc., Thomas Heywood, Charleston, Kanawha County, for the term ending October 15, 2018.

75. For Member, Northern Community College Board of Governors, Robert Contraguerro, Jr., Wheeling, Ohio County, for the term ending June 30, 2015.

76. For Member, Northern Community College Board of Governors, Gus Monezis, Weirton, Brooke County, for the term ending June 30, 2017.

77. For Member, Northern Community College Board of Governors, Mary K. Hervey DeGarmo, Wellsburg, Brooke County, for the term ending June 30, 2016.

78. For Member, Higher Education Policy Commission, Gary White, Logan, Logan County, for the term ending June 30, 2017.

79. For Member, Higher Education Policy Commission, Michael Farrell, Huntington, Cabell County, for the term ending June 30, 2017.

80. For Member, Higher Education Policy Commission, Dr. Bruce Berry, Morgantown, Monongalia County, for the term ending June 30, 2017.

81. For Member, Higher Education Policy Commission, Dr. John Leon, Fairmont, Marion County, for the term ending June 30, 2017.

82. For Member, Northern Community College Board of Governors, Darrell Cummings, Wheeling, Ohio County, for the term ending June 30, 2017.

83. For Member, Northern Community College Board of Governors, Alfred Renzella, Glen Dale, Marshall County, for the term ending June 30, 2016.

84. For Member, Northern Community College Board of Governors, Toni Shute, Follansbee, Brooke County, for the term ending June 30, 2016.

85. For Member, Parole Board, Dennis Foreman, Barboursville, Cabell County, for the term ending June 30, 2019.

86. For Member, Parole Board, Brenda Stucky, Charleston, Kanawha County, for the term ending June 30, 2019.

87. For Member, Parole Board, Michael Trupo, Bridgeport, Harrison County, for the term ending June 30, 2019.

88. For Member, Commission for the Deaf and Hard of Hearing, George Blakely, Springfield, Hampshire County, for the term ending June 30, 2016.

89. For Member, Commission for the Deaf and Hard of Hearing, Jamie Mallory, Dunbar, Kanawha County, for the term ending June 30, 2016.

90. For Member, Commission for the Deaf and Hard of Hearing, John Burdette, Ronceverte, Greenbrier County, for the term ending June 30, 2014.

91. For Member, Commission for the Deaf and Hard of Hearing, Elizabeth Leisure, Parkersburg, Wood County, for the term ending June 30, 2014.

92. For Member, Commission for the Deaf and Hard of Hearing, Dr. Karen McNealy, Huntington, Cabell County, for the term ending June 30, 2016.

93. For Member, Board of Control for Southern Regional Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending June 30, 2017.

94. For Member, Broadband Deployment Council, Matthew Ballard, Elkview, Kanawha County, to serve at the will and pleasure of the Governor.

95. For Member, Statewide Independent Living Council, Ronald Brown, Charleston, Kanawha County, for the term ending June 30, 2016.

96. For Member, Statewide Independent Living Council, Kentia Smith, Beckley, Raleigh County, for the term ending June 30, 2016.

97. For Member, Statewide Independent Living Council, Nathan Parker, Huntington, Cabell County, for the term ending June 30, 2016.

98. For Member, Statewide Independent Living Council, John Taylor, Charleston, Kanawha County, for the term ending June 30, 2016.

99. For Member, Statewide Independent Living Council, Jan Lilly-Stewart, Charleston, Kanawha County, for the term ending June 30, 2016.

100. For Member, Statewide Independent Living Council, Carissa Davis, St. Albans, Kanawha County, for the term ending June 30, 2016.

101. For Member, Board of Examiners for Speech-Language Pathology and Audiology, Dr. Vernon Mullins, Logan, Logan County, for the term ending June 30, 2016.

102. For Member, Board of Examiners for Speech-Language Pathology and Audiology, Erin Ball, Slatyfork, Pocahontas County, for the term ending June 30, 2016.

103. For Member, Design-Build Board, John Goetz IV, Dunbar, Kanawha County, for the term ending July 7, 2016.

104. For Member, Design-Build Board, Roy Smith, Beckley, Raleigh County, for the term ending July 7, 2016.

105. For Member, Design-Build Board, Mary Jo Klempa, Wheeling, Ohio County, for the term ending July 7, 2016.

106. For Member, Design-Build Board, Ronnie Spradling, St. Albans, Kanawha County, for the term ending July 7, 2016.

107. For Member, Eastern West Virginia Community and Technical College Board of Governors, George Sponaugle, Franklin, Pendleton County, for the term ending June 30, 2017.

108. For Member, Eastern West Virginia Community and Technical College Board of Governors, Scott Staley, Augusta, Hampshire County, for the term ending June 30, 2017.

109. For Member, Eastern West Virginia Community and Technical College Board of Governors, Faron Shanholtz, Petersburg, Grant County, for the term ending June 30, 2017.

110. For Member, Board of Dentistry, Dr. Stan Kaczowski, Cross Lanes, Kanawha County, for the term ending June 30, 2018.

111. For Member, Board of Dentistry, Dr. Diane Paletta, Charleston, Kanawha County, for the term ending June 30, 2017.

112. For Member, Board of Dentistry, Mary Beth Shea, Parkersburg, Wood County, for the term ending June 30, 2017.

113. For Member, Board of Dentistry, William Ford III, Clarksburg, Harrison County, for the term ending June 30, 2017.

114. For Member, Board of Medicine, Richard Bowyer, Fairmont, Marion County, for the term ending September 30, 2018.

115. For Member, Board of Medicine, Beth Hays, Bluefield, Mercer County, for the term ending September 30, 2017.

116. For Member, Board of Medicine, Dr. Rusty Cain, Fairmont, Marion County, for the term ending September 30, 2017.

117. For Member, Board of Medicine, Cheryl Henderson, Huntington, Cabell County, for the term ending September 30, 2017.

118. For Member, Board of Medicine, Dr. Matthew Upton, Dunbar, Kanawha County, for the term ending September 30, 2018.

119. For Member, Board of Medicine, Kenneth Dean Wright, Huntington, Cabell County, for the term ending September 30, 2017.

120. For Member, Board of Optometry, Dr. Steven Odekirk, Charleston, Kanawha County, for the term ending June 30, 2014.

121. For Member, Ethics Commission, The Honorable Jack Buckalew, Charleston, Kanawha County, for the term ending June 30, 2014.

122. For Member, Ethics Commission, The Honorable Betty Ireland, Charleston, Kanawha County, for the term ending June 30, 2016.

123. For Member, Ethics Commission, Monte Williams, Morgantown, Monongalia County, for the term ending June 30, 2017.

124. For Member, Ethics Commission, Reverend Father Douglas Sutton, Mannington, Marion County, for the term ending June 30, 2016.

125. For Member, Ethics Commission, Robert Wolfe, Man, Logan County, for the term ending June 30, 2018.

126. For Member, Ethics Commission, The Honorable Michael Greer, Bridgeport, Harrison County, for the term ending June 30, 2017.

127. For Member, Ethics Commission, Suzan Singleton, Moundsville, Marshall County, for the term ending June 30, 2018.

128. For Member, Design-Build Board, Richard Forren, Fairmont, Marion County, for the term ending July 7, 2014.

129. For Member, Real Estate Commission, Kathy Zaferatos, Daniels, Raleigh County, for the term ending June 30, 2017.

130. For Member, Board of Registration for Professional Engineers, Richard Plymale, Jr., Charleston, Kanawha County, for the term ending June 30, 2017.

131. For Member, Board of Registration for Professional Engineers, Bhajan Saluja, Charleston, Kanawha County, for the term ending June 30, 2016.

132. For Member, Board of Registration for Professional Engineers, William Pierson, Scott Depot, Putnam County, for the term ending June 30, 2018.

133. For Member, Consolidated Public Retirement Board, Jeff Vallet, Logan, Logan County, for the term ending June 30, 2017.

134. For Member, Real Estate Commission, Joe Ellison, Greenville, Monroe County, for the term ending June 30, 2015.

135. For Member, Board of Optometry, Dr. William Ratcliff, Huntington, Cabell County, for the term ending June 30, 2016.

136. For Member, Board of Optometry, Dr. Matthew Berardi, Farmington, Marion County, for the term ending June 30, 2014.

137. For Member, Solid Waste Management Board, Steve Pilato, Fayetteville, Fayette County, for the term ending June 30, 2017.

138. For Member, Solid Waste Management Board, Roger Bryant, Logan, Logan County, for the term ending June 30, 2018.

139. For Member, Solid Waste Management Board, Alice Jo Buzzard, Cameron, Marshall County, for the term ending June 30, 2016.

140. For Member, Solid Waste Management Board, Mallie Combs, Moorefield, Hardy County, for the term ending June 30, 2014.

141. For Member, Solid Waste Management Board, Tim Blankenship, Baisden, Mingo County, for the term ending June 30, 2015.

142. For Member, Public Employees Insurance Agency Finance Board, Joshua Sword, South Charleston, Kanawha County, for the term ending June 30, 2016.

143. For Member, Public Employees Insurance Agency Finance Board, Brian Donat, Winfield, Putnam County, for the term ending June 30, 2018.

144. For Member, Public Employees Insurance Agency Finance Board, Bill Ihlenfeld, Wheeling, Ohio County, for the term ending June 30, 2016.

145. For Member, Public Employees Insurance Agency Finance Board, William Milam, Charleston, Kanawha County, for the term ending June 30, 2016.

146. For Member, Veterans' Council, Mary Byrd, Nitro, Kanawha County, for the term ending June 30, 2014.

147. For Member, Board of Veterinary Medicine, Monica Patton, Charleston, Kanawha County, for the term ending June 30, 2019.

148. For Member, Board of Veterinary Medicine, Dr. Mark Ayers, Huntington, Cabell County, for the term ending June 30, 2018.

149. For Member, Tourism Commission, Richard Atkinson III, South Charleston, Kanawha County, for the term ending May 1, 2016.

150. For Member, Tourism Commission, Kelly Palmer, Morgantown, Monongalia County, for the term ending May 1, 2015.

151. For Member, Tourism Commission, Peggy Myers-Smith, Morgantown, Monongalia County, for the term ending May 1, 2015.

152. For Commissioner, Tax Department, Mark Matkovich, Hurricane, Putnam County, to serve at the will and pleasure of the Governor.

153. For Member, Board of Veterinary Medicine, Dr. Keith Berkeley, Ranson, Jefferson County, for the term ending June 30, 2014.

154. For Member, Board of Veterinary Medicine, Dr. John Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

155. For Member, Board of Veterinary Medicine, Dr. Barbara Jean Meade, Morgantown, Monongalia County, for the term ending June 30, 2017.

156. For Member, West Virginia University Board of Governors, J. Thomas Jones, Morgantown, Monongalia County, for the term ending June 30, 2016.

157. For Member, Board of Directors of the West Virginia United Health System, Inc., William Stone, Danville, Boone County, for the term ending October 15, 2014.

158. For Member, Board of Directors of the West Virginia United Health System, Inc., Jose Sartarelli, Morgantown, Monongalia County, for the term ending October 15, 2014.

159. For Member, Board of Accountancy, Louis Costanzo III, Wheeling, Ohio County, for the term ending June 30, 2015.

160. For Member, Board of Accountancy, Barry Burgess, Huntington, Cabell County, for the term ending June 30, 2016.

161. For Member, Board of Accountancy, Jon Cain, Sr., Parkersburg, Wood County, for the term ending June 30, 2016.

162. For Member, Nursing Home Administrators Licensing Board, Tammy Jo Painter, Charleston, Kanawha County, for the term ending June 30, 2018.

163. For Member, Nursing Home Administrators Licensing Board, Matthew Keefer, Leon, Mason County, for the term ending June 30, 2017.

164. For Member, Nursing Home Administrators Licensing Board, Beverly Jezioro, Flemington, Taylor County, for the term ending June 30, 2018.

165. For Member, Board of Acupuncture, Dr. David Didden, Shepherdstown, Jefferson County, for the term ending June 30, 2016.

166. For Member, Board of Acupuncture, Marian Hollinger, Morgantown, Monongalia County, for the term ending June 30, 2014.

167. For Member, Board of Acupuncture, Dr. Darrell Samples, Huntington, Cabell County, for the term ending June 30, 2015.

168. For Member, Board of Acupuncture, Michelle DeStefano, Shepherdstown, Jefferson County, for the term ending June 30, 2014.

169. For Member, Council for Community and Technical College Education, William Baker, Daniels, Raleigh County, for the term ending December 20, 2016.

170. For Member, Council for Community and Technical College Education, John Panza, Fairmont, Marion County, for the term ending December 20, 2014.

171. For Member, Council for Community and Technical College Education, Clarence Pennington, Martinsburg, Berkeley County, for the term ending December 20, 2017.

172. For Member, Council for Community and Technical College Education, John Walker, Chapmanville, Logan County, for the term ending December 20, 2016.

173. For Member, Council for Community and Technical College Education, Christina Cameron, Charleston, Kanawha County, for the term ending December 20, 2015.

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.

On motion of Senator Green, consideration of the nominations immediately hereinbefore reported was made a special order of business for Saturday, March 8, 2014, at 11 a.m.

The Senate proceeded to the sixth order of business.

Senators Chafin, Cole, Stollings, Jenkins and Green offered the following resolution:

Senate Concurrent Resolution No. 58—Requesting the Division of Highways to name a portion of County Route 8, also known as Beech Creek Road, beginning at the Beech Creek Community Park and ending at County Route 8/03, in Mingo County, West Virginia, the “Valentine ‘Wall’ Hatfield Road”.

Whereas, Valentine “Wall” Hatfield settled his family in a log cabin in 1861 on Beech Creek Road. He married Jane Maynard, who was from a prominent family, and they had eleven children. However, Mr. Hatfield did not live to see his children become adults. His life was interrupted in the 1880s when he was sent to a Kentucky prison for a crime connected with an incident where three McCoy brothers were murdered in the aftermath of the killing of Ellison Hatfield; and

Whereas, Mr. Hatfield was the eldest brother of Devil Anse Hatfield, a justice of the peace and a partner in Devil Anse’s timber business. Unlike the other Hatfields, he voluntarily surrendered to Frank Phillips. Mr. Hatfield was convicted of the murder of the McCoy brothers and was given a life sentence in the Kentucky

prison. He died six months later of unknown causes. Mr. Hatfield's body was buried in an unmarked grave, and its location remains unknown; and

Whereas, Mr. Hatfield always maintained his innocence and tried to be the peacemaker among the Hatfields; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 8, also known as Beech Creek Road, beginning at the Beech Creek Community Park and ending at County Route 8/03, in Mingo County, West Virginia, the "Valentine 'Wall' Hatfield Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends of the roadway identifying the road as the "Valentine 'Wall' Hatfield 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 Mr. Hatfield's only living grandchild, Irma Baisden.

Which, under the rules, lies over one day.

Senators Cann, Prezioso, Beach, Edgell, Plymale, Stollings, Unger and Green offered the following resolution:

Senate Concurrent Resolution No. 59—Requesting the Division of Highways to name bridge number 17-79-117.174, on Interstate 79, in Anmoore, Harrison County, West Virginia, heading south, the "U. S. Army PFC Nick A. Cavallaro Memorial Bridge", and heading north, the "Staff Sergeant Benjamin T. Portaro Memorial Bridge".

Whereas, Nick Cavallaro was born in Caulonia, Reggio Calabria, Italy, October 28, 1920, and came to the United States in August,

1922, with his brother Celestino (Charley) and mother Maria Rosa Strangio Cavallaro and settled in Anmoore, West Virginia; and

Whereas, Benjamin Portaro was born in Caulonia, Reggio Calabria, Italy, March 8, 1921, and immigrated to Anmoore, West Virginia, with his family; and

Whereas, When World War II broke out, Nick Cavallaro and Benjamin Portaro both enlisted in the United States Army; and

Whereas, Nick Cavallaro participated in battles in North Africa and Sicily, Italy, and was one of the thousands of paratroopers dropped behind German lines the night before the invasion of Normandy, France; and

Whereas, Nick Cavallaro was scheduled to come home on leave when the Battle of the Bulge broke out and his leave was canceled; and

Whereas, Sadly, Nick Cavallaro lost his life in battle at Fosse, Belgium, on January 3, 1945, leaving behind his mother, brother, sister Louise and a host of other family and friends; and

Whereas, Nick Cavallaro was awarded two Purple Heart Medals, the Bronze Star Medal and the Combat Infantryman Badge, as well as various medals by the French and Belgian governments; and

Whereas, Benjamin Portaro was a staff sergeant when he was discharged, having fought in two battles in France before fighting at the Battle of the Bulge in Belgium, where he was captured by German forces and eventually escaped; and

Whereas, Benjamin Portaro was awarded the Bronze Star Medal, Purple Heart Medal, POW Medal, Good Conduct Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal with two bronze service stars, World War II Victory Medal, Combat Infantryman Badge 1st Award, Honorable Service Lapel Button WWII and the Marksman Badge with Rifle Bar; and

Whereas, Nick Cavallaro and Benjamin Portaro were Italian immigrants, cousins and citizens of Anmoore, West Virginia, and fought for their adopted country of the United States of America; and

Whereas, It is fitting to recognize the service and sacrifice of cousins Nick Cavallaro and Benjamin Portaro by naming this bridge in their honor as an everlasting tribute to their memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-79-117.174, on Interstate 79, in Anmoore, Harrison County, West Virginia, heading south, the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”, and heading north, the “Staff Sergeant Benjamin T. Portaro 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, heading south, as the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”, and heading north, the “Staff Sergeant Benjamin T. Portaro 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.

Which, under the rules, lies over one day.

Senators Prezioso, Edgell, Plymale, Stollings, Unger and Green offered the following resolution:

Senate Concurrent Resolution No. 60—Requesting that the Division of Highways name a section of Marion County Route 1, Marion County, West Virginia, from mile post 4.54 to mile post 9.15, the “USAF Sergeant Jerome E. Kiger Memorial Road”.

Whereas, Jerome Elwood Kiger was born in Mannington, Marion County, West Virginia, on December 26, 1921, the son of Jasper Newton Kiger and Mary Peal Kiger; and

Whereas, Jerome Elwood Kiger was educated in the public schools of Marion County, West Virginia, was a 1939 graduate of Mannington High School, Mannington, West Virginia, worked for Westinghouse Electric Company and enlisted in the United States Army Air Corps on August 17, 1942; and

Whereas, From August 17, 1942, through August 16, 1943, Jerome Elwood Kiger trained with Squadron B, Radio School, Army Air Corps, Salt Lake City, Utah; attended flight school; was classified as an AAF MOS 611 Aerial Gunner; and was deployed to serve in the European Theater as a member of the 579th Bomber Squadron, 392nd Bomber Group, Eighth Army Air Force and, through his distinguished service, attained the rank of Sergeant; and

Whereas, On July 21, 1944, the Eighth Air Force launched nine hundred sixty bombers on air raids on key industrial targets in southern Germany, targeting German aircraft plants and numerous targets between the cities of Stuttgart and Munich; and

Whereas, Sergeant Jerome Elwood Kiger was the tail gunner on a B-24 Liberator in the air raids, headed toward the village of Oberpfaffenhofen, near Munich, when the aircraft came under heavy enemy fire; flak severely damaged the aircraft before it reached its target and it crashed southwest of Munich; and

Whereas, Seven crewmen bailed out of the aircraft; one was killed when his parachute failed. The six crew members who successfully landed were captured by the Germans; their fellow crew members, Sergeants Jerome Elwood Kiger and Charles R. Marshall, were presumably in the aircraft when it crashed, and were declared Missing in Action by the United States War Department; and

Whereas, During the following year, investigations and searches were conducted for the wreckage of the B-24 Liberator Bomber, and

on July 22, 1945, the United States War Department officially declared Sergeant Jerome Elwood Kiger and his fellow airman, Sergeant Charles Marshall, as Killed in Action, even though neither their crash site nor their remains had been located, and in the interim years no further discovery was made of the official location of the crash site; and

Whereas, On November 23, 2008, Mr. Markus Mooser, a German citizen, contacted Sergeant Kiger's family, reporting that he had found a crash site in the Starnberg district of Bavaria, Germany, which he correlated with the B-24 Liberator airplane that crashed with Sergeants Kiger and Marshall on board, and based on this discovery, the Joint POW/MIA Accounting Command investigated the site and determined that it was the official site of the B-24 airplane crash. Remains were discovered, and the identities of Sergeants Kiger and Marshall were confirmed; and

Whereas, On Sunday, July 21, 2013, the sixty-ninth anniversary of Sergeant Kiger's death, a procession of family, friends, members of the military and representatives of the government accompanied the remains of Sergeant Kiger to Mannington Memorial Park, Mannington, West Virginia, where he was interred between the graves of his father and mother, in a designated grave site prepared for him by his parents prior to their deaths; and

Whereas, Sergeant Kiger was awarded the Air Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal with one Bronze Service Star, the World War II Victory Medal, the Aerial-Gunner Badge Wing and the Army Service Ribbon, and will be awarded posthumously the Army Good Conduct Medal and the Purple Heart Medal; and

Whereas, Sergeant Jerome Elwood Kiger made the supreme sacrifice for his country in a foreign land and brought honor to his family, the citizens of West Virginia and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a section of Marion County Route 1, Marion County, West Virginia, from mile post 4.54 to mile post 9.15, the “USAF Sergeant Jerome E. Kiger 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 “USAF Sergeant Jerome E. Kiger 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 the Division of Highways.

Which, under the rules, lies over one day.

Senators Beach, Stollings, Fitzsimmons, Miller, McCabe, Wells, Edgell, Plymale, Cann, Unger, Yost, Prezioso, Kessler (Mr. President), Snyder, D. Hall, Jenkins, Green and Williams offered the following resolution:

Senate Resolution No. 38—Designating February 26, 2014, 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 prebirth 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 26, 2014, as West Virginia Nurses Unity Day; and, be it

Further Resolved, That the Senate recognizes and applauds 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 Miller, 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 Beach, and by unanimous consent, the remarks by Senator Miller regarding the adoption of

Senate Resolution No. 38 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, 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. 61 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the development, funding and construction of a statewide, fiber optic broadband infrastructure network, known as the broadband middle mile, to be purchased and owned by the state.

Whereas, In building and improving the infrastructure of West Virginia, access to broadband services for all communities is vital; and

Whereas, Access to the Internet and high-speed broadband services is expensive and sometimes nonexistent in many areas of the state, reducing the chances of communities to attract and retain businesses and high-paying jobs; and

Whereas, It is essential to economic development and the viability of many communities that there be statewide access to high-speed, high-quality and inexpensive broadband services; and

Whereas, The National Broadband Plan (NBP) announced by the FCC in March, 2010, visualizes a significantly enhanced

commitment to community institutions as an element of the plans for promoting broadband availability; and

Whereas, The plan states that every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings; and

Whereas, The middle-mile provision is a major issue in reducing the price of broadband Internet service to nonincumbent operators. Internet bandwidth is relatively inexpensive to purchase in bulk at the major Internet peering points; and

Whereas, Middle-mile access, when bought from the incumbent operator, is often much more expensive, and typically forms the major expense of nonincumbent broadband ISPs and inhibits communities' access to high-speed, high-quality and inexpensive broadband services; and

Whereas, The alternative, building out of their own fiber networks, is capital intensive, and thus unavailable to most new operators; and

Whereas, For this reason, many proposals for government broadband stimulus initiatives are directed at building out the middle mile; and

Whereas, The State of West Virginia must work with the NBP to develop a plan for broadband middle-mile infrastructure development and to create a separate infrastructure fund for broadband middle-mile infrastructure projects; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the development, funding and construction of a statewide, fiber optic broadband infrastructure network, known as

the broadband middle mile, to be purchased and owned by the state; and, be it

Further Resolved, That the West Virginia Infrastructure and Jobs Development Council develop a draft statewide broadband middle-mile infrastructure plan, including a separate infrastructure fund for broadband middle mile infrastructure projects, and make recommendations on the status of the plan to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 62 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the naming by resolution of roads, bridges and other transportation structures in West Virginia.

Whereas, The naming of roads, bridges, overpasses, intersections and other transportation structures in West Virginia is a practice frequently utilized by the West Virginia Legislature by concurrent resolution to recognize certain individuals or groups, particularly West Virginia military veterans, by naming such transportation structures in their honor; and

Whereas, Each year during the 2012 and 2013 regular sessions of the West Virginia Legislature, approximately two hundred fifty concurrent resolutions were introduced, approximately half of which

were House concurrent resolutions or Senate concurrent resolutions directing the Department of Transportation or the Division of Highways to make and place such naming signs; and

Whereas, The trend of naming West Virginia transportation structures by resolution continues during this present legislative session; and

Whereas, It is a worthy undertaking by the West Virginia Legislature to recognize and publicly memorialize those West Virginians who contributed so much to their communities and this state, many of whom made the ultimate sacrifice while defending our country; and

Whereas, Each naming resolution requires numerous resources: Time to draft, consider, revise if necessary and vote on the proposal and, if adopted by both legislative chambers, costs to manufacture, install and maintain the new naming signs; and

Whereas, No criteria are currently in place that provide guidance as to which West Virginians should be honored; and

Whereas, Limitations and requirements as to the content and design of the naming signs do exist, including in West Virginia and federal law, by West Virginia Executive Order and in the Manual on Uniform Traffic Control Devices; and

Whereas, There are many important safety considerations to take into account when choosing proper names, including uniformity and conciseness of the name so as to not distract drivers and so that locations can easily be found in case of emergencies; and

Whereas, It is important that appropriate naming conventions be outlined and criteria be established for the naming of West Virginia

transportation structures so as to assure the proper use of limited resources and the safety of West Virginians; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the naming by resolution of roads, bridges and other transportation 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, 2015, on its findings, conclusions and recommendations, together with drafts of any rules or legislation necessary to effectuate its recommendations, including drafts of naming criteria; 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. 63 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the necessity of certain tax discounts and credits provided to suppliers and permissive suppliers of motor vehicle fuels.

Whereas, The ongoing economic and commercial development of the State of West Virginia is dependent upon a reliable and well-maintained transportation infrastructure; and

Whereas, Maintenance of our transportation infrastructure is financed through collections into the State Road Fund; and

Whereas, The rotation schedule for the repaving of our highways is lengthening into ever-greater intervals due to the necessary

revenues for the State Road Fund not keeping pace with the maintenance needs of our transportation infrastructure; and

Whereas, West Virginia law currently provides that a supplier or permissive supplier, as defined in article fourteen-c, chapter eleven of West Virginia Code, who timely files a return with payment due may deduct, from the amount of tax payable with the return, an administrative discount of one tenth of one percent of the amount of tax payable to this state, not to exceed \$5,000 per month; and

Whereas, West Virginia law currently also provides that a supplier or permissive supplier shall deduct three fourths of one percent of the tax due from the licensed distributor as a discount to that licensed distributor for sales from permissive suppliers or suppliers to licensed distributors; and

Whereas, The ability to maintain our transportation infrastructure depends, in part, upon periodic review of our tax policies and revenue structures in order to fund the construction and maintenance of our transportation infrastructure while also reflecting sound business practices in the production and distribution of motor vehicle fuels; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the necessity of certain tax discounts and credits provided to suppliers and permissive suppliers of motor vehicle fuels; and, be it

Further Resolved, That the Joint Committee on Government and Finance study whether such discounts and credits, if any, should be continued as part of a sound revenue policy; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Kirkendoll, unanimous consent being granted, the resolutions (S. C. R. Nos. 61, 62 and 63) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration.

On motion of Senator Kirkendoll, 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. 64 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance to study eliminating certain executive boards, councils, committees, panels, task forces, agencies and commissions that are unnecessary, outdated and extraneous.

Whereas, Some executive boards, councils, committees, panels, task forces, agencies and commissions never had members appointed; and

Whereas, Some executive boards, councils, committees, panels, task forces, agencies and commissions have met their statutory requirements and are now irrelevant; and

Whereas, Some executive boards, councils, committees, panels, task forces, agencies and commissions are now outdated; and

Whereas, Some executive boards, councils, committees, panels, task forces, agencies and commissions have not met in recent years; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study eliminating certain executive boards, councils, committees, panels, task forces, agencies and commissions that are unnecessary, outdated and extraneous; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 64) 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. 65 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance to study the overall organization of the Department of Health and Human Resources and determine if there is a more effective way that the department could be structured.

Whereas, The Department of Health and Human Resources is extremely vast; and

Whereas, The Department of Health and Human Resources is responsible for the Bureau for Medical Services, the Bureau for Behavioral Health and Health Facilities, the Bureau for Public Health, the Bureau for Children and Families and the Bureau for Child Support Enforcement; and

Whereas, Due to the size of the Department of Health and Human Resources, it may be beneficial to create smaller departments so as

to increase the overall efficiency and make the services offered by the department more accessible to the public; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the overall organization of the Department of Health and Human Resources and determine if there is a more effective way that the department could be structured; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 65) 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.

Senate Concurrent Resolution No. 54, Requesting DOH name U. S. Rt. 54/6 in Wyoming County “Virginia & U. S. Army Major Woodrow Cook 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. 55, Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans 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.

Com. Sub. for Com. Sub. for Senate Joint Resolution No. 10, Proposing constitutional amendment designated Right to Hunt and Fish in WV Amendment.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 25, 2014, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Palumbo, the following amendment to the resolution was reported by the Clerk:

On pages two and three, section twenty-three, by striking out everything after the article heading and inserting in lieu thereof the following:

§23. Right of the people to hunt, fish and harvest wildlife.

The people have a right to hunt, fish and harvest wildlife. This right may be protected by enactment and promulgation of laws, rules and policies, including, but not limited to, those that promote wildlife conservation and management and preserve the future of hunting, fishing and harvesting wildlife.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Right of the People to Hunt, Fish, Harvest Wildlife in West Virginia Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to protect the right of West Virginians to hunt, fish and harvest wildlife.”

Following discussion,

The question being on the adoption of Senator Palumbo’s amendment to the resolution, the same was put and prevailed.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator Barnes regarding the adoption of Senator Palumbo’s amendment to Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution No. 10 were ordered printed in the Appendix to the Journal.

The resolution, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution No. 10 was then read a third time and put upon its adoption.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution No. 10 be adopted?”

On the adoption of the resolution, the yeas were: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, 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)—31.

The nays were: Barnes and M. Hall—2.

Absent: Facemire—1.

On motion of Senator Palumbo, the following amendment to the title of the resolution was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution No. 10—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 right to hunt, fish and harvest wildlife; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. No. 10) adopted, as follows:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution No. 10—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 right to hunt, fish and harvest wildlife; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2014, which proposed amendment is that article III thereof be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE III. BILL OF RIGHTS.

§23. Right of the people to hunt, fish and harvest wildlife.

The people have a right to hunt, fish and harvest wildlife. This right may be protected by enactment and promulgation of laws, rules and policies, including, but not limited to, those that promote wildlife conservation and management and preserve the future of hunting, fishing and harvesting wildlife.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Right of the People to Hunt, Fish, Harvest Wildlife in West Virginia Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to protect the right of West Virginians to hunt, fish and harvest wildlife.”

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 D. Hall, and by unanimous consent, the remarks by Senator Green regarding the adoption of Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution No. 10 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Joint Resolution No. 12, Proposing constitutional amendment designated Claiming WV Water Resources for Use and Benefit of its Citizens Amendment.

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

At the request of Senator Unger, unanimous consent was granted to offer amendments to the resolution on third reading.

Thereupon, on motions of Senators Unger and Kessler (Mr. President), the following amendments to the resolution were reported by the Clerk and considered simultaneously:

On page two, section nine, by striking out all of lines one through three and inserting in lieu thereof the following:

It shall be the policy of the State of West Virginia that the water resources of this state shall be protected, conserved, utilized and developed for the benefit, enjoyment and general welfare of its citizens consistent with and subject to the riparian rights and groundwater rights of the owners of real property.;

And,

On page two, section nine, by striking out the word ““Claiming”” and inserting in lieu thereof the words ““Protecting and Conserving””.

Following discussion,

The question being on the adoption of the amendments offered by Senators Unger and Kessler (Mr. President) to the resolution, the same was put and prevailed.

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senators M. Hall, Unger and Blair regarding the adoption of the amendments offered by Senators Unger and Kessler (Mr. President) to Committee Substitute for Senate Joint Resolution No. 12 were ordered printed in the Appendix to the Journal.

The resolution, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Joint Resolution No. 12 was then read a third time and put upon its adoption.

On the adoption of the resolution, 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: None.

Absent: Facemire—1.

On motions of Senators Unger and Kessler (Mr. President), the following amendment to the title of the resolution was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Joint Resolution No. 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article II thereof, by adding thereto a new section, designated section nine, relating to protecting and conserving the water resources of the state for the citizens of West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. No. 12) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution No. 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article II thereof, by adding thereto a new section, designated section nine, relating to protecting and conserving the

water resources of the state for the citizens of West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2014, which proposed amendment is that article II thereof be amended by adding thereto a new section, designated section nine, to read as follows:

ARTICLE II. THE STATE.

§9. Waters of the state.

It shall be the policy of the State of West Virginia that the water resources of this state shall be protected, conserved, utilized and developed for the benefit, enjoyment and general welfare of its citizens consistent with and subject to the riparian rights and groundwater rights of the owners of real property.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Protecting and Conserving West Virginia’s Water Resources for the Use and Benefit of its Citizens Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to protect and preserve West Virginia’s water resources for present and future use and enjoyment.”

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

Eng. Com. Sub. for Senate Joint Resolution No. 14, Proposing constitutional amendment designated Future Fund Amendment.

On third reading, coming up in regular order, was read a third time and put upon its adoption.

On the adoption of the resolution, 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: None.

Absent: Facemire—1.

The following amendment to the title of the resolution, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Joint Resolution No. 14—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 the West Virginia Future Fund; prohibiting spending of principal; permitting spending of investment income in certain instances from the West Virginia Future Fund; defining investment income; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. No. 14) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution No. 14—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 the West Virginia Future Fund; prohibiting spending of principal, permitting spending of investment income in certain instances from the West Virginia Future Fund and defining investment income; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in 2014, which proposed amendment is that article X thereof be amended by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§12. Future Fund.

The principal of the West Virginia Future Fund, as created by general law, may not be spent, appropriated or encumbered. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered after a term of six years following the statutory creation of the West Virginia Future Fund. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia in a manner and subject to conditions, definitions, qualifications and requirements as prescribed by general law. For purposes of this amendment, “investment income” means income of any nature whatsoever that is generated by or from an investment, including, but not limited to, distributions, dividends, interest payments and earnings, but shall not include unrealized gains.

The Legislature shall provide, by general law, for the implementation of the provisions of this amendment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Future Fund Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to protect the principal of the West Virginia Future Fund and to specify how the investment income from the fund may be spent. The principal of the “West Virginia Future Fund”, as created by general law, may not be spent, appropriated or encumbered. Investment income of the West Virginia Future Fund may be spent, appropriated or encumbered after a term of six years following the statutory creation of the West Virginia Future Fund. Investment income of the West Virginia Future Fund may be spent, appropriated, or encumbered solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia in a manner and subject to conditions, definitions, qualifications and requirements as prescribed by general law.”

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. 204,
Relating to crime victims compensation awards.

On third reading, 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, Fitzsimmons, Green, D. Hall, 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: Barnes—1.

Absent: Facemire—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. 204) 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, Fitzsimmons, Green, D. Hall, 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: Barnes—1.

Absent: Facemire—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. 204) 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. 365, Excepting certain Ethics Act provisions for elected conservation district supervisors.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 25, 2014, for further amendments to be received on third reading, was reported by the Clerk.

There being no further amendments offered,

The bill, as amended on yesterday, Tuesday, February 25, 2014, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 365 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 365) 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 Senate Bill No. 365—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c; to amend said code by adding thereto a new section, designated §19-21A-4a; and to amend said code by adding thereto a new section, designated §61-10-15a, all relating to elected conservation district supervisors; providing an exemption to qualified elected conservation district supervisors and their immediate family to participate in West Virginia Conservation Agency programs from certain provisions of the West Virginia Ethics Act; authorizing emergency and legislative rule-making authority for the State Conservation Committee to establish qualifications for persons, including elected conservation district supervisors and their immediate family, to participate in West

Virginia Conservation Agency programs; providing that the elected conservation district supervisors cannot participate in establishing the ranking process nor vote on matters affecting the elected conservation district supervisor or his or her immediate family; providing an appeal process; and exempting elected conservation district supervisors from pecuniary interest provisions of crimes against public policy.

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: None.

Absent: Facemire—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. 365) 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 Com. Sub. for Senate Bill No. 391, Providing salary increase for teachers and school service personnel.

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

At the request of Senator Plymale, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motions of Senators Plymale and Prezioso, the following amendment to the bill was reported by the Clerk:

On page four, section two, by striking out all of lines fifty-two through ninety-one and inserting in lieu thereof the following:

STATE MINIMUM SALARY SCHEDULE

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(4)</u>	<u>(5)</u>	<u>(6)</u>	<u>(7)</u>	<u>(8)</u>	<u>(9)</u>	<u>(10)</u>	<u>(11)</u>
<u>Years</u>	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>
<u>Exp.</u>	<u>Class</u>	<u>Class</u>	<u>Class</u>	<u>A.B.</u>	<u>+15</u>	<u>M.A.</u>	<u>+15</u>	<u>+30</u>	<u>+45</u>	<u>torate</u>
<u>0</u>	<u>27,754</u>	<u>28,443</u>	<u>28,709</u>	<u>30,152</u>	<u>30,913</u>	<u>32,680</u>	<u>33,441</u>	<u>34,202</u>	<u>34,963</u>	<u>35,998</u>
<u>1</u>	<u>28,082</u>	<u>28,771</u>	<u>29,037</u>	<u>30,670</u>	<u>31,431</u>	<u>33,199</u>	<u>33,960</u>	<u>34,720</u>	<u>35,481</u>	<u>36,516</u>
<u>2</u>	<u>28,411</u>	<u>29,099</u>	<u>29,365</u>	<u>31,189</u>	<u>31,950</u>	<u>33,717</u>	<u>34,478</u>	<u>35,239</u>	<u>36,000</u>	<u>37,035</u>
<u>3</u>	<u>28,739</u>	<u>29,427</u>	<u>29,693</u>	<u>31,708</u>	<u>32,468</u>	<u>34,236</u>	<u>34,997</u>	<u>35,757</u>	<u>36,518</u>	<u>37,553</u>
<u>4</u>	<u>29,311</u>	<u>29,999</u>	<u>30,265</u>	<u>32,470</u>	<u>33,231</u>	<u>34,999</u>	<u>35,760</u>	<u>36,520</u>	<u>37,281</u>	<u>38,316</u>
<u>5</u>	<u>29,639</u>	<u>30,327</u>	<u>30,593</u>	<u>32,989</u>	<u>33,750</u>	<u>35,517</u>	<u>36,278</u>	<u>37,039</u>	<u>37,800</u>	<u>38,835</u>
<u>6</u>	<u>29,967</u>	<u>30,655</u>	<u>30,921</u>	<u>33,507</u>	<u>34,268</u>	<u>36,036</u>	<u>36,797</u>	<u>37,557</u>	<u>38,318</u>	<u>39,353</u>
<u>7</u>	<u>30,295</u>	<u>30,984</u>	<u>31,249</u>	<u>34,026</u>	<u>34,787</u>	<u>36,554</u>	<u>37,315</u>	<u>38,076</u>	<u>38,837</u>	<u>39,872</u>
<u>8</u>	<u>30,623</u>	<u>31,312</u>	<u>31,578</u>	<u>34,544</u>	<u>35,305</u>	<u>37,073</u>	<u>37,834</u>	<u>38,594</u>	<u>39,355</u>	<u>40,390</u>
<u>9</u>	<u>30,951</u>	<u>31,640</u>	<u>31,906</u>	<u>35,063</u>	<u>35,824</u>	<u>37,591</u>	<u>38,352</u>	<u>39,113</u>	<u>39,874</u>	<u>40,909</u>
<u>10</u>	<u>31,280</u>	<u>31,968</u>	<u>32,234</u>	<u>35,583</u>	<u>36,343</u>	<u>38,111</u>	<u>38,872</u>	<u>39,633</u>	<u>40,393</u>	<u>41,428</u>
<u>11</u>	<u>31,608</u>	<u>32,296</u>	<u>32,562</u>	<u>36,101</u>	<u>36,862</u>	<u>38,630</u>	<u>39,390</u>	<u>40,151</u>	<u>40,912</u>	<u>41,947</u>
<u>12</u>	<u>31,936</u>	<u>32,624</u>	<u>32,890</u>	<u>36,620</u>	<u>37,380</u>	<u>39,148</u>	<u>39,909</u>	<u>40,670</u>	<u>41,430</u>	<u>42,465</u>
<u>13</u>	<u>32,264</u>	<u>32,952</u>	<u>33,218</u>	<u>37,138</u>	<u>37,899</u>	<u>39,667</u>	<u>40,427</u>	<u>41,188</u>	<u>41,949</u>	<u>42,984</u>
<u>14</u>	<u>32,592</u>	<u>33,280</u>	<u>33,546</u>	<u>37,657</u>	<u>38,417</u>	<u>40,185</u>	<u>40,946</u>	<u>41,707</u>	<u>42,467</u>	<u>43,502</u>
<u>15</u>	<u>32,920</u>	<u>33,608</u>	<u>33,874</u>	<u>38,175</u>	<u>38,936</u>	<u>40,704</u>	<u>41,464</u>	<u>42,225</u>	<u>42,986</u>	<u>44,021</u>
<u>16</u>	<u>33,248</u>	<u>33,936</u>	<u>34,202</u>	<u>38,694</u>	<u>39,454</u>	<u>41,222</u>	<u>41,983</u>	<u>42,744</u>	<u>43,504</u>	<u>44,539</u>
<u>17</u>	<u>33,576</u>	<u>34,265</u>	<u>34,530</u>	<u>39,212</u>	<u>39,973</u>	<u>41,741</u>	<u>42,502</u>	<u>43,262</u>	<u>44,023</u>	<u>45,058</u>
<u>18</u>	<u>33,904</u>	<u>34,593</u>	<u>34,859</u>	<u>39,731</u>	<u>40,492</u>	<u>42,259</u>	<u>43,020</u>	<u>43,781</u>	<u>44,542</u>	<u>45,577</u>
<u>19</u>	<u>34,232</u>	<u>34,921</u>	<u>35,187</u>	<u>40,249</u>	<u>41,010</u>	<u>42,778</u>	<u>43,539</u>	<u>44,299</u>	<u>45,060</u>	<u>46,095</u>
<u>20</u>	<u>34,560</u>	<u>35,249</u>	<u>35,515</u>	<u>40,768</u>	<u>41,529</u>	<u>43,296</u>	<u>44,057</u>	<u>44,818</u>	<u>45,579</u>	<u>46,614</u>
<u>21</u>	<u>34,889</u>	<u>35,577</u>	<u>35,843</u>	<u>41,286</u>	<u>42,047</u>	<u>43,815</u>	<u>44,576</u>	<u>45,336</u>	<u>46,097</u>	<u>47,132</u>
<u>22</u>	<u>35,217</u>	<u>35,905</u>	<u>36,171</u>	<u>41,805</u>	<u>42,566</u>	<u>44,333</u>	<u>45,094</u>	<u>45,855</u>	<u>46,616</u>	<u>47,651</u>
<u>23</u>	<u>35,545</u>	<u>36,233</u>	<u>36,499</u>	<u>42,324</u>	<u>43,084</u>	<u>44,852</u>	<u>45,613</u>	<u>46,373</u>	<u>47,134</u>	<u>48,169</u>
<u>24</u>	<u>35,873</u>	<u>36,561</u>	<u>36,827</u>	<u>42,842</u>	<u>43,603</u>	<u>45,371</u>	<u>46,131</u>	<u>46,892</u>	<u>47,653</u>	<u>48,688</u>
<u>25</u>	<u>36,201</u>	<u>36,889</u>	<u>37,155</u>	<u>43,361</u>	<u>44,121</u>	<u>45,889</u>	<u>46,650</u>	<u>47,411</u>	<u>48,171</u>	<u>49,206</u>
<u>26</u>	<u>36,529</u>	<u>37,217</u>	<u>37,483</u>	<u>43,879</u>	<u>44,640</u>	<u>46,408</u>	<u>47,168</u>	<u>47,929</u>	<u>48,690</u>	<u>49,725</u>

<u>27</u>	<u>36,857</u>	<u>37,545</u>	<u>37,811</u>	<u>44,398</u>	<u>45,158</u>	<u>46,926</u>	<u>47,687</u>	<u>48,448</u>	<u>49,208</u>	<u>50,243</u>
<u>28</u>	<u>37,185</u>	<u>37,874</u>	<u>38,139</u>	<u>44,916</u>	<u>45,677</u>	<u>47,445</u>	<u>48,205</u>	<u>48,966</u>	<u>49,727</u>	<u>50,762</u>
<u>29</u>	<u>37,513</u>	<u>38,202</u>	<u>38,468</u>	<u>45,435</u>	<u>46,195</u>	<u>47,963</u>	<u>48,724</u>	<u>49,485</u>	<u>50,245</u>	<u>51,280</u>
<u>30</u>	<u>37,841</u>	<u>38,530</u>	<u>38,796</u>	<u>45,953</u>	<u>46,714</u>	<u>48,482</u>	<u>49,242</u>	<u>50,003</u>	<u>50,764</u>	<u>51,799</u>
<u>31</u>	<u>38,170</u>	<u>38,858</u>	<u>39,124</u>	<u>46,472</u>	<u>47,233</u>	<u>49,000</u>	<u>49,761</u>	<u>50,522</u>	<u>51,282</u>	<u>52,317</u>
<u>32</u>	<u>38,498</u>	<u>39,186</u>	<u>39,452</u>	<u>46,990</u>	<u>47,751</u>	<u>49,519</u>	<u>50,280</u>	<u>51,040</u>	<u>51,801</u>	<u>52,836</u>
<u>33</u>	<u>38,826</u>	<u>39,514</u>	<u>39,780</u>	<u>47,509</u>	<u>48,270</u>	<u>50,037</u>	<u>50,798</u>	<u>51,559</u>	<u>52,320</u>	<u>53,355</u>
<u>34</u>	<u>39,154</u>	<u>39,842</u>	<u>40,108</u>	<u>48,027</u>	<u>48,788</u>	<u>50,556</u>	<u>51,317</u>	<u>52,077</u>	<u>52,838</u>	<u>53,873</u>
<u>35</u>	<u>39,482</u>	<u>40,170</u>	<u>40,436</u>	<u>48,546</u>	<u>49,307</u>	<u>51,074</u>	<u>51,835</u>	<u>52,596</u>	<u>53,357</u>	<u>54,392</u>

Following discussion,

Senator Unger moved to be excused from voting on any matter pertaining to the bill under rule number forty-three of the Rules of the Senate, which motion prevailed.

The question being on the adoption of the amendment offered by Senators Plymale and Prezioso to the bill, the same was put and prevailed.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 391 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, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Carmichael and McCabe—2.

Absent: Facemire—1.

Excused from voting: Unger—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. 391) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Carmichael and McCabe—2.

Absent: Facemire—1.

Excused from voting: Unger—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. 391) takes effect July 1, 2014.

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. 393, Amending funding levels and date Governor may borrow from 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, 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: None.

Absent: Facemire—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. 393) 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: None.

Absent: Facemire—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. 393) 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, Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

On third reading, 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: None.

Absent: Facemire—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. 460) 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. 467, Updating code section relating to expungement of criminal convictions.

On third reading, 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: None.

Absent: Facemire—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. 467) 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: None.

Absent: Facemire—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. 467) 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. 473, Providing undesirable highway property be offered for public utility use.

On third reading, 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: None.

Absent: Facemire—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. 473) passed.

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

Eng. Com. Sub. for Senate Bill No. 473—A Bill to amend and reenact §17-2A-19 of the Code of West Virginia, 1931, as amended, relating to the sale of real property by the Division of Highways; creating an exception to the right of first refusal for the property to the principal abutting landowners for public service districts that request in writing that the property will be used for a public utility; and authorizing the transfer of the property to public service districts without having to follow the public auction provisions of this section.

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. 486, Establishing salaries and providing raises for State Police forensic lab 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 486) 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. 495, Increasing collections into Land Division special revenue account.

On third reading, 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: None.

Absent: Facemire—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. 495) 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. 539, Providing certain law-enforcement officers employed as school security be allowed 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 539) 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. 544, Allowing sharing of juvenile records under certain circumstances with reciprocal states.

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 the Judiciary.

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 556, Providing complimentary certified veterans' death certificates under certain circumstances.

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. Senate Bill No. 596, Modifying statute of limitations on demand note collections.

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 Banking and Insurance.

Eng. Com. Sub. for House Bill No. 4350, Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans.

On third reading, 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: None.

Absent: Facemire—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. 4350) 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.

Eng. Com. Sub. for House Bill No. 2165, Relating to death certificates of military veterans.

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:

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

That §16-5-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §59-1-10 of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5. VITAL STATISTICS.

§16-5-29. Fees for copies and searches.

(a) The commissioner shall prescribe the fees to be charged and collected by the State Registrar for certified copies of certificates or records, not to exceed \$10 per copy, or for a search of the files or records when no copy is made: *Provided*, That the fee may be increased to a maximum of \$12 per copy, at the discretion of the commissioner, after July 1, 2008.

(b) The commissioner may prescribe additional fees for the priority production or express delivery of certified copies.

(c) The State Registrar may furnish certified copies of birth and death records to state agencies and to organized charities free of charge when the certificates are needed in presenting claims to the federal government or to a state for public assistance. The State Registrar will keep a record of all certificates furnished pursuant to this subsection.

(d) Beginning July 1, 2014, upon request made within thirty days of the date of death of a veteran, the State Registrar shall issue without fee no more than a total of two certified copies of a veteran's death certificate to: (i) A family member or dependent of the veteran; (ii) the personal representative of the veteran's estate; or (iii) the funeral director providing funeral services for the veteran with written permission from the person responsible for payment of the funeral services or a family member or dependent of the veteran: Provided, That proof of the veteran's military service is furnished at the time of the request. However, as provided by section twelve-a, article four, chapter fifty-one of this code, no fee may be charged for a death certificate that is necessary to obtain benefits from the federal or state government. As used in this subsection, "veteran" means any person who has served in the armed forces of the United States, the military reserve or National Guard and who was not dishonorably discharged.

~~(d)~~ (e) Subject to the provisions set forth in section two, article two, chapter twelve of this code, there is hereby continued in the State Treasury a separate account which shall be designated the vital statistics account.

~~(e)~~ (f) After July 1, 2006, and subject to the provisions set forth in section two, article two, chapter twelve of this code, there is established in the State Treasury a separate account which shall be designated the vital statistics improvement fund. Funds deposited in this account will be used to modernize and automate the system of vital statistics in this state and may not be used to supplant existing funding necessary for the daily operation of the system of vital statistics. Funds in this account will be retained in a nonlapsing fund for the improvement of the system of vital statistics.

~~(f)~~ (g) The commissioner shall deposit \$1 received under the provisions of this section for each certified copy to the vital statistics improvement fund and shall deposit \$4 received under the provisions of this section for each certified copy to the General Revenue Fund account. The commissioner shall deposit the

remainder of all fees received under the provisions of this section for certified copies and for priority production and express delivery to the vital statistics account.

~~(g)~~ (h) The commissioner is authorized to expend the moneys deposited in the vital statistics account in accordance with the laws of this state as necessary to implement this article. The Legislature shall appropriate all moneys in the vital statistics account as part of the annual state budget.

~~(h)~~ (i) The commissioner shall make an annual report to the Legislature on the vital statistics account, including the previous fiscal year's expenditures and projected expenditures for the next fiscal year.

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

For the purpose of this section, the word "page" is defined as being a paper or electronic writing of not more than legal size, 8 1/2" x 14".

(a) When a writing is admitted to record, for receiving proof of acknowledgment thereof, entering an order in connection therewith, endorsing clerk's certificate of recordation thereon and indexing in a proper index, the clerk of the county commission shall charge and collect the following fees:

(1) Fifteen dollars for a deed of conveyance (with or without a plat), trust deed, fixture filing or security agreement concerning real estate lease.

(2) Forty dollars for a trustee's report of sale for any property for which additional information and filing requirements are required by

section eight-a, article one, chapter thirty-eight of this code. Twenty dollars of each recording fee received pursuant to this subdivision shall be deposited into the county's General Revenue Fund and \$20 paid quarterly by the clerk of the county commission to the West Virginia Housing Development Fund established in article eighteen, chapter thirty-one of this code.

(3) Ten dollars for a financing, continuation, termination or other statement or writing permitted to be filed under chapter forty-six of this code.

(4) Ten dollars for a plat or map (with no deed of conveyance).

(5) No charge for a service discharge record.

(6) Ten dollars for any document or writing other than those referenced in subdivisions (1), (2), (3), (4) and (5) of this subsection.

(7) One dollar for each additional page for documents or writings containing more than five pages.

For any of the documents admitted to record pursuant to this subsection, if the clerk of the county commission has the technology available to receive these documents in electronic form or other media, the clerk shall set a reasonable fee to record these writings not to exceed the cost for filing paper documents.

(8) Of the fees collected pursuant to subdivision (1), subsection (a) of this section, \$10 shall be deposited in the county general fund in accordance with section twenty-eight of this article and \$1 shall be deposited in the county general fund and dedicated to the operation of the county clerk's office. Four dollars of the fees collected pursuant to subdivision (1), subsection (a) of this section and \$5 of the fees collected pursuant to subdivision (6), subsection (a) of this section shall be paid by the county clerk into the State Treasury and deposited in equal amounts for deposit into the Farmland Protection Fund created in article twelve, chapter eight-a

of this code for the benefit of the West Virginia Agricultural Land Protection Authority and into the Outdoor Heritage Conservation Fund created in article two-g, chapter five-b of this code. The funds deposited in the State Treasury pursuant to this subdivision may only be used for costs, excluding personnel costs, associated with purpose of land conservation, as defined in subsection (f), section seven, article two-g, chapter five-b of this code.

(b) Five dollars for administering any oath other than oaths by officers and employees of the state, political subdivisions of the state or a public or quasi-public entity of the state or a political subdivision of the state, taken in his or her official capacity.

(c) Fifty-five dollars for issuance of marriage license and other duties pertaining to the marriage license (including preparation of the application, administering the oath, registering and recording the license, mailing acknowledgment of minister's return to one of the licensees and notification to a licensee after sixty days of the nonreceipt of the minister's return). This fee is reduced to \$35 if the applicants present a premarital education course completion certificate issued pursuant to section seven hundred one, article two, chapter forty-eight of this code, and dated within one year of the application for a marriage license.

(1) One dollar of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury as a state registration fee in the same manner that license taxes are paid into the Treasury under article twelve, chapter eleven of this code;

(2) Fifteen dollars of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury for the Family Protection Shelter Support Act in the same manner that license taxes are paid into the Treasury under article twelve, chapter eleven of this code;

(3) Ten dollars of the marriage license fee received pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code; and

(4) If a premarital education course completion certificate is not presented, the county clerk shall, on or before the tenth day of each month, transmit \$20 of the marriage license fee received pursuant to this subsection to the State Treasurer for deposit in the State Treasury as follows:

(A) Five dollars to the credit of the Family Protection Shelter Support Act in the same manner that license taxes are paid into the treasury under article twelve, chapter eleven of this code;

(B) Five dollars to the credit of the special revenue account, hereby created, designated the Fund for Civil Legal Services for Low Income Persons, which shall consist of all gifts, grants, bequests, transfers, appropriations or other donations or payments which may be received and administered by the Division of Justice and Community Services from any governmental entity or unit or any person, firm, foundation, or corporation for the purposes of this section, and all interest or other return earned from investment of the fund. Expenditures from the fund shall be made by the Director of the Division of Justice and Community Services and shall be limited to grants to nonprofit agencies which provide civil legal services to low income persons made at his or her discretion. Any balance in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(C) Ten dollars to the credit of the Marriage Education Fund created pursuant to section seven hundred two, article two, chapter forty-eight of this code.

(d) (1) One dollar and fifty cents for a copy of any writing or document, if it is not otherwise provided for.

(2) One dollar for each additional page if the writing or documents contains more than two pages.

(3) One dollar for annexing the seal of the commission or clerk to any paper.

(4) (A) Five dollars for a certified copy of a birth certificate, death certificate or marriage license, except as provided by paragraph (B) of this subdivision.

(B) Beginning July 1, 2014, upon request made within thirty days of the date of death of a veteran, the State Registrar shall issue without fee no more than a total of two certified copies of a veteran's death certificate to: (i) A family member or dependent of the veteran; (ii) the personal representative of the veteran's estate; or (iii) the funeral director providing funeral services for the veteran with written permission from the person responsible for payment of the funeral services or a family member or dependent of the veteran: Provided, That proof of the veteran's military service is furnished at the time of the request. However, as provided by section twelve-a, article four of this chapter, no fee may be charged for a death certificate that is necessary to obtain benefits from the federal or state government. As used in this paragraph, "veteran" means any person who has served in the armed forces of the United States, the military reserve or National Guard and who was not dishonorably discharged.

(e) For copies of any record in electronic form or a medium other than paper, a reasonable fee set by the clerk of the county commission not to exceed the costs associated with document search and duplication.

The bill (Eng. Com. Sub. for H. B. No. 2165), as amended, was then ordered to third reading.

Eng. House Bill No. 4504, Providing for sharing juvenile records in certain circumstances with another state.

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

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

On pages five and six, section one, lines seventy-four through ninety-two, by striking out all of subsection (h) and inserting in lieu thereof a new subsection (h), to read as follows:

(h) (1) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the Division of Juvenile Services may provide access to and the confidential use of a treatment plan, court records or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Juvenile Services in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody and treatment of the juvenile.

(3) The Division of Juvenile Services is authorized to enter into reciprocal agreements with other states and to 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 subsection.

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

The bill (Eng. H. B. No. 4504), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators McCabe, Kirkendoll, Carmichael, Sypolt and Blair.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator McCabe were ordered printed in the Appendix to the Journal.

At the request of Senator Stollings, unanimous consent being granted, the remarks by Senator Kirkendoll were ordered printed in the Appendix to the Journal.

At the request of Senator Williams, and by unanimous consent, the remarks by Senator Sypolt were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, February 27, 2014, at 11 a.m.

THURSDAY, FEBRUARY 27, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Richard K. DeQuasie, Morris Memorial United Methodist Church, Charleston, West Virginia.

Pending the reading of the Journal of Wednesday, February 26, 2014,

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 adoption by that body and requested the concurrence of the Senate in the adoption of

Eng. House Joint Resolution No. 108—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 exempting certain nonprofit youth organizations from taxation on property owned by the organization which is leased or used to support the organization; conditioning tax exemption on enactment of certain legislation; 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.

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. 2446—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended;

to amend and reenact §49-6-11 of said code; to amend and reenact §61-3C-14b of said code; and that said code be amended by adding thereto a new section, designated §61-8-17, all relating to the crime of solicitation of a minor; requiring registration as a sex offender; requiring a judicial finding as abusing parent status in certain circumstances; 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, to take effect July 1, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2606—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-18-4a, all relating to having the salary of the executive director of the West Virginia State Rail Authority set by the authority; and limiting such salary.

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. 2803—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-19, relating to requiring electric utilities to develop integrated resource plans; requiring the Public Service Commission to order development of integrated resource plans; specifying certain deadlines for the plans; requiring commission review; authorizing commission to request additional information from the utilities; and providing considerations for commission when developing requirements for integrated resource plans.

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. 2981—A Bill to amend and reenact §15-1F-7 of the Code of West Virginia, 1931, as amended, relating to unlawful military organizations; and providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.

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. 3156—A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §21-1A-9, relating to establishing a privilege to prevent a labor organization or its agent from being compelled to disclose certain communications or information obtained from an employee while the labor organization or agent is acting in a representative capacity concerning an employee grievance; providing limitations and exceptions.

Referred to the Committee on Labor; 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. 4004—A Bill to amend and reenact §61-8D-3 of the Code of West Virginia, 1931, as amended, relating to criminal offenses for child abuse by a parent, guardian or

custodian; creating a misdemeanor offense for child abuse by a parent, guardian or custodian which creates a substantial threat of bodily injury; establishing a misdemeanor penalty for a first offense; providing that those convicted of the first offense may be required to undergo counseling; increasing penalties for a second conviction; making a conviction for a third or subsequent offense a felony; establishing criminal penalties; and providing that a parent, guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or 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. 4005—A Bill to amend and reenact §61-8D-1, §61-8D-4 and §61-8D-9 of the Code of West Virginia, 1931, as amended, relating to offenses of child neglect by a parent, guardian or custodian; defining terms; making it a felony for a parent, guardian or custodian to grossly neglect a child which creates substantial risk of bodily injury; creating a misdemeanor offense for child neglect by a parent, guardian or custodian which creates a substantial risk of bodily injury; establishing misdemeanor penalties for first or second offenses; making third or subsequent offenses of child neglect that creates a substantial risk of bodily injury a felony; establishing criminal penalties; providing that a parent, guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or 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. 4012—A Bill to repeal §29-4-3, §29-4-4, §29-4-5, §29-4-6, §29-4-7, §29-4-8, §29-4-12,

§29-4-13, §29-4-14, §29-4-15 and §29-4-16 of the Code of West Virginia, 1931, as amended; to repeal §29C-1-101, §29C-1-102, §29C-1-103, §29C-1-104, §29C-1-105, §29C-1-106, §29C-1-107, §29C-2-201, §29C-2-202, §29C-2-203, §29C-2-204, §29C-2-205, §29C-2-206, §29C-2-207, §29C-2-208, §29C-2-301, §29C-3-101, §29C-3-102, §29C-4-101, §29C-4-102, §29C-4-103, §29C-4-104, §29C-4-201, §29C-4-202, §29C-4-203, §29C-4-301, §29C-4-401, §29C-4-402, §29C-4-403, §29C-4-404, §29C-4-405, §29C-5-101, §29C-5-102, §29C-5-103, §29C-5-104, §29C-6-101, §29C-6-102, §29C-6-103, §29C-6-201, §29C-6-202, §29C-6-203, §29C-6-204, §29C-7-101, §29C-7-201, §29C-7-202, §29C-8-101 and §29C-9-101 of said code; to repeal §39-1A-1, §39-1A-2, §39-1A-3, §39-1A-4, §39-1A-5, §39-1A-6, §39-1A-7, §39-1A-8 and §39-1A-9, of said code; to amend and reenact §39-1-4 and §39-1-5 of said code; to amend said code by adding thereto a new article, designated §39-4-1, §39-4-2, §39-4-3, §39-4-4, §39-4-5, §39-4-6, §39-4-7, §39-4-8, §39-4-9, §39-4-10, §39-4-11, §39-4-12, §39-4-13, §39-4-14, §39-4-15, §39-4-16, §39-4-17, §39-4-18, §39-4-19, §39-4-20, §39-4-21, §39-4-22, §39-4-23, §39-4-24, §39-4-25, §39-4-26, §39-4-27, §39-4-28, §39-4-29, §39-4-30, §39-4-31, §39-4-32, §39-4-33, §39-4-34, §39-4-35 and §39-4-36; to amend and reenact §57-4-2 of said code; to amend and reenact §57-5-9 of said code; and to amend and reenact §59-1-2 of said code, all relating to the Revised Uniform Law on Notarial Acts; establishing the effective date of the article; establishing an operative date of enactment and the effect on existing law; establishing the authority to perform notarial acts; establishing requirements for certain notarial acts; requiring a personal appearance and the identification of an individual; authorizing the right to refuse to perform a notarial act; establishing instructions for obtaining a signature if an individual is unable to sign; setting forth who may perform a notarial act in this state; establishing notarial reciprocity with other states, any federally recognized Indian tribe, the federal government, and foreign states; requiring a certificate for a notarial act; authorizing short form certificates; requiring an official stamp and the maintenance and disposition of a stamping device; authorizing notaries public the option of selecting a technology for use in notarial acts on electronic records; establishing minimum

qualifications and authorizing the commissioning of notaries public; providing grounds to deny, refuse to renew, revoke, suspend, or condition commissions of notaries public; requiring Secretary of State to maintain a database of notaries public; prohibiting certain acts; authorizing the validity of notarial acts; authorizing the Secretary of State to promulgate rules; authorizing the continuation of a commission in effect on the effective date of the act; providing that any notarial act performed before the effective date of the act is not invalidated by the act; providing for the uniformity of the application and construction of the act; clarifying the relationship to the Electronic Signatures in Global and National Commerce Act; establishing maximum fees that may be charged by a notary public; commissioning notaries public for state and local government; establishing civil liability and criminal penalties; authorizing injunctive relief; authorizing the Secretary of State to investigate complaints; requiring the Secretary of State to maintain certain records; establishing an application fee; providing for the disposition of fees; repealing statutes regulating notaries public and commissioners including the Uniform Notary Act; repealing the Uniform Recognition of Acknowledgments Act; and removing obsolete references.

Referred to the Committee on Interstate Cooperation; 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. 4039—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 Municipal Pensions Oversight Board to promulgate a legislative rule relating to policemen's and firemen's pensions disability calculation; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of a brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to a schedule of fees; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program; 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 or certification; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; repealing the Treasurer's Office legislative rule relating to procedure for deposit of funds in the Treasurer's Office by state agencies; authorizing the Treasurer's Office to promulgate a legislative rule relating to the procedure for deposit of monies with the office by state agencies; authorizing the Treasurer's Office to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the Treasurer's Office to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; repealing the Treasurer's Office legislative rule relating to rules for the reporting of debt capacity; authorizing the Treasurer's Office to promulgate a legislative rule relating to reporting debt; authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for fees in collections by charge, credit or debit card or

by electronic payment; authorizing the Treasurer's Office to promulgate a legislative rule relating to providing services to political subdivisions; authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the In-home Care Worker Registry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a schedule of charges for inspection services: fruit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry; 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; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to the regulation of chiropractic practice; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to fees pertaining to the practice of chiropractic; 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 the formation and approval of professional limited liability companies; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to fees established by the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to dental advertising; 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 administration of anesthesia by dentists; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to mobile dental facilities and portable dental units; authorizing the State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to policies regulating licensure of the licensed practical nurse; authorizing the State Board of Examiners for Licensed Practical 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 State Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to continuing competence; authorizing the Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Board of Sanitarians to promulgate a legislative rule relating to the practice of public health sanitation; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the registration of veterinary technicians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; and authorizing the Infrastructure and Jobs Development Council to promulgate a legislative rule relating to the Council.

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. 4141—A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-19-1, §47-19-3, §47-19-4 and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the tax commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; rule-making authority; effective date; criminal offense elements; and criminal penalties.

Referred to the 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. 4156—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-16D-1, §17-16D-2, §17-16D-3, §17-16D-4, §17-16D-5, §17-16D-6, §17-16D-7, §17-16D-8, §17-16D-9, §17-16D-10, §17-16D-11, §17-16D-12, §17-16D-13 and §17-16D-14, all relating to electronic collection and enforcement of tolls; defining terms; authorizing the West Virginia Parkways Authority to electronically collect and enforce tolls; establishing liability of the registered owner for violation as a rebuttable inference; providing civil penalties for nonpayment of tolls; providing exceptions when the registered owner is a lessor; providing that certain information collected is 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; providing criminal penalties for damage to facilities; providing for nonrenewal of vehicle registration; authorizing reciprocal agreements with other jurisdictions for enforcement; and granting rule-making authority.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4168—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto by adding thereto five new sections, designated §5-22-3, §5-22-4, §5-22-5, §5-22-6 and §5-22-7, all relating to requiring the use of items of goods and equipment manufactured in the United States in government construction contracts; specifying the types of public entities and the types of contracts to which provisions apply; duties and responsibilities of public entities and bidders on contracts; providing conditions upon which provisions may be waived; duties and responsibilities of the division of labor; providing for violations and penalties therefor; providing opportunity for hearing; and requiring rules to carry out provisions.

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. 4183—A Bill supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2014, organization 0803, for the fiscal year ending June 30, 2014.

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. 4184—A Bill to amend and reenact §5B-2E-3, §5B-2E-4, §5B-2E-5, §5B-2E-7, §5B-2E-7a and §5B-2E-11 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Tourism Development Act; providing definitions; extending termination provisions; removing requirement for engagement of a consulting firm to review proposed projects; imposing application filing fee; eliminating limitation on total amount of tourism development expansion project tax credits for all approved companies each calendar year; providing increased tax credit amounts for projects located on or adjacent to state and federal recreational property.

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. 4204—A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years; prohibiting nonrenewal or cancellation of such policies as a result of certain claims arising from natural causes; prohibiting nonrenewal or cancellation of such policies as a result of certain claims arising from declared states of emergency.

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. 4210—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-23; and to amend said code by adding thereto a new section, designated §62-12-13b, all relating to providing to eligibility for parole for persons who are convicted of criminal offenses where the person was less than eighteen years of age at the time the offense was committed, generally; prohibiting a sentence of life imprisonment without the possibility of parole upon such persons; requiring that persons who are convicted of offenses and the person was less than eighteen years of age at the time the offenses were committed shall be eligible for parole after he or she has served fifteen years; requiring certain factors to be considered by court when sentencing such persons convicted after transfer to the criminal jurisdiction of the court; and requiring certain factors to be considered by the parole board when considering the eligibility for parole of a person sentenced after transfer to the criminal jurisdiction of a court.

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. 4221—A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to permitting retirants under the State Teachers Retirement System to teach college level courses without loss of retirement annuity or benefits.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4225—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-14a, relating to establishing an emergency contact database; allowing holders of a drivers license to designate up to three emergency contact persons; requiring the Division of Motor Vehicles to collect the contact information of the emergency contact persons from the licensee; defining terms; providing rule-making authority; requiring law enforcement to check the emergency contact database when a person in a motor vehicle accident is unable to communicate an emergency contact person; and providing a limitation on liability for inability of law enforcement to contact the emergency contact in certain situations.

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. 4228—A Bill to repeal §11-8-16a of the Code of West Virginia, 1931, as amended; to repeal §18-2-17 of said code; to repeal §18-2E-5b and §18-2E-8b of said code; to repeal §18-2G-1, §18-2G-2 and §18-2G-3 of said code; to repeal §18-5-15e and §18-5-38 of said code; to repeal §18-7-1, §18-7-2 and §18-7-3 of said code; to repeal §18-9A-6b, §18-9A-14a and §18-9A-19 of said code; to repeal §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code; to repeal §18A-3-1c and §18A-3-1d of said code; to repeal §18A-4-10b and §18A-4-14a of said code; to amend and reenact §18-2-5a and §18-2-13 of said code; to amend and reenact §18-2E-7 of said code; to amend and reenact §18-8-1a of said code; and to amend and reenact §18A-2-12 of said code, all relating to repealing or removing certain portions of education-related statutes that are no longer applicable

or are expired; repealing the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional excess levy not exceeding one hundred percent and a period of five years; repealing an expired pilot program for the delivery of leftover foods from schools and penal institutions; repealing expired provisions for review of system of education performance audits; repealing an expired requirement for audit of state board policies; repealing the library media improvement grant program; repealing an expired requirement for study on school equity; repealing an expired provision governing county board meetings; repealing an adult literacy education program financed, in part, by a voluntary state income tax return check-off; repealing the appropriation and allocation, up to \$7 million, due to the increase in local share to Teachers Retirement System; repealing the incentive for administrative efficiency in public schools and its associated funding to the county boards of education; repealing a requirement for county boards of education to request funds to which they may be entitled; repealing the Better School Buildings Amendment and associated funding to county boards of education; repealing an expired study on training, certification, licensure and retraining of teachers; repealing a study of alternative certification programs that was required to be submitted to the Legislative Oversight Commission on Education Accountability by December 31, 2013; repealing the requirement to record and distribute exemplary teaching techniques and its associated bonuses to certain teachers; repealing an expired study on daily planning periods; providing that the State Board of Education need only file a single copy of a proposed rule with the Legislative Oversight Commission; removing the requirement that the State Board of Education contract with an independent agency to evaluate the results of character education and biannual reporting; and removing the requirement for semiannual reporting on the effect of the increased compulsory attendance age of students and the progress the state and county boards have made in implementing its associated requirements.

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. Com. Sub. for House Bill No. 4242—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 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. 4254—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency.

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, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4267—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 section, designated §9A-1-11b; 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 legalizing and regulating the

sale and use of fireworks; creating the West Virginia Veterans Program Fund to be administered by the Department of Veterans' Assistance; imposing a twenty percent fee for the sale of fireworks and providing for the allocation of the fee collections between the Veterans Program Fund for veterans programs, the Fire Protection Fund for volunteer fire departments, and the State Fire Commission's special revenue account for the use of the State Fire Marshal's office; providing for public fireworks displays; providing for rules; authorizing seizures by the state fire marshal; providing exemptions; and criminal penalties.

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. 4270—A Bill to amend and reenact §18-2-16 of the Code of West Virginia, 1931, as amended, relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center; providing that the minimum salary requirements for school service personnel do not apply to service employees who are initially employed to provide services at the camp and conference center on or after July 1, 2014.

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. 4286—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11,

§19-2H-12, §19-2H-13, §19-2H-14 and §19-2H-15; to amend and reenact §19-29-2 of said code; to amend and reenact §20-1-2 of said code; and to amend and reenact §20-2-11 and §20-2-12 of said code, all relating to regulating captive cervid farming as an agricultural enterprise in this state; creating the Captive Cervid Farming Act; providing definitions; setting forth powers and duties of the Department of Agriculture; authorizing rule-making; setting forth duties and obligation of the Commissioner of the Department of Agriculture; requiring cooperation and coordination of inspections with the division of natural resources through memorandum of understanding; establishing an application process; permitting the issuance, renewal, modification and transfer of a license certificate; requiring the inspection of facilities; permitting the transition of current facilities; providing for noncompliance with article; requiring certain reporting; creating a new special revenue account; and establishing remedies and criminal penalties.

Referred to the Committee on Agriculture and Rural Development; 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. 4305—A Bill to amend and reenact §8-33-3 of the Code of West Virginia, 1931, as amended, relating to exempting municipalities with populations of more than two thousand one hundred eighty and less than two thousand two hundred eighty from the requirement that no more than two thirds of the total number of members of a building commission board be from the same political party.

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. 4307—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to school celebrations, recognition programs and events; standards, authorizations and requirements; plan required; parental participation; permissible activities and refreshments; and responsibilities of schools, faculty senates, principals, and Department of Education Office of Child Nutrition.

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. House Bill No. 4310—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the review and consideration of concealed weapons permit applications; making gun permits and applications confidential except for law enforcement purposes; and adding requirements to the review process to insure that an applicant is not prohibited under the provisions of state or federal law from the receipt or possession of a firearm.

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. 4316—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5h, relating to creating the student data accessibility, transparency and accountability act; providing definitions; state, district and school responsibilities for data inventory; providing for data governance officer and responsibilities;

establishing parental rights to information and providing for policies on security and access; requiring state board rules; and establishing effect on existing data.

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. 4327—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting health care practitioners from knowingly and in bad faith prescribing or administering drugs, in a manner not in accordance with accepted medical standards in the course of professional practice; providing felony criminal penalties for violations; and creating a defense to alleged violations.

Referred to the Committee on Health and Human Resources.

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. 4333—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the transfer of certain revenues derived from lottery activities for distribution for the purposes for which the revenues are distributed under current law generally; reducing the distribution to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2015; increasing the percentage of funds available for grants from the West Virginia infrastructure fund for fiscal year 2015; transferring certain

revenues derived from racetrack video lottery, lottery racetrack table games and lottery historic hotel gaming facility activities to the state excess lottery revenue fund, and distributing revenues from the state excess lottery revenue fund solely for the purposes that those revenues are distributed from racetrack video lottery, lottery racetrack table games and lottery historic hotel gaming facility activities under current law, all for fiscal year 2015 only.

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. 4335—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-19, relating to a child's right to nurse; and establishing as the public policy of this state that nursing in a public place is socially acceptable.

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. 4346—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-20, relating to the development of a state plan to reduce carbon pollution and greenhouse gas production under section 111 of the Clean Air Act; establishing separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units; establishing separate standards of performance for natural gas-fired electric generating units; and factors and considerations to be reflected in the developed state plan.

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. 4354—A Bill to amend and reenact §6B-3-1, §6B-3-2 and §6B-3-4 of the Code of West Virginia, 1931, as amended, all relating to requiring lobbyists to report contingent compensation for all lobbying activities; requiring the filing of agreements that include contingent compensation; and amending the phrase “lobbying activity” and “lobbying firm”.

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. 4360—A Bill to amend and reenact §46A-2-128 of the Code of West Virginia, 1931, as amended, all relating to consumer credit protection; and including additional conduct that is an unfair or unconscionable means to collect or attempt to collect a debt.

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. 4375—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-10E-1, §5-10E-2, §5-10E-3, §5-10E-4, §5-10E-5, §5-10E-6, §5-10E-7, §5-10E-8, §5-10E-9, §5-10E-10, §5-10E-11, §5-10E-12 and §5-10E-13; and to amend and reenact

§36-8-13 of said code, all relating to establishing the West Virginia Voluntary Employee Retirement Accounts Program; establishing findings; defining terms; providing for liberal construction; requiring compliance with federal and state law; providing for plan administration; authorizing the Treasurer to propose rules; establishing participation; requiring all federal approvals and filings be received and made before operations begin; creating trust; prohibiting assignment, except for qualified domestic relations orders; authorizing investments; specifying that the corpus, assets and earnings of trust do not constitute public funds; deferring compensation from federal, state and municipal income taxes; authorizing collection of fees; creating administration account; transferring up to \$3 million from the Unclaimed Property Trust Fund; requiring that \$3 million be repaid no later than June 30, 2024; paying program costs; requiring reimbursement to Unclaimed Property Trust Fund; specifying the state and the Treasurer are not liable for losses or changes in value; specifying certain information is confidential; requiring payroll information be provided to the Treasurer; requiring audits; and providing for the transfer of money from the Unclaimed Property Trust Fund for start-up of the program.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4411—A Bill to amend and reenact §22-15-8 and §22-15-11 of the Code of West Virginia, 1931, as amended, relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities; allowing for the receipt of additional drilling waste at commercial solid waste facilities above the facility's existing tonnage limit through December 31, 2016, if certain conditions are met; requiring that all tonnages received at the facility, including drill cuttings and drilling waste, be within the facility's permitted

tonnage limit, on and after January 1, 2017; recognizing the facility's continuing obligation to receive municipal solid waste while exceeding its permitted tonnage caps; requiring radiation and leachate monitoring at all facilities receiving drill cuttings and drilling waste; establishing minimum requirements for the monitoring program; requiring the investigation and report by the division of environmental protection to the legislature on specified issues associated with the disposal of drill cuttings and drilling wastes at landfills; required scope of study; establishing deadlines, effective dates; establishment of an additional solid waste fee; and requiring the promulgation of emergency and legislative rules.

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 July 1, 2014, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 4416—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting certified professional estimator services from consumer sales and service tax; and providing definitions.

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. 4432—A Bill to amend and reenact §33-7-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-13-30 of said code, all relating to adopting Principle Based Reserving as the method by which reserves for life insurance policies, accident and health insurance policies and deposit-type contracts are calculated; removing unnecessary language; and providing a phase-in of the new method upon

adoption of Principle Based Reserving by forty-two states representing seventy-five percent of applicable premiums.

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. 4449—A Bill to amend and reenact §11-13BB-3 and §11-13BB-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Innovative Mine Safety Technology Tax Credit Act; including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes; and extending termination date for credit.

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. 4480—A Bill to amend and reenact §22-2-4 of the Code of West Virginia, 1931, as amended, relating to the Acid Mine Drainage and Abatement Fund; investment of funds; retention of earnings; and requiring restoration of interest earnings previously defaulted into the state's general revenue account.

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. 4496—A Bill to amend and reenact §18B-18A-1, §18B-18A-2, §18B-18A-3, §18B-18A-8, §18B-18A-9 and §18B-18A-11 of the Code of West Virginia, 1931, as amended, all relating generally to providing for the allocation of matching funds from the West Virginia Research Trust Fund; expanding the eligible recipients of matching funds to include West Virginia State University; and continuing legislative rule and expanding its application.

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. 4500—A Bill to amend and reenact §29-19-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-18-10 of said code; and to amend and reenact §30-39-6 of said code, all relating requirements for business registration; requiring charities, athlete agents, private investigators and security guards to have a valid business registration to be licensed or registered; and requiring sole proprietors to have a valid business registration certificate to be licensed or registered.

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. 4501—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to persons possessing deadly weapons on school buses or on the premises of educational facilities; authorizing active law-enforcement officers and retired law-enforcement officers acting as security for schools to carry deadly weapons on a school bus, on school property or at school sponsored functions when certain conditions are met.

Referred to the Committee on Education; 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. 4510—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12a, relating to foster care children; declaration of intent for goals for foster children; directing the Department of Health and Human Resources to propose legislative rules; providing that no new cause of action against the state is created; providing no expenditure of funds is required; and notifying former foster parents of child’s availability for placement.

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. 4537—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8, §16-46-9 and §16-46-10, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers participating in the West Virginia Clearance for Access: Registry and Employment Screening program; providing a short title; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop a plan and a program for conducting background checks; requiring a centralized database to maintain criminal history record information and results; establishing a prescreening process conducted by covered providers; requiring applicants to provide fingerprints and undergo a criminal

background check; establishing procedures and criteria for obtaining and reviewing criminal history record information; establishing criteria for approving applicants as covered individuals; authorizing contractors and fees; creating a special revenue account for administrative fees; providing for protests of the secretary's decisions and permitting variances; creating exceptions; authorizing legislative rules; and providing monetary penalties.

Referred to the Committee on Health and Human Resources; 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. 4538—A Bill to amend and reenact §30-4-6 and §30-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-4A-1 of said code, all relating to the Board of Dentistry; providing authority to promulgate legislative rules concerning agreements with organizations to create alcohol or chemical dependency treatments programs and to form dentist recovery networks; authorizing the board to defer disciplinary action with regard to an impaired licensee who voluntarily enters an approved treatment program; and providing for annual renewal of anesthesia permits.

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. House Bill No. 4549—A Bill to amend and reenact §11-16-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-16-17a; and to amend and reenact §11-16-20 and §11-16-21 of said code, all relating to clarifying the regulation of nonintoxicating beer brewers

and distributors, agreements, networks, products, brands and extensions of a line of brands; permitting the commissioner to investigate, review and approve or deny franchise agreements, labels, brands and line extensions; providing hearings; extending certain dates; establishing nonintoxicating beer, resident brewers, distributors, franchise distributor networks and line extensions standards; defining terms; providing sanctions; and authorizing rule-making.

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. 4552—A Bill to amend and reenact §14-2-1, §14-2-8, §14-2-13, §14-2-13a, §14-2-16, §14-2-25 and §14-2-28 of the Code of West Virginia, 1931, as amended, all relating to the court of claims; clarifying purpose of article; authorizing additional days of judges reimbursement; revising court jurisdiction; revising process for innocent persons who have been wrongly convicted to file a claim; authorizing hiring expert witness by court; abolishing advisory determination procedure; and clarifying actions of Court not subject to judicial review.

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. 4555—A Bill to amend and reenact §18-7A-17, of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7B-11 of said code; to amend and reenact §18A-2-2 and §18A-2-6a of said code, as amended, all relating to requiring county boards of education to provide released time for professional educators and service personnel when serving in a part-

time elected public office; and providing parity with legislators in providing that released time for official duties in serving an elected or appointed part-time public office shall be counted as service credit for retirement purposes.

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. 4601—A Bill to amend and reenact §8-19-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §16-13A-18a of said code; to amend and reenact §24-1-1b of said code; to amend and reenact §24-2-4a of said code; and to amend and reenact §24-2-4b, all relating to fiscal management and regulation of publicly-owned utilities; requiring a minimum working capital allowance for these utilities; waiving certain cash distribution requirements in the case of a sale between two political subdivisions; reorganizing and retasking the public service commission to assist publicly owned utilities; establishing a presumption of validity of a municipal rate ordinance or rate enacted by a public service district board; authorizing a rate adjustment based on the increased price of electricity, materials, chemicals and/or fuel and granting associated rulemaking authority to the public service commission; and requiring an annual publicly owned utility rate adjustment based upon an increase of the consumer price index for all urban consumers.

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. 4608—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-10, relating to defining dyslexia and dyscalculia; state board responsibilities; and specifying legislative findings.

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. House Bill No. 4619—A Bill to amend and reenact §18-5B-3 of the code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18-5B-13, all relating to school innovation zones Act; requiring priority for limited years for certain entrepreneurship education innovation zones; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review.

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

Senate Bill No. 344, Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.

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

Com. Sub. for Senate Bill No. 344 (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, 2014, in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, and in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, and in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, and in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, and in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131, and in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, and in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, and in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, and in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, and in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, and in the amount of \$65,804.47 from the Department of Commerce,

West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, and in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, and in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, and in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, and in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, and in the amount of \$25,265 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, and in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, and in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, and in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, and in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, and in the amount of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, and in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, and in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, and in the amount of \$742,930.92 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, and in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819,

and in the amount of \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, and in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, and in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, and in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, and in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, and in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, and in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, and in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, and in the amount of \$6,600.22 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, and in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, and in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, and in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, and in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, and in the amount of \$1,974.51

from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, and in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, and in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, and in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, and in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, and in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, and in the amount of \$1,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, and in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, and in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, and in the amount of \$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, and in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, and in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, and in the amount of \$500,000 from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, and in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal

year 2014, organization 0222, and in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, and in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, and in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, and in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

With the recommendation that the 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 S. B. No. 344) 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. 345, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.

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

Com. Sub. for Senate Bill No. 345 (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, in the amount of \$9,293,000 from the Joint Expenses, fund 0175, fiscal year 2008, activity 642, in the amount of \$20,000,000 from the Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, in the amount of \$5,707,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, in the amount of \$5,000,000 from the Attorney General, Consumer Protection Fund, fund 1509, fiscal

year 2014, organization 1500, and in the amount of \$10,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

With the recommendation that the 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 S. B. No. 345) 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 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. 2966, Relating to employment and privacy protection.

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,

Jack Yost,
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 Labor.

The bill, under the original triple 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. 4003, Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

Eng. House Bill No. 4421, Allowing the lottery to pay prizes utilizing other payment methods in addition to checks.

And,

Eng. House Bill No. 4445, Modifying the definition of “battery” and “domestic battery”.

And reports the same back with the recommendation that they each 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. 4147, Relating to emergency preparedness.

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 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. 4151, Relating to military members and their spouses who obtain licensure through professional boards.

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

Eng. House Bill No. 4178, Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.

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. 4259, Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.

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

Eng. Com. Sub. for House Bill No. 4278, Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

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 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. 4284, Pregnant Workers' Fairness 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 the Judiciary.

Respectfully submitted,

Jack Yost,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Kirkendoll, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Eng. House Bill No. 4301, Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

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,

Art Kirkendoll,
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 Interstate Cooperation.

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. 4309, Permitting a person to keep a firearm in his or her motor vehicle upon the grounds of the State Capitol Complex.

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 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. 4318, Continuing education of veterans mental health.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Erik P. Wells,
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

Eng. Com. Sub. for House Bill No. 4384, Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.

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. Com. Sub. for H. B. No. 4384) 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. 4402, Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

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. 4412, Relating to special one-day licenses for charitable events to sell nonintoxicating beer or wine.

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 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. 4437, Relating to the 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 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. 4454, Relating to the sale of alcoholic beverages on Sundays by private licensees.

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 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. 2, The “USMC CPL Larry G. Carnutte Memorial Bridge”.

And,

House Concurrent Resolution No. 7, The “Kerry Albright 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 Beach, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. No. 2 and H. C. R. No. 7) 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. 4, The “Army Corporal Eldred Jennings Hensley Memorial Bridge”.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 32, Joe “Toby” Slade 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.

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. 5, The “Sergeant Elzie Mundy, Jr. Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 6, The “Marine LCpl Benny A. Gilco Bridge”.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 8, The “Oral Gene Castle 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.

Senator Plymale, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

House Concurrent Resolution No. 92, Requesting that the West Virginia School Building Authority waive local matching requirements and fund all needed improvements for the West Virginia School for the Deaf and the Blind.

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 Finance.

Respectfully submitted,

Robert H. Plymale,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 4139, Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

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,

John R. Unger II,
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.

Senators Stollings, Snyder and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 66—Requesting the Joint Committee on Government and Finance to study the feasibility of expansion of all forms of pari-mutuel wagering, including advanced deposit wagering, in the state.

Whereas, Thoroughbred racing and the related infrastructure of small businesses including horse breeders, horse trainers, veterinarians, farmers and related agriculture are vital to the economy of West Virginia. The continuing vitality of thoroughbred racing is essential to racinos located within West Virginia and to the revenues received by West Virginia from lawful gaming, which revenues provide substantial support to, among other things, schools and education, West Virginia's seniors and tourism and state parks; and

Whereas, Pari-mutuel wagering provides a significant source of revenue to West Virginia, which revenues are vital to supporting the substantial public policies of West Virginia. The various forms of pari-mutuel wagering, and the pari-mutuel systems through pari-mutuel wagering is accomplished, are rapidly evolving and other states are realizing significant revenues from forms of pari-mutuel wagering not currently utilized in West Virginia such as advanced deposit wagering; 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 expansion of all forms of pari-mutuel wagering, including advanced deposit wagering, in the state; and, be it

Further Resolved, That the interim study shall include participation by members of the West Virginia Racing Commission, West Virginia Racing Associations, West Virginia Horsemen's Benevolent Protective Associations, West Virginia Thoroughbred Breeders Association, West Virginia Greyhound Owners and Breeders Association and West Virginia University Bureau of Business and Economic Research; and, be it

Further Resolved, That the study required by this resolution shall begin on July 1, 2014, and the researchers shall submit study progress reports, with preliminary findings as these occur, to the Cabinet Secretary of the Department of Revenue on a quarterly basis. The secretary shall submit reports to the Joint Committee on Government and Finance beginning on December 1, 2014, and every six months thereafter, until the study is completed and a final report submitted; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 McCabe, Barnes, Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Laird, Palumbo, Plymale, Prezioso, Stollings, Tucker, Walters, Wells, Williams, Yost and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 67—Requesting the Joint Committee on Government and Finance perform an interim study to look at a variety of issues involved in the probate process.

Whereas, West Virginia's county clerks want to improve, streamline, update and simplify the current probate process for the benefit of citizens who are administering estates; and

Whereas, County clerks recognize that probate laws and procedures need to be reexamined in light of new technologies and recent changes in estate laws, both state and federal; and

Whereas, County clerks particularly want to ease the process for those who leave behind little or no estate and simplify the process when the deceased is a joint owner of assets and had no assets solely in his or her name; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance perform an interim study to look at a variety of issues involved in the probate process; and, be it

Further Resolved, That the study include, but not be limited to: (1) Bonding amounts for estates and uniformity around the state; (2) clarification of legal residency requirements, recognizing that many of our citizens pass away in nursing homes or other care facilities located outside their home counties; (3) reduction of the number of estates referred to a fiduciary commissioner by raising the estate value to \$200,000, or another value; (4) revisions to what is to be included in the estate value; (5) review, revision and study of the effectiveness of the required publications; (6) review of the necessity and complexity of certain forms, such as the nonprobate appraisement filing; (7) study of the deadlines in order to expedite the process; (8) study of general and specific methods of simplifying the overall process; (9) study of the feasibility of incorporating the latest in technology, such as posting notices on web sites; and (10) eliminating practices and procedures that are no longer necessary; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 any necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Unger, Palumbo, Plymale, Snyder, Stollings, McCabe, Wells, Jenkins, D. Hall and Laird offered the following resolution:

Senate Concurrent Resolution No. 68—Requesting the Joint Committee on Government and Finance to study housing quality and affordability within the state to better meet the needs of all West Virginians regardless of background.

Whereas, Housing is essential to a community's economic success, growth and well-being; and

Whereas, All West Virginians should have access to safe and affordable housing; and

Whereas, Thirty percent of all children under the age of five in West Virginia are in families with incomes below the poverty level who struggle to find safe and affordable housing; and

Whereas, Approximately one hundred fifty-nine thousand West Virginia households, both as renters and homeowners, lack adequate, affordable housing; and

Whereas, It is expected that by 2030 the state's senior population will increase by an additional one hundred seventy thousand individuals, thus putting new demands on housing that would permit seniors to remain in their homes; and

Whereas, One third of both owner-occupied homes and rental units were built before 1960, thus increasing the need for new and rehabilitated housing; and

Whereas, More than five percent of West Virginia homes currently lack complete plumbing, more than double the national average; and

Whereas, There is an urgent need for a comprehensive housing policy that includes effective partnerships and coordination to achieve the greatest impact from available resources; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study housing quality and affordability within the state to better meet the needs of all West Virginians regardless of background; and, be it

Further Resolved, That the West Virginia Housing Policy Group is to provide leadership and organization to this important study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Stollings, Plymale, Unger, Wells, Jenkins, D. Hall and Laird offered the following resolution:

Senate Concurrent Resolution No. 69—Requesting the Joint Committee on Government and Finance instruct the Joint Committee on Health to conduct a study of staffing levels of nurses in health care facilities.

Whereas, Inadequate staffing of nurses can cause a dangerous environment to both patients and workers, leading to increased litigation, increased risk of musculo-skeletal disorders and other health risks, issues with retention and overtime, inability to provide adequate care to patients and employee frustration and burnout; and

Whereas, Facilities can adequately staff nurses in such a manner that more staff is available and present to provide skilled care through “stacking shifts”, or overlapping shifts, to keep employee numbers at a minimum but increase manpower at the beginning and ending of each shift; and

Whereas, Utilizing existing staff in a more efficient manner can be cost effective and beneficial to patient care improvement, staff retention and morale and provide greater continuity of care; and

Whereas, There is a correlation between inadequate nursing staff and poor patient outcomes. High nurse-to-patient ratios are associated with an increase in medical errors, patient infections, bedsores, pneumonia, MRSA, cardiac arrest and accidental death; and

Whereas, The Centers for Medicare and Medicaid Services found that facilities with staffing levels in the bottom thirty percent were more likely to be among the worst ten percent of facilities for heart failure, electrolyte imbalances, sepsis, respiratory infection and urinary tract infections; and

Whereas, Researchers at the Center for Health Outcomes and Policy Research at the University of Pennsylvania’s School of Nursing concluded that lowering the patient-to-nurse ratios “markedly” improves patient outcomes; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to instruct the Joint Committee on Health to conduct a study of staffing levels of nurses in health care facilities; and, be it

Further Resolved, That the Joint Committee on Health is to consider the impact of high turnover rates and high levels of temporary nursing staff on the overall operating cost of a facility as well as look at the effect that nurse staffing issues have on patient outcomes; and, be it

Further Resolved, That the Joint Committee on Health is to look for solutions that rely on shift scheduling to maximize existing staff without creating undue financial hardships on facilities who may need to hire additional nursing staff; and, be it

Further Resolved, That the Joint Committee on Health report to the regular session of the Legislature, 2015, 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 Stollings, Unger, Wells, D. Hall and Laird offered the following resolution:

Senate Concurrent Resolution No. 70—Requesting the Joint Committee on Government and Finance to authorize a study by the Joint Committee on Health of the benefits of licensing certified professional midwives in the State of West Virginia.

Whereas, The certified professional midwife credential is accredited by the National Commission for Certifying Agencies (NCCA), an accrediting body that accredits many health care credentials, including the certified nurse-midwife, and is currently recognized in twenty-eight states; and

Whereas, Home births in the United States increased twenty-nine percent from 2004-2009 (CDC) and quality studies have found that birth can safely take place with certified professional midwives at home and in birthing centers; and

Whereas, Births attended by certified professional midwives need fewer interventions and thus result in great cost savings to the state. Certified professional midwives can work in conjunction with obstetricians in births that are difficult or present extraordinary birthing circumstances that require measures often necessary to save the life of either the mother or the child; 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 by the Joint Committee on Health of the benefits of licensing certified professional midwives in the State of West Virginia; and, be it

Further Resolved, That the Joint Committee on Health report to the regular session of the Legislature, 2015, 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), Plymale, Snyder, Stollings, Yost, Unger, Beach, McCabe, Wells, Fitzsimmons, D. Hall, Jenkins and Laird offered the following resolution:

Senate Resolution No. 39—Recognizing fifty years of Community Action Agencies in West Virginia.

Whereas, In 1964, President Lyndon Johnson signed the Economic Opportunity Act, which created Community Action Agencies and other programs to fight poverty; and

Whereas, Community Action Agencies have been serving low-income families throughout West Virginia's fifty-five counties for the last fifty years, striving to identify the causes of poverty and assisting the impoverished in achieving self-sufficiency; and

Whereas, West Virginia's sixteen Community Action Agencies provide a wide range of services to meet the needs of low-income West Virginians, including Head Start, home weatherization, utility assistance, job training and placement, nutrition for children and the elderly, education assistance, family mentoring and many others; and

Whereas, The employees of Community Action Agencies fight to improve the lives of West Virginians by empowering individuals, strengthening families and building communities; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes fifty years of Community Action Agencies in West Virginia; 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 Agencies in West Virginia; and, be it

Further Resolved, That the Clerk is hereby requested 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 resumed business under the sixth order.

Senators Stollings, Kirkendoll, Plymale, Unger, D. Hall, Jenkins and Kessler (Mr. President) offered the following resolution:

Senate Resolution No. 40—Recognizing the Lincoln Public Service District for its action in providing clean, safe, usable water to the citizens of its district.

Whereas, The Lincoln Public Service District serves approximately two thousand one hundred customers, primarily in the eastern section of Lincoln County with some additional customers in the Alum Creek portion of Kanawha County; and

Whereas, Of the two thousand one hundred customers the Lincoln Public Service District serves, about seven hundred customers are provided with water from West Virginia American Water; and

Whereas, On January 9, 2014, West Virginia American Water announced to its customers an order to “do not use” their water due to a chemical spill that had contaminated the water supply; and

Whereas, Upon issuance of this order, the Lincoln Public Service District announced that any individual or group could come to its Coal River, Alum Creek, plant with containers and fill those containers with clean, safe, usable water; and

Whereas, At the same time it was providing clean, safe, usable water to the citizens who were affected by the water contamination, citizens both inside and outside of its district, the staff and management of the Lincoln Public Service District began devising a plan that could switch the flow of water to the seven hundred customers from West Virginia American Water to the Coal River, Alum Creek, plant; and

Whereas, Over the course of the next two days, the staff and management of the Lincoln Public Service District worked in conjunction with both the Lincoln and Kanawha County commissions as well as emergency service providers in both counties to develop a plan for the switch; and

Whereas, On January 12, 2014, just three days after West Virginia American Water issued the “do not use” order, with the Lincoln Public Service District leading the charge, the plan was executed, and clean, safe, usable water was provided to the seven hundred customers living in the contaminated area; and

Whereas, Because of the swift action of the staff and management of the Lincoln Public Service District, those seven hundred citizens of West Virginia continue to have clean, safe, usable water to this day; and

Whereas, The staff and management of the Lincoln Public Service District are a shining example to the people of West Virginia and the United States of America of what can be accomplished with hard work, a strong will and a commitment to the safety and welfare of West Virginia’s citizens; and

Whereas, The staff and management of the Lincoln Public Service District embody the true soul and spirit of what it means to be a West Virginian; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Lincoln Public Service District for its action in providing clean, safe, usable water to the citizens of its district; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the staff and management of the Lincoln Public Service District.

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 Unger, Palumbo, Plymale, Snyder, Stollings, Yost, Beach, Kessler (Mr. President), McCabe, Wells, Fitzsimmons, Jenkins, D. Hall and Laird offered the following resolution:

Senate Resolution No. 41—Designating February 27 as West Virginia Housing Day.

Whereas, An important goal of our government is to eliminate housing discrimination and assure the rights of every citizen to buy, rent and sell housing without regard to race, color, sex, religion, familial status, national origin or handicap, as guaranteed both by Title VIII of the Civil Rights Act of 1968, as amended, and the laws of the State of West Virginia as enacted by the West Virginia Fair Housing Act of 1992; and

Whereas, The policy of the State of West Virginia is to provide, within constitutional limits, for fair housing throughout the state and to prosecute acts of racial intimidation, harassment or violence while affirming the civil rights of every person seeking a home or residence in this state; and

Whereas, As a result of our fair housing policy and law, West Virginia has one of the highest ownership rates in the United States with, however, a large number of the homes being substandard. It is anticipated that future economic growth in West Virginia may result in the state becoming a senior housing center in the country without coordinated planning. The importance of affordable housing in West Virginia that meets acceptable industry standards cannot be overstated and this need should be recognized; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 27 as West Virginia Housing Day; and, be it

Further Resolved, That the Senate reaffirms this state's commitment to open housing and equal housing opportunity for affordable housing in West Virginia that meets acceptable industry standards for all citizens of West Virginia and hereby indicates its commitment by designating February 27 as West Virginia Housing Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Housing Policy Group.

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

Senators Miller and Plymale, respectively, presented petitions from Monroe and Wayne counties' schools, requesting the Legislature to develop a multi-year plan to make education employees' salaries competitive with surrounding states.

Referred to the Committee on Education.

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 conduct a study on the effectiveness and benefits of creating another commission within the State Fire Marshal’s office in regards to matters concerning the State Building Code.

Whereas, The State Fire Commission is composed of thirteen members, and adding more members may create logistical difficulties; and

Whereas, Recent changes to the duties of the State Fire Commission have added the enforcement and monitoring of the State Building Code; and

Whereas, Creating a separate commission in regards to the State Building Code, comprised of qualified and knowledgeable individuals, may allow the State Fire Marshal’s office to be more effective in these matters; 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 benefits of creating another commission within the State Fire Marshal’s office in regards to matters concerning the State Building Code; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 58, Requesting DOH name portion of Rt. 8 in Mingo County “Valentine ‘Wall’ Hatfield 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. 59, Requesting DOH name bridge on I-79 in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and “Staff Sergeant Benjamin T. Portaro 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. 60, Requesting DOH name section of Rt. 1 in Marion County “USAF Sergeant Jerome E. Kiger 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 House Bill No. 2165, Relating to death certificates of military veterans.

On third reading, 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. 2165) passed.

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

Eng. Com. Sub. for House Bill No. 2165—A Bill to amend and reenact §16-5-29 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-10 of said code, all relating to death certificates of military veterans; providing for the issuance, without charge in certain instances, of up to two certified copies of a veteran's death certificate by the clerk of the county commission if requested within thirty days of the death of the veteran; providing no fee may be charged if the death certificate is needed to obtain state or federal benefits; specifying effective date; and defining "veteran".

Senator Unger moved that the bill take effect July 1, 2014.

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. 2165) takes effect July 1, 2014.

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

Eng. House Bill No. 4504, Providing for sharing juvenile records in certain circumstances with another 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. H. B. No. 4504) passed.

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. 4504—A Bill to amend and reenact §49-7-1 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Juvenile Services to share juvenile records under certain circumstances with another state if that state has a reciprocal agreement with this state; specifying the circumstances when information may be shared; authorizing the Division of Juvenile Services to enter into agreements with other states; and authorizing rule-making authority.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Kirkendoll.

At the request of Senator Kirkendoll, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Susan Hill, former Senate secretary to the Honorable Samuel J. Cann, a senator from the twelfth district.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator Kirkendoll 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, February 28, 2014, at 11 a.m.

FRIDAY, FEBRUARY 28, 2014

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.

St. Agnes School's fifth grade class, Charleston, West Virginia, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Thursday, February 27, 2014,

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.

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 Senate proceeded to the third order of business.

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

Com. Sub. for Senate Concurrent Resolution No. 1, Requesting DOH name Becky's Creek Bridge, Randolph County, "U. S. Army Sgt. Cecil W. Kittle, Jr., 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:

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

Whereas, Sergeant Kittle was born on March 15, 1940, in Randolph County to Cecil Wilbert Kittle, Sr., and Omega Virginia Armentrout Kittle. He had one brother, retired Master Sergeant Floyd A. Kittle, and two sisters, Carolyn Darlene Kittle and Eva Fae Collier Knight; and

Whereas, In July, 1962, Sergeant Kittle married Betty Irene Wilt Kittle. They had two children, Richard Nicholas Kittle and Randall Lee Kittle; and

Whereas, Sergeant Kittle was a career soldier who first entered the Army in July, 1958, after attending Tygarts Valley High School. He served several tours of duty in Europe with the Seventh Army and, in 1961, was involved with activities surrounding the Berlin Wall Crisis while serving with the 51st Infantry in Germany; and

Whereas, In 1965 Sergeant Kittle arrived in Vietnam where he served with Company C of the Second Battalion, Seventh Cavalry/First Cavalry Division (Airmobile). This Division was involved in the heaviest fighting at the Battle of Ia Drang Valley and Chu Pong Mountain, the first major battle for the U. S. in the Vietnam War; and

Whereas, American leaders had decided to use newly developed airmobile tactics by flying in American troops by helicopter. The Seventh Cavalry Regiment/First Air Cavalry Division was given this assignment in the Battle of Ia Drang Valley; and

Whereas, The Battle at Ia Drang Valley began on November 14, 1965, and Sergeant Kittle was part of the military's operation to be airlifted into Ia Drang Valley to locate the North Vietnamese Army. Only sixteen helicopters were available to bring in the troops which took four hours to get all of the men on the ground. Heavy fire began immediately and the first American soldiers who were dropped off into a small clearing in the Ia Drang Valley, known as Landing Zone X-Ray, were immediately surrounded and attacked by thousands of North Vietnamese soldiers. Dozens of men died within this first wave of attacks during the battle, which continued for three more days; and

Whereas, On November 17, 1965, American military operations had been moved to Landing Zone Albany, where U. S. troops were again surrounded and attacked by an overwhelming number of North Vietnamese soldiers. This second wave of attacks was considered the deadliest ambush of a U. S. unit during the entire course of the Vietnam War. During the night North Vietnamese soldiers walked through the woods executing all wounded American soldiers; and

Whereas, Air strikes and artillery eventually allowed U. S. troops to secure the area and rescue the survivors. More than three hundred American soldiers were killed in the Battle of Ia Drang Valley; and

Whereas, Sergeant Kittle was killed on November 17, 1965, as a result of hostile action while on a search-and-destroy mission during the second wave of North Vietnamese attacks at the Battle of Ia

Drang Valley. Sergeant Kittle's second son, Randall Lee Kittle, was born on December 24, 1965, approximately one month after his father's death in Vietnam; and

Whereas, Sergeant Kittle was one of nine West Virginia soldiers who died at the Battle of Ia Drang Valley. Being a native of Huttonsville, he was also the first Randolph County soldier to be killed in the Vietnam War. He is buried at the Old Brick Church Cemetery in Huttonsville along with his parents and other family members; and

Whereas, The Battle at Ia Drang Valley set the tone for the remainder of the Vietnam War as American forces continued to rely on air mobility and heavy fire support; and

Whereas, Sergeant Kittle was awarded the Bronze Star Medal with "V" Device for heroism and valor in connection to his courageous actions against hostile forces at the Battle of Ia Drang Valley. Sergeant Kittle was also awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, the Army Good Conduct Medal, the Seventh Cavalry Garry Owen Patch and the Combat Infantry Badge; and

Whereas, Sergeant Kittle's name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 3E, Row 82; and

Whereas, The battle in which Sergeant Kittle died was documented in the 1965 CBS Special Report "Battle of Ia Drang Valley" and in several books including "Reflections on LZ Albany" by retired Lieutenant Jim Lawrence, Lieutenant Rick Rescorla's biography "Heart of a Soldier" by James B. Stewart and "We Were Soldiers Once . . . and Young" by retired Lieutenant General Hal Moore and reporter Joseph Galloway, all of whom were at the battle. The book "We Were Soldiers Once . . . and Young" also served as the basis of the 2002 movie "We Were Soldiers" starring Mel Gibson; and

Whereas, Two local articles also chronicled the books and the movie's significance to West Virginia and to the people of Randolph County. The headlines read: "Current Vietnam Film has Personal Meaning for Area Residents" in the March 9, 2002, issue of *The Elkins Inter-Mountain* newspaper and "We Were Solders: West Virginia Veterans Remember Battle at Ia Drang Valley" in the March 7, 2002, issue of *the Charleston Gazette* newspaper. They are archived at the Culture Center in Charleston and in the Wise Library in Morgantown. Sergeant Kittle's November 22, 1965, obituary is also archived at *The Elkins Inter-Mountain* newspaper library (Vol. LIX No. 45); and

Whereas, It is fitting to honor Sergeant Cecil W. Kittle, Jr., for his commitment, dedication and service to his country and to his state, having given 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 42-43-0.16, the Becky's Creek Bridge on Route 43 crossing over the Tygart Valley River in Huttonsville, Randolph County, the "U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U. S. Army Sgt. Cecil W. Kittle, 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, to Sergeant Cecil Kittle's siblings, retired Master Sergeant Floyd A. Kittle, Carolyn Darlene Kittle and Eva Fae Collier Knight, and to his two sons, Randall Lee Kittle and Richard Nicholas Kittle.

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

Committee Substitute for Senate Concurrent Resolution No. 1, as amended by the House of Delegates, was then put upon its adoption.

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 the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 39—Requesting the Division of Highways to name Upper Omar bridge, bridge number 23-44-8.62 (23A108), carrying WV Route 44 over Island Creek in Omar, Logan County, as the “U.S. Army LTC Robert ‘Bob’ Marslender 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. 47—Requesting the Division of Highways to name bridge number 24-7/13-0.02 (24A358), crossing Tug Fork on Route 7 in Marytown, McDowell County, as the “U.S. Army SFC Michael Joe ‘Joey’ Marushia 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. 48—Requesting the Division of Highways to name bridge number 24-80-11.10 (24A161) on Route 80 within the city limits of Iaeger near the Auvil railroad yard in McDowell County, the “U.S. Army Corporal Tracy Thurman Walls 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. 71—Requesting that Turnpike bridge number 20-77-86.57 (20A619), on I-77, crossing over County Route 77/1, and known as the Fields Creek Bridge, near Chelyan, West Virginia, be named the “U.S. Army Private William C. Bias 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. 101—Requesting the Division of Highways name a section of United States Route 33 from the Ritchie Bridge in Ravenswood, Jackson County to its intersection with Interstate 79 at Exit 99 in Lewis County, and from where United States Routes 219 and 33 diverge just north of Elkins in Randolph County to the Randolph/Pendleton County line “The Historic Blue-Gray Highway”.

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:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

February 27, 2014

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 26, 2014; the nominee has resigned his appointment:

83. For Member, Northern Community College Board of Governors, Alfred Renzella, Glen Dale, Marshall 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 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. 4067, Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 4304, Providing rules for motor vehicles passing bicycles on roadways.

And has amended same.

And reports the same back with the recommendation that they each 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. House Bill No. 4154, Fixing a technical error relating to the motor fuel excise tax.

And,

Eng. House Bill No. 4159, Updating the meaning of federal adjusted gross income and certain other terms.

And reports the same back with the recommendation that they each 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

Eng. Com. Sub. for House Bill No. 4188, Updating the authority and responsibility of the Center for Nursing.

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.

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 Health and Human Resources.

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. 4208, Banning synthetic hallucinogens.

And has amended same.

Eng. Com. Sub. for House Bill No. 4236, Sexual assault nurse examination network.

And has amended same.

And,

Eng. Com. Sub. for House Bill No. 4363, Creating an informal dispute resolution process available to behavioral health providers.

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 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. 4214, Relating to persons being discharged from mental health facilities.

And,

Eng. Com. Sub. for House Bill No. 4287, Administration of health maintenance tasks.

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

Eng. Com. Sub. for House Bill No. 4339, Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

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 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. 4457, Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program.

And reports the same back with the recommendation that it 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. House Bill No. 4488, Eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

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. 4618, Establishing transformative system of support for early literacy.

And has amended same.

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

Respectfully submitted,

Robert H. Plymale,
Chair.

The Senate proceeded to the sixth order of business.

Senators Chafin, Cole, Stollings, Jenkins, D. Hall, Green and Plymale offered the following resolution:

Senate Concurrent Resolution No. 72—Requesting the Division of Highways to name bridge number 24-16-13.39 (24A107) on Route 16 in War, McDowell County, West Virginia, the “Army SFC Anthony Barton PTSD Awareness Bridge”.

Whereas, Anthony Barton was born in Bluefield, West Virginia, on April 25, 1980; and

Whereas, Anthony Barton graduated from Big Creek High School in War, West Virginia, where he was co-valedictorian of the class of 1998 and excelled in football and wrestling. He subsequently received an organizational leadership degree from Mountain State University; and

Whereas, SFC Anthony Barton served in the West Virginia Army National Guard from December 2001 until his death in 2012; and

Whereas, SFC Anthony Barton served fourteen months in Iraq with the West Virginia Army National Guard as a military police officer during Operation Iraqi Freedom; and

Whereas, SFC Barton was a highly decorated soldier who received numerous awards and medals for his service, including the Meritorious Service Medal (Posthumous), Army Commendation Medal with Oak Leaf Cluster, Army Achievement Medal, Army Reserve Component Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with M Device, NCO Professional Development Ribbon with Numeral 2, Army Service Ribbon, Combat Action Badge, Meritorious Unit Citation, Joint Meritorious Unit Award, West Virginia Emergency Service Ribbon with 2 Oakleaf Clusters, West Virginia State Service Ribbon with 2 Oak Leaf Clusters, West Virginia Service Ribbon and Shoulder Sleeve Insignia For Wartime Service — 101st Airborne and 15th MP Brigade; and

Whereas, SFC Anthony Barton also served the state's citizenry on many occasions as a member of the West Virginia National Guard when he assisted during severe flooding, major snowstorms and other state emergencies; and

Whereas, SFC Anthony Barton was a certified police officer who graduated from the West Virginia State Police Academy, and he served as a McDowell County deputy sheriff and as a police officer with the Town of War while serving in the West Virginia National Guard; and

Whereas, SFC Anthony Barton also enjoyed riding his Harley and playing guitar, and he was actively involved in the New Testament Christian Church where he played guitar; and

Whereas, SFC Anthony Barton suffered from post traumatic stress disorder resulting from the highly stressful conditions of his deployment in Iraq; and

Whereas, Sadly, SFC Anthony Barton lost his battle with PTSD on December 26, 2012; and

Whereas, SFC Anthony Barton is survived by his spouse, Jessica Barton; children, James Tanner Beckett and Jared Ray Barton; parents, Donald and Mary Barton; sister, Tara Adkins and her husband, Matthew; grandparents, Clinton and Delores Tyree; four nephews, Michael Anthony and Andrew Reid Adkins, Declan Patrick O'Neil and Bodhi Jasper Hines; and numerous aunts and uncles and other family and friends; and

Whereas, It is only fitting that we honor the life of SFC Anthony Barton by naming this bridge in his memory as a lasting tribute to his dedicated service and sacrifice on behalf of his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-16-13.39 (24A107) on Route 16 in War, McDowell County, West Virginia, the "Army SFC Anthony Barton PTSD Awareness 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 SFC Anthony Barton PTSD Awareness 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 the family of Anthony Barton.

Which, under the rules, lies over one day.

Senators Wells, Stollings, Yost, Jenkins, D. Hall, Unger, Green, Plymale, Kessler (Mr. President) and Fitzsimmons offered the following resolution:

Senate Resolution No. 42—Memorializing the life of Lance Corporal Adam Johnson Crumpler, a son of West Virginia and a United States Marine.

Whereas, Adam Johnson Crumpler was born August 31, 1985, and along with his sister Brittany was raised by their grandparents, Hubert Robert Johnson and Emma Stone Johnson; and

Whereas, Adam Johnson Crumpler graduated from Riverside High School in 2003, was a Blue Belt member of the American Martial Arts Association and was a member of Point Lick Gospel Tabernacle in Charleston, West Virginia; and

Whereas, Upon graduation from high school, Adam Johnson Crumpler followed in his grandfather's footsteps and enlisted in the United States Marine Corps; and

Whereas, Adam Johnson Crumpler was assigned to the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina, and was called to duty to serve in Operation Iraqi Freedom; and

Whereas, Adam Johnson Crumpler and his battalion participated in Operation Spear, a mission to destroy militant networks that may filter across the porous national line with Syria; and

Whereas, Sadly, Lance Corporal Adam Johnson Crumpler was killed by small-arms fire while conducting combat operations against enemy forces during Operation Spear in Karabilah, Iraq, on June 18, 2005, at the age of nineteen; and

Whereas, Adam Johnson Crumpler served bravely and with honor, and made the ultimate sacrifice for his country and state; and

Whereas, To memorialize the life of Lance Corporal Adam Johnson Crumpler, a section of U. S. Route 60 from Campbells Creek Road to Warrior Way has been named in his memory as an everlasting tribute to his life; and

Whereas, Adam Johnson Crumpler is sorely missed by his loving family and numerous friends and admirers, and leaves behind not only a legacy of service, but a brighter future for West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Lance Corporal Adam Johnson Crumpler, a son of West Virginia and a United States Marine; and, be it

Further Resolved, That the Senate expresses its deepest condolences to the family of Lance Corporal Adam Johnson Crumpler; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Lance Corporal Adam Johnson Crumpler.

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.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator Wells regarding the adoption of Senate Resolution No. 42 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 seventh order of business.

Senate Concurrent Resolution No. 66, Requesting Joint Committee on Government and Finance study expansion of pari-mutuel wagering.

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. 67, Requesting Joint Committee on Government and Finance study probate process.

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. 68, Requesting Joint Committee on Government and Finance study housing quality and affordability.

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. 69, Requesting Joint Committee on Government and Finance study nurse staffing in health care facilities.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources; and then to the Committee on Rules.

Senate Concurrent Resolution No. 70, Requesting Joint Committee on Government and Finance study certified professional midwives' licensing.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization; and then to the Committee on Rules.

Com. Sub. for House Concurrent Resolution No. 4, The “Army Corporal Eldred Jennings Hensley Memorial Bridge”.

On unfinished business, coming up in regular 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 three, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page three, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 4—Requesting that bridge number 23-5-4.91 (23A018) on Route 5 in Logan County, West Virginia, be named the “U. S. Army Corporal Eldred Jennings Hensley Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 4), 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.

Com. Sub. for House Concurrent Resolution No. 5, The “Sergeant Elzie Mundy, Jr. Bridge”.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page two, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 5—Requesting that bridge number 23-119/5-1.00 (23A129), on Route 119/5, otherwise known as the Pine Creek Road, in Pine Creek, outside of Omar, Logan County, West Virginia, be named the “U. S. Army Sergeant Elzie Mundy, Jr. Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 5), 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.

Com. Sub. for House Concurrent Resolution No. 6, The “Marine LCpl Benny A. Gilco Bridge”.

On unfinished business, coming up in regular 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:

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

Whereas, Benny A. Gilco was born October 10, 1948, at Amherstdale, West Virginia, the son of Addilee and Tom Leo Gilco; and had five brothers and one sister; and

Whereas, Benny A. Gilco and his wife, Ella Bellamy Gilco, had two children and four grandchildren; and

Whereas, Benny A. Gilco is a resident of Accoville, Logan County, West Virginia; and

Whereas, Benny A. Gilco enlisted in the United States Marine Corps on July 17, 1968; and

Whereas, Lance Corporal Benny A. Gilco served with distinction as a rifleman and radioman in combat operations against insurgent Viet Cong forces in the vicinity of Quang Tri Province in the Republic of Vietnam in 1968 and 1969; and

Whereas, While operating approximately two miles north of Fire Support Base Russell in Quang Tri Province on May 25 and 26, 1969, Lance Corporal Benny A. Gilco's unit, Company B, First Battalion, Fourth Marines, Third Marine Division, came under heavy fire from a large and well-concealed North Vietnamese Army Force; and

Whereas, During the fire fight which ensued, Lance Corporal Gilco boldly assumed a forward position to direct accurate suppressive fire at the enemy, and was instrumental in forcing the enemy force to break off contact; and

Whereas, Lance Corporal Benny A. Gilco particularly distinguished himself for meritorious service by displaying courage and composure under fire and by enhancing the operational effectiveness of his unit by initiative, superb professionalism and loyal devotion to duty; and

Whereas, Lance Corporal Benny A. Gilco was awarded the Vietnam Cross of Gallantry with bronze, the Vietnam Campaign Medal with device, the Combat Action Ribbon, the National Defense Service Medal, the Navy Commendation Medal with Combat V, the Vietnam Service Medal with one star, the Combat Action Ribbon and the Good Conduct Medal; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-16-5.11 (23A094) on County Route 16, Buffalo Creek Road, Logan County, West Virginia, the “USMC LCPL Benny A. Gilco 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 containing bold and prominent letters proclaiming the bridge the “USMC LCPL Benny A. Gilco Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Benny A. Gilco at P.O. Box 161, Accoville, West Virginia, and a certified copy to the Commissioner of the Division of Highways.;

And,

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

Com. Sub. for House Concurrent Resolution No. 6—Requesting that bridge number 23-16-5.11 (23A094) on County Route 16, Buffalo Creek Road at Amherstdale, Logan County, West Virginia, be named the “USMC LCPL Benny A. Gilco Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 6), 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.

Com. Sub. for House Concurrent Resolution No. 8, The “Oral Gene Castle Bridge”.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “Oral” by inserting the words “U. S. Army Corporal”;

On page two, in the first Further Resolved clause, before the word “Oral” by inserting the words “U. S. Army Corporal”;

And,

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

Com. Sub. for House Concurrent Resolution No. 8—Requesting the Division of Highways to name the bridge crossing Pine Creek at Omar, Logan County, bridge number 23-119/5-0.23 (23A128), the “U. S. Army Corporal Oral Gene Castle Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 8), 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.

Com. Sub. for House Concurrent Resolution No. 32, Joe “Toby” Slade Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “Joe” by inserting the words “U. S. Army Corporal”;

On page three, in the first Further Resolved clause, before the word “Joe” by inserting the words “U. S. Army Corporal”;

And,

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

Com. Sub. for House Concurrent Resolution No. 32—Requesting the Division of Highways to name bridge number 23-119/5-1.45 (23A249) in Pine Creek, Logan County, as the “U. S. Army Corporal Joe ‘Toby’ Slade Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 32), 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.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 344, Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.

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. 345, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.

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. 4384, Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.

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 amendments to the bill were withdrawn.

On motions of Senators Plymale and Tucker, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section one-c, line one, before the words "The regular" by inserting "(a)";

On page four, section one-c, line forty-one, after the word "made;" by inserting the word "and";

On page four, section one-c, line forty-eight, after the word "consent" by changing the semicolon to a period and striking out the word "and";

On page four, section one-c, line forty-nine, by striking out "(6)" and inserting in lieu thereof "(b)";

And,

On page four, section one-c, line fifty-eight, after the word “Make” by inserting the words “accommodations and”.

The bill (Eng. Com. Sub. for H. B. No. 4384), 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:

Eng. Com. Sub. for House Bill No. 4003, Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

Eng. Com. Sub. for House Bill No. 4151, Relating to military members and their spouses who obtain licensure through professional boards.

Eng. House Bill No. 4178, Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.

Eng. House Bill No. 4259, Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.

Eng. House Bill No. 4301, Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

Eng. Com. Sub. for House Bill No. 4402, Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

Eng. House Bill No. 4421, Allowing the lottery to pay prizes utilizing other payment methods in addition to checks.

Eng. House Bill No. 4437, Relating to the Division of Juvenile Services.

And,

Eng. House Bill No. 4445, Modifying the definition of “battery” and “domestic battery”.

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

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 Monday, March 3, 2014, at 11 a.m.

MONDAY, MARCH 3, 2014

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 Friday, February 28, 2014,

On motion of Senator Beach, 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 Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. House Bill No. 4504, Providing for sharing juvenile records in certain circumstances with another state.

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—Urging Congress to pass the Safe Freight Act as contained in H. R. 3040 providing that a freight train or light engine used in connection with the movement of freight have at least two individuals, one of whom is certified as a locomotive engineer and the other who is certified as a conductor.

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. 107—Requesting that the bridge currently under construction on new WV Route 10 in Logan County, West Virginia, that has been designated as project number 10368, to be named the “William Dakota ‘Kody’ Faine 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. 39, Requesting DOH name road in Boone County “Army Sgt. Andy Messer Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 39 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “U. S. Army Sgt. Andy Messer Memorial Highway”.

Whereas, Mark Andrew “Andy” Messer was born on January 4, 1965, in Charleston, Kanawha County, to Mark Andrew “Andy” Messer. He passed away at his home in Julian, Boone County, on March 18, 2013. After graduating from Scott High School, where he played football, Andy enrolled in the Army. He served in the military for more than ten years, including a life-altering, front-line tour in the Middle East during Desert Storm. Andy was a member of the 5th Special Forces Group and the 101st Airborne (Green Berets). He was a highly decorated combat veteran. He was stationed at Fort Leonard Wood in Missouri, Fort Lewis in Washington and Fort Campbell in Kentucky. He fought in Honduras, Iraq, Iran, Kuwait and Saudi Arabia. He trained with the Egyptian Special Forces. He received the Army Service Ribbon, Army Lapel Button, Sharpshooter Qualification Badge (M16 Rifle), Driver’s Badge, Army Good Conduct Medal, Army Achievement Medal, NCO Professional Development Ribbon, National Defense Service Medal, Driver Mechanic Badge, Mechanic Badge, Southwest Asia Service Medal and Saudi Arabia/Kuwait Liberation Medal. Andy returned home to Boone County after he received a medical discharge because of injuries sustained during Desert Storm, including post-traumatic stress disorder. He was a VFW member; and

Whereas, Mark Andrew “Andy” Messer is survived by his sons, Elijah Messer, of Sharples, Justin Green, of Killeen, Texas, and Gage and Dane Messer, both of Madison; his grandchildren, Kadence and Gunnar Green, of Killeen, Texas; his daughter-in-law, Nelle Green, of Killeen, Texas; his father, Mark Andrew “Andy”

Messer, of Haddalton; his brothers, David and Jacob Messer, both of Haddalton; his sisters-in-law, Tonya and Amanda Messer, both of Haddalton; and many aunts, uncles, cousins, nephews, nieces and friends. Andy was preceded in death by his grandparents, Carl and Lorraine Messer and William “Squirrelly” and Letha Fankhauser; and

Whereas, The sacrifices Mark Andrew “Andy” Messer made for his country and the contributions he made to his state and community are representative of the highest levels of honor and courage and should not go unnoticed. Naming that stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “U. S. Army Sgt. Andy Messer Memorial Highway” is an appropriate recognition of his sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “U. S. Army Sgt. Andy Messer Memorial 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 one-mile stretch of road beginning at U. S. Route 119 at Julian, Boone County, going one mile, one-half mile on each side of the exit to Julian, the “U. S. Army Sgt. Andy Messer 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 Sgt. Andy Messer.

Senate Concurrent Resolution No. 43, Requesting DOH name bridge in Putnam County “Sgt. Deforest Lee Talbert Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 43 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name the bridge in Putnam County, bridge number 40-35-9.68 (40A157) northbound and bridge number 40-35-9.68 (40A158) southbound, on Route 35 crossing over 5 and 20 Creek Road, 1.17 miles north of CR 19, the “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”.

Whereas, Sgt. Deforest Lee Talbert was born January 24, 1982, in Alexandria, Virginia, the son of Gloria Nesbitt and Benjamin Dickens. He graduated from T. C. Williams High School. He moved to West Virginia to attend West Virginia State University where he majored in communications. He enlisted in the West Virginia Army National Guard at Dunbar, West Virginia, and was assigned to Bravo Company 1/150 AR in 2001; and

Whereas, Sgt. Deforest Lee Talbert was mobilized as part of Operation Iraqi Freedom on October 1, 2003, and was reassigned to Charlie Company 1/150 AR. His company was deployed to the Iraqi Theater of Operations along with the 1-150th Armor Battalion and the 30th Brigade Team on February 29, 2004. He served as an assistant gunner with the First Platoon, Charlie 12 gun truck. While patrolling on the evening of July 27, 2004, Sgt. Talbert’s convoy was the target of an enemy attack using an improvised explosive device. Three of his fellow soldiers were injured, but Sgt. Talbert absorbed the brunt of the explosion and was instantly killed. Sgt. Deforest Lee Talbert received the Army Service Ribbon, the Sharpshooter Marksmanship Badge (Pistol), the Expert Marksmanship Badge (Grenade), SSI/FWS for the 30th Brigade Combat Team and the 1st Infantry Division and, posthumously, a Purple Heart and a Bronze Star with V Device; and

Whereas, Sgt. Deforest Lee Talbert made the ultimate sacrifice for his country and in doing so represented West Virginia and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed. Naming this bridge in Putnam County for him is an appropriate recognition of his ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge in Putnam County, bridge number 40-35-9.68 (40A157) northbound and bridge number 40-35-9.68 (40A158) southbound, on Route 35 crossing over 5 and 20 Creek Road, 1.17 miles north of CR 19, the “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Sgt. Deforest Lee Talbert 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, the Commissioner of Highways and the surviving family members of Sgt. Deforest Lee Talbert: Mother, Gloria Nesbitt; father, Benjamin Dickens; sisters, Tawanna Talbert-Loving, Latasha Marble and Chiquita Talbert; brother, James Talbert; and his devoted friend, Frances Hamlet.

Senate Concurrent Resolution No. 44, Requesting DOH name bridge in Marion County “Junior Slaughter Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 44 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge

number 25-79-138.77 (25A145), on the northbound lane of I-79 at Exit 139, in Marion County, the “Sheriff Junior Slaughter Memorial Bridge”.

Whereas, Junior Slaughter was born January 18, 1929, in Fairmont, the son of the late William and Liddia Ann Hawkins Slaughter and Reba Mosier; and

Whereas, Junior Slaughter served in the United States Navy on the USS Timbalier, and was stationed in Trinidad before returning to Fairmont to join the Fairmont City Police Department; and

Whereas, Junior Slaughter served on the Fairmont City Police Department for over twenty years before retiring as lieutenant in charge of the detective division; and

Whereas, Junior Slaughter subsequently served six years as Chief Deputy of the Marion County Sheriff’s Department, two terms as Sheriff of Marion County, one term as a magistrate in Marion County and was reelected for an additional two terms as Sheriff of Marion County; and

Whereas, Junior Slaughter was a member of the Benton’s Ferry United Methodist Church and was active in numerous other organizations in Marion County, including Moose Lodge No. 9, Lions Club, Fraternal Order of the Eagles, BPOE No. 294, VFW No. 7048, Fraternal Order of Police Lodge No. 69, United Mine Workers Association, AFL-CIO, President of the Marion County Democratic Men’s Club, Marion County Democratic Executive Committee, Associated Businesses of East Fairmont, American Legion, National Rifle Association and a former member of the Board of Directors of the American Red Cross. In addition, he was a member of the AF&AM No. 157 in Fairmont. He was a noble in the Osiris Shrine Center in Wheeling and was a past President and member of the Upper Monongahela Valley Shrine Club in Fairmont; and

Whereas, Junior Slaughter enjoyed West Virginia University football, traveling and spending time with his family and friends; and

Whereas, Sadly, Junior Slaughter passed away in Fairmont on August 18, 2011, at the age of eighty-two; and

Whereas, Junior Slaughter was preceded in death by his wife, Ruby Gay Slaughter, in 1995. He is survived by a son and daughter-in-law, John and Sharlene Slaughter of Benton's Ferry Community; three daughters, Martha Furbee of Benton's Ferry Community, Carolyn Ledsome of Montana Mines Community and Beverly Thomas of Mount Harmony Community; one sister, Vivian Riley of Worthington; and his best friend and companion, Shirley Heston of Fairmont. He is also survived by six grandchildren, five great-grandchildren and many nieces and nephews; and

Whereas, It is only fitting and proper that we name this bridge on I-79 for Junior Slaughter to honor his many years of dedicated public service to the City of Fairmont, to Marion County and to the greater north central region of this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 25-79-138.77 (25A145), on the northbound lane of I-79 at Exit 139, in Marion County, the "Sheriff Junior Slaughter 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 "Sheriff Junior Slaughter 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 Junior Slaughter.

And,

Senate Concurrent Resolution No. 45, Requesting DOH name Smoke House Fork Crawley Creek Road in Logan County "Army Colonel Anna M. Butcher Road".

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 45 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name a section of West Virginia Route 3 near Chapmanville, Logan County, West Virginia, lying between County Route 3/1 and County Route 3/16, consisting of approximately 1.2 miles and locally known as Smoke House Fork Crawley Creek Road, the “U. S. Army Colonel Anna M. Butcher Road”.

Whereas, Anna M. Butcher was born in Shively, West Virginia, attended Chapmanville High School from 1940 to 1942 and graduated from Logan General Hospital School of Nursing in 1946; and

Whereas, Anna M. Butcher, the daughter of Mr. and Mrs. T. E. Butcher, grew up with four sisters and three brothers; and

Whereas, Anna M. Butcher entered the United States Army Nurse Corps in November of 1951, and completed basic training at Fort Meade, Maryland, in December of 1951; and

Whereas, First Lieutenant Anna M. Butcher was assigned as a staff nurse to Fort Belvoir, Virginia, in December, 1951; and

Whereas, Anna M. Butcher enjoyed a long and distinguished career in the Army Nurse Corps, reaching the rank of Colonel before retiring; and

Whereas, Col. Anna M. Butcher completed assignments with increasing responsibilities as staff nurse, head nurse or chief nurse at U. S. Army medical facilities in Korea, Vietnam, Germany and Japan, as well as at home in Kentucky, Alabama, Virginia and Washington, D. C.; and

Whereas, Army Col. Anna M. Butcher's last assignment before retiring was as Chief of the Department of Nursing at the U. S. Army Hospital at Fort Polk, Louisiana; and

Whereas, Col. Anna M. Butcher was awarded a Bronze Star, Army Commendation Medal with two oak leaf clusters and a Meritorious Service Medal; and

Whereas, Following her military career, Col. Anna M. Butcher returned home to her native Logan County where she cared for family and friends and continues to live and serve her community; and

Whereas, It is the wish of the Legislature to commemorate the service Col. Butcher offered to her country and to the many sick and injured members of the military; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of West Virginia Route 3 near Chapmanville, Logan County, West Virginia, lying between County Route 3/1 and County Route 3/16, consisting of approximately 1.2 miles and locally known as Smoke House Fork Crawley Creek Road, the "U. S. Army Colonel Anna M. Butcher Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the roadway containing bold and prominent letters proclaiming the road to be the "U. S. Army Colonel Anna M. Butcher 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 the Division of Highways.

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 39, 43, 44 and 45) 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

Senate Concurrent Resolution No. 48, Requesting DOH name portion of Rt. 10 in Man “U. S. Army SP4 Terry Robert Albright Memorial Road”.

House Concurrent Resolution No. 12, The “Pendleton County Confederate Veterans Memorial Highway”.

Com. Sub. for House Concurrent Resolution No. 43, Dr. William Prudich Memorial Highway.

And,

Com. Sub. for House Concurrent Resolution No. 45, U. S. Army SFC Bob L. VandeLinde 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 Beach, unanimous consent being granted, the resolutions (S. C. R. No. 48, H. C. R. No. 12, Com. Sub. for H. C. R. No. 43 and Com. Sub. for H. C. R. No. 45) 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 Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill No. 4221, Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits.

And,

Eng. House Bill No. 4365, Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board.

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,

Art Kirkendoll,
Chair.

At the request of Senator Kirkendoll, unanimous consent being granted, Engrossed Committee Substitute for House Bill No. 4221 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.

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 Engrossed House Bill No. 4365 contained in the foregoing report from the Committee on Pensions.

At the request of Senator Kirkendoll, and by unanimous consent, the bill was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill No. 4375, West Virginia Voluntary Employee Retirement Accounts Program.

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,

Art Kirkendoll,
Chair.

At the request of Senator Kirkendoll, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4375) 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 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. 11, The “Pendleton County Union Veterans Memorial Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 38, W. T. (Big Bill) Elswick Memorial Bridge.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 56, Army SSG Jesse Adam Ault 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.

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. 62, John W. Pyles Bridge.

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 (Com. Sub. for H. C. R. No. 62) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

On motion of Senator Beach, the resolution was referred to the Committee on Rules.

The Senate proceeded to the sixth order of business.

Senators Green and Jenkins offered the following resolution:

Senate Concurrent Resolution No. 73—Requesting the Division of Highways to name bridge number 41-77-42.30 (41A226), carrying northbound traffic on U. S. I-77 over the West Virginia Route 16 Connector, at the South Beckley exit of the West Virginia Turnpike in Raleigh County, West Virginia, the “Arland W. Hatcher Memorial Bridge”.

Whereas, Arland W. Hatcher was born in Fitzpatrick, Raleigh County, West Virginia, February 2, 1924; and

Whereas, Arland W. Hatcher married Rachael Walker in Beckley, West Virginia, November 5, 1942, and the couple raised five children; and

Whereas, Arland W. Hatcher entered the United States Army and served in the 37th Infantry as a combat military policeman during World War II; and

Whereas, Arland W. Hatcher’s duties included service at New Caledonia, Guadalcanal, Bougainville, Luzon the Philippines and Japan; and

Whereas, Arland W. Hatcher’s military duties at one time included protecting General Douglas MacArthur and the General’s home in the Philippines; and

Whereas, Following the war, Arland W. Hatcher worked in Ohio and enjoyed such hobbies as working with wood, camping and golfing; and

Whereas, Arland W. Hatcher died April 7, 2005; and

Whereas, It is fitting that an enduring structure commemorate Arland W. Hatcher’s service to his country during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-77-42.30 (41A226), carrying northbound traffic on U. S. I-77 over the West Virginia Route 16 Connector, at the South Beckley exit of the West Virginia Turnpike in Raleigh County, West Virginia, the “Arland W. Hatcher 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 containing bold and prominent letters proclaiming the road to be the “Arland W. Hatcher 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.

Which, under the rules, lies over one day.

Senators Chafin, Cole, Williams, Plymale, Kessler (Mr. President), McCabe, Wells, Yost, Jenkins, Barnes, Beach, Blair, Boley, Cann, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger and Walters offered the following resolution:

Senate Resolution No. 43—Memorializing the life and public service of a favored son, James Howard “Buck” Harless.

Whereas, James Howard “Buck” Harless was born October 14, 1919, in Taplin, West Virginia, to Bessie Brown Harless and her husband Pearly J. Harless. Soon after his birth, his mother died of pneumonia, and he was taken in and raised by his mother’s sister Rosa and her husband George Erastis “Ras” Ellis of Gilbert; and

Whereas, When James Howard “Buck” Harless was young, he was given the nickname “Buster” and townspeople referred to him as

Buster Ellis. It was later that he came to be known as Buck Harless. Throughout his life he cherished the love and support he received from Ras and Rosa Ellis, whom he considered his mom; and

Whereas, James Howard “Buck” Harless attended Gilbert public schools and graduated high school in 1937. During that time his first real job was working for George Crago, who operated a garage and wrecker service in Gilbert. He learned from George Crago a business philosophy of trust, honor and commitment to excellence through hard work and dedication to customer satisfaction; and

Whereas, As a child of the Great Depression, James Howard “Buck” Harless yearned to attend college but was unable to fulfill that dream for lack of money; and

Whereas, On February 25, 1939, James Howard “Buck” Harless eloped with his high school sweetheart June Montgomery, the beginning of a marriage that spanned sixty years and produced two children, Larry Joe and Judy. In the early years of their marriage he worked at Red Jacket Coal Corporation, first as a laborer and later in its engineering department. June Harless died in April, 1999; and

Whereas, In 1947 James Howard “Buck” Harless was offered an opportunity to own a one-third interest in a small sawmill that was doomed to failure without proper management and operation. He dedicated himself to the task, bought out his partners in short order and made a success of the operation. This was the beginning of what was to become International Industries, Inc., a collection of diverse companies with a worldwide imprint; and

Whereas, On January 23, 1955, a day that began with his feeling utterly alone and lost ended in tranquility and a sense of redemption when James Howard “Buck” Harless opened his heart to the Lord at the Gilbert Presbyterian Church. No other event had such a profound, lasting impact on his life; and

Whereas, In 1966 Georgia Pacific Corporation purchased his lumber operations, making James Howard “Buck” Harless a multimillionaire at the age of forty-seven. Rather than retire, he acted on the suggestion of his son Larry, who worked with his father, to operate sawmills in South America. Against substantial odds, they succeeded where multinational companies failed; and

Whereas, In the 1970s, along with friends - among them Fred Shewey and Frank Allara - James Howard “Buck” Harless entered the coal business in southern West Virginia. The timing was fortuitous because the price of coal soared to record highs, ensuring business success and adding greatly to his personal wealth. He also added multi-state manufacturing and real estate businesses to his enterprise family; and

Whereas, Even though he oversaw wide-ranging business interests, James Howard “Buck” Harless served his church, community and state with dedication and commitment. He served on numerous boards and civic organizations. He supported West Virginia University and Marshall University in substantial ways. He provided many with the opportunity to attend college. While his philanthropic activities are well noted, the breadth and depth are known to but a few because he did not seek favor through his actions, but rather he tried to make a difference and use his wealth to serve the greater good; and

Whereas, Former President George W. Bush credited James Howard “Buck” Harless with his election to the nation’s highest office, because Buck cast the two hundred seventieth electoral vote, providing the margin of victory in the Electoral College; and

Whereas, Over the years, James Howard “Buck” Harless amassed a legion of friends, all of whom he held dearly in his heart. He considered friendship the most valuable thing that a person could have, and he felt more blessed with friends than with monetary wealth; and

Whereas, James Howard “Buck” Harless passed away peacefully on January 1, 2014, with his wife Hallie by his side and surrounded by family; and

Whereas, From a life of humble beginnings in rural West Virginia to the ends of the world, it is fitting to recognize and honor James Howard “Buck” Harless for his many community and philanthropic achievements and his dedication to his church, his community and his state; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life and public service of a favored son, James Howard “Buck” Harless; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to James Howard “Buck” Harless for his everlasting 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 family of James Howard “Buck” Harless, including his wife Hallie of Gilbert; daughter Judith Ann Burgess of Murfreesboro, Tennessee; half-brothers Jimmy Harless and Earl Harless; stepsons Ryan Mollette and Brett Mollette; four grandchildren: James Harless II, and his wife Sjon Harless, of Flamingo Beach, Costa Rica and Mobile, Alabama, Maurice Kirk “M. K.” Harless, and his wife Paula Harless, of Mobile, Alabama, Beverly Burgess of Shelbyville, Tennessee, and Stephanie Burgess Palmer, and her husband Robert “Robby” Palmer, of Mobile, Alabama; and six great-grandchildren: James Howard “Trip” III, Hope, Chelsea, Kitty, Chase and Hannah.

Which, under the rules, lies over one day.

Petitions

Senator Sypolt presented a petition from Michael Kelley and thirty-eight West Virginia residents, opposing Senate Bill No. 534 (*Increasing excise tax on cigarettes and other tobacco products*).

Referred to the Committee on Finance.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Kirkendoll, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Concurrent Resolution No. 74 (originating in the Committee on Pensions)—Requesting the Joint Committee on Government and Finance study the inclusion of mental hygiene commissioners in the Public Employees Retirement System.

Whereas, Mental hygiene commissioners are appointed and serve at the will and pleasure of the chief circuit judge of their judicial district; and

Whereas, Mental hygiene commissioners provide valuable services to the State of West Virginia; and

Whereas, Mental hygiene commissioners are not considered employees as currently defined in the Public Employees Retirement System (PERS) and are therefore not permitted to contribute to or receive benefits from PERS for their service as mental hygiene commissioners; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the inclusion of mental hygiene commissioners in the Public Employees Retirement System; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Art Kirkendoll,
Chair.

At the request of Senator Kirkendoll, unanimous consent being granted, the resolution (S. C. R. No. 74) contained in the preceding report from the Committee on Pensions was taken up for immediate consideration.

On motion of Senator Kirkendoll, the resolution was 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. 75 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study providing each county commission authority to participate in the construction and maintenance planning of its roads and bridges and to impose taxes and provide for the financing of such transportation infrastructure construction.

Whereas, Safe roads and bridges are vital and essential to West Virginia's economic development and public health and safety; and

Whereas, The West Virginia Department of Transportation is responsible for the sixth-largest state-maintained highway network in the nation based on roadway mileage; and

Whereas, With approximately thirty-six thousand miles of public roads, West Virginia is one of only four states in which no local municipalities share ownership; and

Whereas, State government is responsible for over ninety-two percent of public highways; and

Whereas, Counties have no structure or mechanism for funding road maintenance; and

Whereas, Providing county commissions with greater ability to influence road and bridge development in renovation and new construction may increase economic development and the safety of West Virginia's transportation infrastructure; and

Whereas, Alternative funding mechanisms are essential to developing and progressing road and bridge projects; and

Whereas, Providing county commissions with the authority to impose taxes and fees to aid the construction and maintenance of transportation infrastructure could be one such alternative funding mechanism; and

Whereas, The Legislature should consider giving county commissions authority to contribute to the improvement of West Virginia's roads and bridges; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study providing each county commission authority to participate in the construction and maintenance planning of its roads and bridges and to impose taxes and provide for the financing of such transportation infrastructure construction; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 76 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study allowing municipalities to designate a special class of taxicabs that may be operated only during designated evening and early-morning hours and that may consist of personal vehicles.

Whereas, West Virginia law prohibits the operation of a motor vehicle while under the influence of alcohol or drugs; and

Whereas, The operation of a motor vehicle while under the influence of alcohol or drugs should be discouraged and safe transportation practices should be promoted; and

Whereas, In many areas of West Virginia taxicabs are not readily available, particularly during evening and early-morning hours when persons under the influence of alcohol or drugs are most likely to seek to travel home; and

Whereas, Permitting municipalities, by ordinance, to create a special class of taxicabs that may only operate during specific

evening and early-morning hours when there is an increased transportation demand can promote the safety of West Virginians by providing them with an alternative to driving while under the influence of alcohol or drugs; and

Whereas, Such special taxicabs would be allowed to be operated by owners using their personal vehicles, but these special taxicabs would be limited to operating during designated days and hours; and

Whereas, Municipalities, by ordinance, would determine licensing and insurance requirements for this special class of taxicab and provide penalties for operating them outside of the authorized designated days and hours; and

Whereas, The number of taxicabs in such newly designated class in any municipality would be limited; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study allowing municipalities to designate a special class of taxicabs that may be operated only during designated evening and early-morning hours and that may consist of personal vehicles; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 77 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance to study the policies on land uses within airport runway protection zones and issues of control over such zones.

Whereas, The Federal Aviation Administration (FAA) in recent years has provided new guidance concerning airport runway protection zones (RPZ); and

Whereas, A runway protection zone is a two-dimensional trapezoidal area at ground level prior to the threshold or beyond the runway end to enhance the safety and protection of people and property on the ground; and

Whereas, Studies indicate that half of all general aviation accidents occur during take off or landing; and

Whereas, RPZs are of prime concern to the protection of people and property as well as to maintaining full utility of airport facilities; and

Whereas, The FAA recommends that airport owners own the property under the runway approach and departure areas to at least the limits of the RPZ; and

Whereas, The FAA Office of Airports must evaluate and approve any proposed land use located within the limits of land controlled by the airport owner of an existing or future RPZ that is not specifically allowed; and

Whereas, Federal funding and safety should not be jeopardized through noncompliance with RPZs; and

Whereas, Control over land comprising RPZs by West Virginia airports is of the utmost importance; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the policies on land uses within airport runway protection zones and issues of control over such zones; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 75, 76 and 77) 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 72, Requesting DOH name bridge on Rt. 16, War, McDowell County, “Army SFC Anthony Barton PTSD Awareness Bridge”.

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

Pending announcement of meetings of standing committees of the Senate, including majority and minority party caucuses,

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

Upon expiration of the recess, the Senate reconvened and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 344, Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.

On third reading, 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, 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)—31.

The nays were: None.

Absent: Blair, Facemire and M. Hall—3.

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. 344) 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, 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)—31.

The nays were: None.

Absent: Blair, Facemire and M. Hall—3.

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. 344) 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. 345, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.

On third reading, 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, 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)—31.

The nays were: None.

Absent: Blair, Facemire and M. Hall—3.

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. 345) 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, 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)—31.

The nays were: None.

Absent: Blair, Facemire and M. Hall—3.

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. 345) 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. 4384, Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.

On third reading, 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, 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)—31.

The nays were: None.

Absent: Blair, Facemire and M. Hall—3.

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. 4384) 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 Tucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 4384—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children; requiring processes for certain other teachers of students with exceptional needs to either participate in the meeting to develop or document reading and understanding of the student's individualized education program; and requiring accommodations and modifications if needed or identified.

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.

Eng. Com. Sub. for House Bill No. 4003, Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

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. 4151, Relating to military members and their spouses who obtain licensure through professional boards.

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

The following amendments to the bill, from the Committee on Government Organization, were reported by the Clerk, considered simultaneously, and adopted:

On page four, section two, line one, by striking out “(a)”;

On page four, section two, line one, after the word “eight” by inserting the words “of this article”;

On page five, section three, line seven, after the words “subsection (b)” by inserting the words “of this section”;

On page six, section four, line eight, after the words “subsection (b)” by inserting the words “of this section”;

And,

On pages nine and ten, by striking out all of section seven and inserting in lieu thereof a new section, designated section seven, to read as follows:

§30-1B-7. Data Collection.

(a) The boards referred to in this chapter shall require an applicant to state on the application form that he or she is an active duty member of the armed forces of the United States or is a spouse of an active duty member of the armed forces of the United States.

(b) The boards referred to in this chapter shall include the following information in their annual reports, as required in section seventeen, article one of this chapter:

(1) The number of licenses, certificates and/or registrations issued pursuant to this article;

(2) The amount of fees waived pursuant to this article;

(3) The number of persons who had continuing education requirements waived pursuant to this article; and

(4) The number of temporary licenses issued pursuant to this article.

The bill (Eng. Com. Sub. for H. B. No. 4151), as amended, was then ordered to third reading.

Eng. House Bill No. 4178, Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.

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

Eng. House Bill No. 4259, Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.

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

Eng. House Bill No. 4301, Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

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

The following amendment to the bill, from the Committee on Interstate Cooperation, was reported by the Clerk and adopted:

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

ARTICLE 2. WILDLIFE RESOURCES.**§20-2-28. When licenses or permits not required.**

Persons in the following categories are not required to obtain licenses or permits as indicated:

(a) Bona fide resident landowners or their resident children, or resident parents, or bona fide resident tenants of the land may hunt, trap or fish on their own land during open season in accordance with the laws and rules applying to the hunting, trapping and fishing without obtaining a license, unless the lands have been designated as a wildlife refuge or preserve.

(b) Any bona fide resident of this state who is totally blind may fish in this state without obtaining a fishing license. A written statement or certificate from a duly licensed physician of this state showing the resident to be totally blind shall serve in lieu of a fishing license and shall be carried on the person of the resident at all times while he or she is fishing in this state.

(c) All residents of West Virginia on active duty in the armed forces of the United States of America, while on leave or furlough, may hunt, trap or fish in season in West Virginia without obtaining a license. Leave or furlough papers shall serve in lieu of any license and shall be carried on the person at all times while trapping, hunting or fishing.

(d) In accordance with the provisions of section twenty-seven of this article, any resident sixty-five years of age or older before January 1, 2012, is not required to have a license to hunt, trap or fish during the legal seasons in West Virginia, but in lieu of the license the person shall at all times while hunting, trapping or fishing carry on his or her person a valid West Virginia driver's license or nondriver identification card issued by the Division of Motor Vehicles.

(e) ~~Residents of the State of Maryland~~ Except as otherwise provided for in this section, residents of states that share river borders with the State of West Virginia who carry hunting or fishing licenses valid in that state may hunt or fish ~~from the West Virginia banks of the Potomac River~~ without obtaining licenses, but the hunting or fishing shall be confined to the fish and waterfowl of the river proper and not on its tributaries: *Provided*, That the ~~State of Maryland~~ state shall first enter into a reciprocal agreement with the director extending a like privilege of hunting and fishing ~~on the Potomac River from the Maryland banks of the river~~ to licensed residents of West Virginia without requiring the residents to obtain ~~Maryland~~ that state's hunting and fishing licenses.

(f) Residents of the State of Ohio who carry hunting or fishing licenses valid in that state may hunt or fish on the Ohio River or from the West Virginia banks of the river without obtaining licenses, but the hunting or fishing shall be confined to fish and waterfowl of the river proper and to points on West Virginia tributaries and embayments identified by the director: *Provided*, That the State of Ohio shall first enter into a reciprocal agreement with the director extending a like privilege of hunting and fishing from the Ohio banks of the river to licensed residents of West Virginia without requiring the residents to obtain Ohio hunting and fishing licenses.

(g) Any resident of West Virginia who was honorably discharged from the Armed Forces of the United States of America and who receives a veteran's pension based on total permanent service-connected disability as certified to by the Veterans Administration may hunt, trap or fish in this state without obtaining a license. The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code setting forth the procedure for the certification of the veteran, manner of applying for and receiving the certification and requirements as to identification while the veteran is hunting, trapping or fishing.

(h) Any disabled veteran who is a resident of West Virginia and who, as certified to by the Commissioner of Motor Vehicles, is

eligible to be exempt from the payment of any fee on account of registration of any motor vehicle owned by the disabled veteran as provided in section eight, article ten, chapter seventeen-a of this code shall be permitted to hunt, trap or fish in this state without obtaining a license. The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code setting forth the procedure for the certification of the disabled veteran, manner of applying for and receiving the certification and requirements as to identification while the disabled veteran is hunting, trapping or fishing.

(i) Any resident or inpatient in any state mental health, health or benevolent institution or facility may fish in this state, under proper supervision of the institution involved, without obtaining a fishing license. A written statement or certificate signed by the superintendent of the mental health, health or benevolent institution or facility in which the resident or inpatient, as the case may be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the person of the resident or inpatient at all times while he or she is fishing in this state.

(j) Any resident who is developmentally disabled, as certified by a physician and the Director of the Division of Health, may fish in this state without obtaining a fishing license. As used in this section, "developmentally disabled" means a person with a severe, chronic disability which:

(1) Is attributable to a mental or physical impairment or a combination of mental and physical impairments;

(2) Is manifested before the person attains age twenty-two;

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(A) Self-care;

(B) Receptive and expressive language;

(C) Learning;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living; and

(G) Economic self-sufficiency; and

(4) Reflects the person's need for a combination and sequence of care, treatment or supportive services which are of lifelong or extended duration and are individually planned and coordinated.

(k) A student eighteen years of age or younger receiving instruction in fly fishing in a public, private, parochial or Christian school in this state may fly fish in the state for catch and release only without obtaining a fishing license while under the supervision of an instructor authorized by the school.

The bill (Eng. H. B. No. 4301), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4402, Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

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 6. MISCELLANEOUS PROVISIONS.**§60-6-26. Conditional discharge for first offense of certain offenses related to nonintoxicating beer or alcoholic liquor.**

(a) When a person pleads guilty to or is found guilty of a violation of subdivision (1), subsection (a), section nineteen, article sixteen, chapter eleven of this code; subsection (b), section nineteen, article sixteen, chapter eleven of this code; subsection (a), section twenty-two-a, article three of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; subsection (b), section twenty-four, article three-a of this chapter; subsection (a) or (b), section twelve-a, article seven of this chapter; or subsection (a) or (b), section twenty-a, article eight of this chapter, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon terms and conditions it considers appropriate, if the person has not previously been convicted of:

(1) Any of the offenses contained in the code provisions referenced in this subsection; or

(2) Any statute of the United States or of any state relating to underage purchase, consumption, sale, service or possession of nonintoxicating beer or alcoholic liquor.

(b) If the person violates a term or condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided by law.

(c) Upon fulfillment of the terms and conditions of the probation, the court shall discharge the person and dismiss the proceedings against him or her.

(1) Discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or the section of the original charge, or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(2) The effect of the discharge and dismissal is to restore the person in contemplation of law to the status he or she occupied prior to arrest and trial.

(3) A person to whom a discharge and dismissal have been effected under this section may not be found guilty of perjury, false swearing or otherwise giving a false statement by reason of his or her failure to disclose or acknowledge his or her arrest or trial relating to a charge discharged and dismissed by this section in response to any inquiry made of him or her for any purpose.

(d) There may be only one discharge and dismissal under this section with respect to any one person.

(e) After a period of not less than six months after the expiration of a term of probation imposed upon a person under the provisions of this section, the person may apply to the court for an order to expunge from all official records all recordations of his or her arrest, trial and discharge pursuant to this section. If the court determines after a hearing that the person during the period of his or her probation and during the period prior to his or her application to the court under this subsection has not been guilty of any serious or repeated violation of the conditions of his or her probation, it shall order the expungement.

(f) Notwithstanding any provision of this code to the contrary, any person prosecuted for an alleged violation of an offense listed in subsection (a) of this section, whose case is disposed of pursuant to the provisions of this section, is liable for all court costs assessable against a person convicted of a violation of the section under which the person was prosecuted. Payment of the costs may be made a condition of probation. The costs assessed pursuant to this section, whether as a term of probation or not, shall be distributed as other court costs in accordance with section two, article three, chapter fifty of this code; section four, article two-a, chapter fourteen of this code; section four, article twenty-nine, chapter thirty of this code; and sections two, seven and ten, article five, chapter sixty-two of this code.

The bill (Eng. Com. Sub. for H. B. No. 4402), as amended, was then ordered to third reading.

Eng. House Bill No. 4421, Allowing the lottery to pay prizes utilizing other payment methods in addition to checks.

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

Eng. House Bill No. 4437, Relating to the 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:

On page four, section six-b, lines one through seven, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) There is hereby established a special revenue account in the State Treasury for each juvenile benefit fund established by the director. Moneys received by an institution for deposit in a juvenile benefit fund shall be deposited with the State Treasurer to be credited to the special revenue account created for the institution's juvenile benefit fund. Moneys in a special revenue account established for a juvenile benefit fund may be expended by the institution for the purposes set forth in this section.

The bill (Eng. H. B. No. 4437), as amended, was then ordered to third reading.

Eng. House Bill No. 4445, Modifying the definition of "battery" and "domestic battery".

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. 4067, Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules.

Eng. House Bill No. 4154, Fixing a technical error relating to the motor fuel excise tax.

Eng. House Bill No. 4159, Updating the meaning of federal adjusted gross income and certain other terms.

Eng. Com. Sub. for House Bill No. 4188, Updating the authority and responsibility of the Center for Nursing.

Eng. Com. Sub. for House Bill No. 4304, Providing rules for motor vehicles passing bicycles on roadways.

Eng. House Bill No. 4457, Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program.

Eng. House Bill No. 4488, Eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

And,

Eng. House Bill No. 4618, Establishing transformative system of support for early literacy.

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 Com. Sub. for Senate Bill No. 499, Making Prudent Investor Act primary standard of care for Investment Management 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 section and inserting in lieu thereof the following:

ARTICLE 6. WEST VIRGINIA INVESTMENT MANAGEMENT BOARD.

§12-6-2. Definitions.

As used in this article, unless a different meaning clearly appears from the context:

(1) “Beneficiaries” means those individuals entitled to benefits from the participant plans;

(2) “Board” means the governing body for the West Virginia Investment Management Board and any reference elsewhere in this code to Board of Investments or West Virginia Trust Fund means the board as defined in this subdivision;

(3) “401(a) plan” means a plan which is described in Section 401(a) of the Internal Revenue Code of 1986, as amended, and with respect to which the board has been designated to hold assets of the plan in trust pursuant to the provisions of section nine-a of this article;

(4) “Local government funds” means the moneys of a political subdivision, including policemen’s pension and relief funds, firemen’s pension and relief funds and volunteer fire departments, transferred to the board for deposit;

(5) “Participant plan” means any plan or fund subject now or hereafter to subsection (a), section nine-a of this article;

(6) “Political subdivision” means and includes a county, municipality or any agency, authority, board, county board of education, commission or instrumentality of a county or municipality and regional councils created pursuant to the provisions of section five, article twenty-five, chapter eight of this code;

(7) “Trustee” means any member serving on the West Virginia Investment Management Board: *Provided*, That in section nine-a of this article in which the terms of the trusts are set forth, “trustee” means the West Virginia Investment Management Board;

(8) “Securities” means ~~all bonds, notes, debentures or other evidences of indebtedness and other lawful investment instruments forms and types of investments, financial instruments or financial transactions which may be considered prudent for investment by the board under section eleven of this article;~~ and

(9) “State funds” means all moneys of the state which may be lawfully invested except the “school fund” established by section four, article XII of the state Constitution.

§12-6-11. Standard of care and investment requirements; disclosure of information.

(a) Any investments made under this article shall be made in accordance with the provisions of the “Uniform Prudent Investor Act” codified as article six-c, chapter forty-four of this code and is further subject to the following requirements:

(a) (1) Trustees shall discharge their duties with respect to the 401(a) plans for the exclusive purpose of providing benefits to participants and their beneficiaries;

(b) (2) Trustees shall diversify fund investment so as to minimize the risk of large losses unless, under the circumstances, it is clearly prudent not to do so;

(c) (3) Trustees shall defray reasonable expenses of investing and operating the funds under management; and

(d) (4) Trustees shall discharge their duties in accordance with the documents and instruments governing the trusts or other funds under management insofar as the documents and instruments are consistent with the provisions of this article;

(5) Trustees, at the annual meeting required in subsection (h), section three of this article, shall review, establish and modify, if necessary, the investment objectives of the individual participant plans as incorporated in the investment policy statements of the respective trusts so as to provide for the financial security of the trust funds giving consideration to the following:

(A) Preservation of capital;

(B) Diversification;

(C) Risk tolerance;

(D) Rate of return;

(E) Stability;

(F) Turnover;

(G) Liquidity; and

(H) Reasonable cost of fees;

(6) The board may invest in a private real estate fund, a private equity fund or a hedge fund only if the investment satisfies the following conditions:

(A) A professional, third-party fiduciary investment adviser registered with the Securities and Exchange Commission under the Investment Advisors Act of 1940, as amended, recommends the investment;

(B) The board or a committee designated by the board approves the investment;

(C) The board's ownership interest in the fund will be less than forty percent of the fund's assets at the time of acquisition;

(D) The combined investment of institutional investors, other public sector entities and educational institutions and their endowments and foundations in the fund is equal to or greater than fifty percent of the board's total investment in the fund at the time of acquisition; and

(E) The largest investment of such fund is not greater than forty percent of the fund's assets at the time of acquisition; and

(7) The total assets of the private real estate fund, private equity fund or hedge fund shall be used in calculating the percentage requirements and limitations set forth in subdivision (6) of this subsection without regard to any particular investment vehicle in which assets may be held pending investment.

(b) If the standard confidentiality agreements, policies or procedures of any firm, company or organization through which the board invests in securities prohibit, restrict or limit the disclosure of information pertaining to the securities, the information is exempt from disclosure, under the provisions of chapter twenty-nine-b of this code or otherwise, to the extent of the prohibitions, restrictions or limitations.

~~(e)~~ (c) The duties of the board apply only with respect to those assets deposited with or otherwise held by it.;

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. 499—A Bill to repeal §12-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-6-2 and §12-6-11 of said code, all relating to investment of moneys by the West Virginia Investment Management Board; modifying the definition of the term “securities”; continuing the prudent investor standard of care set forth in the West Virginia Uniform Prudent Investor Act as the primary standard of care for the trustees of the West Virginia Investment Management Board; removing certain restrictions on investments by the Investment Management Board; limiting disclosure of information; and restating and adding certain restrictions on investments by the West Virginia Investment Management Board.

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. 499, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Boley—1.

Absent: Blair, Facemire, M. Hall and Snyder—4.

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. 499) 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 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 3rd day of March, 2014, 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. 402), Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.

(S. B. No. 443), Relating to SPRS.

(S. B. No. 444), Relating to PERS.

And,

(**S. B. No. 452**), Relating to TRS annuity calculation of member with reciprocal service credit.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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. 78 (originating in the Committee on Banking and Insurance)—Requesting the Joint Committee on Government and Finance study improving borrowing terms of banks lending to insurance companies in West Virginia.

Whereas, Banks have been authorized to lend to insurance companies since 1932 but banks do not have the same protection as secured creditors to insurance companies under state laws as they do to depository institutions under the Federal Deposit Insurance Act; and

Whereas, The recent financial crises have shown both the importance of access to liquidity for healthy financial companies and also the importance of secured creditors' rights in capital market transactions; and

Whereas, To benefit both the banks and the insurance companies operating in West Virginia, legislation may be required to improve the borrowing terms, including conforming state insolvency provisions governing insurance companies to similar federal provisions and changing the liquidity collateral requirements; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study improving borrowing terms of banks lending to insurance companies in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 78) 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. 79 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance conduct a study of topics related to developing cottage food industries and small farms in West Virginia, focusing on raw milk, charcuterie, heritage chickens and other animals, goat farming and goat cheese, beekeeping, maple syrup and honey, high tunnel crops, niche crops and flowers, specialized aquaculture and hobby farming.

Whereas, The term “cottage food industries” helps describe many of the small and local home-based food businesses that are cropping up throughout the country; and

Whereas, Cottage foods started expanding in 2007 and throughout the Great Recession to help people find easier ways to make some additional income, with the side benefit of helping local economies; and

Whereas, As the local food movement has become more popular, more states have added or improved cottage food laws to allow these small farm and home food businesses to exist legally; and

Whereas, Most cottage food laws have limitations such as what types of products are allowed, where a business can sell and how much they can sell in a year; and

Whereas, Consumer dollars spent on local cottage food industries stay in the state’s economy and continue to circulate, creating jobs and opportunities throughout our communities; and

Whereas, Awareness of the importance of the security of and the availability of access to a reliable local supply of fresh, diverse and interesting food products is also now a consumer preference; and

Whereas, Promoting the development of cottage food industries and small farms in West Virginia, with a focus on raw milk, charcuterie, heritage chickens and other animals, goat farming and goat cheese, beekeeping, maple syrup and honey, high tunnel crops, niche crops and flowers, specialized aquaculture and hobby farming, will help expand, diversify and improve the agriculture 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 conduct a study of topics related to developing cottage food industries and small farms in West Virginia, focusing on raw milk, charcuterie, heritage chickens and other animals, goat farming and goat cheese, beekeeping, maple syrup and honey, high tunnel crops, niche crops and flowers, specialized aquaculture and hobby farming; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Ronald F. Miller,
Chair.

At the request of Senator Miller, unanimous consent being granted, the resolution (S. C. R. No. 79) contained in the preceding report from the Committee on Agriculture and Rural Development was taken up for immediate consideration.

On motion of Senator Miller, 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. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Corey Palumbo,
Chair.

The resolution, 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. Com. Sub. for House Bill No. 4175, West Virginia Small Business Emergency Act.

With amendments from the Committee on Economic Development pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Economic Development 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. 4175) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: None.

Absent: Blair, Facemire, M. Hall and Snyder—4.

The bill (Eng. Com. Sub. for H. B. No. 4175) was then read a second time.

The following amendment to the bill, from the Committee on Economic Development, 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 §5B-1-8, to read as follows:

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-8. Financial assistance for small businesses during state of emergency.

(a) The Department of Commerce is authorized to make short-term, low-interest loans available to small businesses located in counties listed in a state declaration of a state of emergency. The purpose of these loans is to mitigate the effects of business losses resulting from the conditions giving rise to the state of emergency where other forms of compensation or relief are not available.

(b) For purposes of this section, an eligible, small business means a business with less than seventy-five full-time or full-time equivalent employees, operating lawfully within this state and in compliance with the state's tax, unemployment compensation and workers' compensation laws, and which meets the criteria specified by the Department of Commerce by rule for issuance of a loan.

(c) The loan program provided by this section shall only be available when the Governor makes a written finding, following a declaration of a state of emergency by either the Governor or the Legislature, that a substantial portion of small businesses within the relevant counties require emergency financial assistance and authorizes the Department of Commerce to issue loans through this program.

(d) Following the Governor's finding and authorization, an eligible, small business may make application for an emergency assistance loan at any time within the duration of a state of emergency, declared pursuant section six, article five, chapter fifteen

of this code, and up to ninety days after the termination of the state of emergency. The application shall be made to the division or office designated by the Secretary of Commerce to administer the loan program. Only one loan will be permitted to a business for losses arising out of a declared state of emergency and shall only be available to a business that is located within a county identified in the declaration of the state of emergency. Eligibility provisions of this subsection may apply to any state of emergency, declared by the Governor or the Legislature, that is in effect upon the effective date of this section, but in no event shall loans be made for business losses incurred or originating prior to January 1, 2014.

(e) The principal amount of any loan provided under this section shall not exceed \$15,000 and the interest rate of the loan shall be fixed at a rate equal to half of the federal prime interest rate published at the time of execution of a written agreement between the agency and the loan recipient. The period of duration for loans shall be not more than twenty-four months. The provision of loans is subject to the availability of funds and shall not exceed an aggregate amount of \$2 million per declared state of emergency, unless a greater amount is authorized by subsequent appropriation of the Legislature.

(f) Payments of interest on loans provided pursuant to this section shall be credited to the general fund of the state.

(g) Loans will only be provided upon execution of a written agreement with the Department of Commerce, or with the authorized designee of the Secretary of Commerce. The duty to repay the principal and pay the interest constitutes a debt to the state. The Secretary of Commerce or his or her designated representative is authorized to enforce, by any legal means, the provisions of the written agreement and to pursue collection of any and all amounts due under the terms of the written agreement.

(h) Following the effective date of this section, the Secretary of Commerce shall designate an office or division within the

Department of Commerce to administer the loan program and shall, acting through the designated office or division, promulgate emergency rules and propose corresponding legislative rules for consideration and authorization by the Legislature to describe and delineate the manner in which application for loans will be submitted and reviewed, the criteria for approval of loan applications, including, but not limited to, the credit history of the applicant, and other provisions necessary for the efficient administration of this program.

(i) When the Governor authorizes the Department of Commerce to issue loans hereunder following the declaration of a state of emergency, the Secretary of Commerce shall make a report to the Legislature's joint committee at the conclusion of each fiscal year in which the loan program is in effect and loans are outstanding, regarding the number of businesses that have applied for loans, the number of loans approved, the amounts awarded, the number of employees affected thereby and a financial statement including the balance of funds available and the aggregate amount of principal and interest outstanding and due to the state.

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4175) 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, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: None.

Absent: Blair, Facemire, M. Hall and Snyder—4.

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. 4175) passed.

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

Eng. Com. Sub. for House Bill No. 4175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-8, relating to providing financial assistance to small businesses for losses arising during states of emergency; authorizing the Department of Commerce to provide short-term, low-interest loans to adversely affected small businesses; specifying eligibility criteria; requiring written finding by the Governor; establishing an application process and time period; setting limits on the aggregate and individual amounts of loans and their duration and quantity; accounting for interest collected on program loans; requiring written loan agreement; declaring legal obligation to the state; authorizing actions to recover delinquent loans; authorizing and requiring the filing of emergency and legislative rules; and requiring the filing of annual reports.

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, Fitzsimmons, Green, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: None.

Absent: Blair, Facemire, M. Hall and Snyder—4.

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. 4175) takes effect from passage.

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

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. 4186, Relating to the procedures for issuing a concealed weapon license.

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. Com. Sub. for House Bill No. 4236, Sexual assault nurse examination network.

With amendments 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.

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. 4256, Amending the annual salary schedule for members of the state police.

Eng. Com. Sub. for House Bill No. 4270, Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center.

And,

Eng. Com. Sub. for House Bill No. 4425, Giving the Superintendent of State Police authority to hire additional staff.

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

Eng. Com. Sub. for House Bill No. 4284, Pregnant Workers' Fairness Act.

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. Com. Sub. for House Bill No. 4287, Administration of health maintenance tasks.

And reports the same back with the recommendation that it 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

Eng. Com. Sub. for House Bill No. 4290, Revising the regulatory structure of money transmitters and other entities.

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.

At the request of Senator Miller, as vice 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 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. House Bill No. 4302, Relating to elections for public school purposes.

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. 4363, Creating an informal dispute resolution process available to behavioral health providers.

With an amendment 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 amended by the Committee on Health and Human Resources

to which the bill was first referred; and as last amended by the Committee on the Judiciary.

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. 4393, Creating the Dangerous Wild Animals 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 the Judiciary.

Respectfully submitted,

Ronald F. Miller,
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 Agriculture and Rural Development.

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. 4409, Creating the Valued Employee Retention program.

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. 4409) 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 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. 4432, Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.

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.

At the request of Senator Tucker, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4432) contained in the preceding report from the Committee on Banking and Insurance 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. 4496, Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.

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. 4503, 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.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Laird and D. Hall.

Thereafter, at the request of Senator Miller, and by unanimous consent, the remarks by Senator Laird were ordered printed in the Appendix to the Journal.

On motion of Senator Unger, leaves of absence for the day were granted Senators Blair, Facemire and M. Hall.

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, March 4, 2014, at 11 a.m.

TUESDAY, MARCH 4, 2014

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend D. D. Meighin, Retired United Methodist Clergy, Fairmont, West Virginia.

Pending the reading of the Journal of Monday, March 3, 2014,

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 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. 58, Relating to basis for voidable marriages and annulments.

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 one hundred three, lines twenty and twenty-one, by striking out the words “in excess of one year” and inserting in lieu thereof the words “for one year or more”;

On page five, section one hundred five, after line sixteen, by inserting a new subdivision, designated subdivision (d), to read as follows:

“(d) Where the cause is the nonage of either of the parties, by the party who was capable of consenting, nor by the party not so capable if he or she has by acts or conduct confirmed the marriage after arriving at the age of consent;”;

And by relettering the remaining subdivisions;

On page five, section one hundred five, line twenty-six, by striking out the words “in excess of one year” and inserting in lieu thereof the words “for one year or more”;

And,

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

Eng. Com. Sub. for Senate Bill No. 58—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 one year or more prior to the marriage and without the knowledge of the other party constitutes a basis for voiding a marriage; 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 one year or more may not institute an annulment action if he or she cohabited with that spouse after becoming aware of the conviction; clarifying grounds for voiding marriages; and modifying and removing certain language related to voiding of marriages.

On motion of Senator Unger, the following amendments to the House of Delegates amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page three, section one hundred three, lines twenty and twenty-one, by striking out the words “for one year or more” and inserting in lieu thereof the words “in excess of one year”;

And,

On page five, section one hundred three, line twenty-six, by striking out the words “for one year or more” and inserting in lieu thereof the words “in excess of one year”.

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

Engrossed Committee Substitute for Senate Bill No. 58, as amended, was then 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. Com. Sub. for S. B. No. 58) 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 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. 460, Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

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 1. STATE DEPOSITORIES.**§12-1-12d. Investments by Marshall University, West Virginia University and West Virginia School of Osteopathic Medicine.**

(a) Notwithstanding any provision of this article to the contrary, the governing boards of Marshall University, ~~and West Virginia University and West Virginia School of Osteopathic Medicine~~ 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 section 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, West Virginia School of Osteopathic Medicine and West Virginia University each, respectively, may have invested with its foundation at any time not more than the greater of:

(1) ~~Eighteen~~ Sixty million dollars for Marshall University, \$25 million for West Virginia School of Osteopathic Medicine and ~~twenty-five~~ \$70 million dollars 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.

(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 authority of a governing board to invest moneys with its foundation pursuant to this section expires on the first day of July, two thousand ten.~~

(g) The amendments to this section in the second extraordinary session of the Legislature in 2010 apply retroactively so that the authority granted by this section shall be construed as if that authority did not expire on July 1, 2010.

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

Engrossed Senate Bill No. 460, 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. 460) 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, adoption as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Senate Concurrent Resolution No. 22, Requesting DOH name I-81 overpass “Deputy John L. Burkett III Memorial Overpass”.

On motion of Senator Unger, the message on the resolution was taken up for immediate consideration.

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

On page one, in the sixth Whereas clause, by striking out the word “overpass” and inserting in lieu thereof the words “section of highway”;

On page two, in the Resolved clause, by striking out the words “I-81 Exit 23 overpass in DOH District 5, the ‘Deputy John L. Burkett III Memorial Overpass’” and inserting in lieu thereof the words “section of WV Route 901, known as Hammonds Mill Road, beginning at U. S. Route 11 and ending at WV Route 9 in Hedgesville, the ‘Deputy John L. Burkett III Memorial Highway’”;

On page two, in the first Further Resolved clause, by striking out the words “bridge as the ‘Deputy John L. Burkett III Memorial Overpass’” and inserting in lieu thereof the words “section of highway as the ‘Deputy John L. Burkett III Memorial Highway’”;

And,

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

Senate Concurrent Resolution No. 22—Requesting the Division of Highways to name the section of WV Route 901, known as Hammonds Mill Road, beginning at U. S. Route 11 and ending at WV Route 9 in Hedgesville, the “Deputy John L. Burkett III Memorial Highway”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the resolution.

Senate Concurrent Resolution No. 22, as amended by the House of Delegates, was then put upon its adoption.

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 the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, to take effect July 1, 2014, 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. 2165, Relating to death certificates of military veterans.

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:

On page nine, section ten, subdivision (d), paragraph (4), subparagraph (B), by striking out the words “State Registrar” and inserting in lieu thereof the words “clerk of the county commission”.

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. 2165, 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. 2165) passed with its Senate amended title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 2165) takes effect July 1, 2014.

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 adoption as amended, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 4, The “Army Corporal Eldred Jennings Hensley 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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 5, The “Sergeant Elzie Mundy, Jr. 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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 6, The “Marine Lcpl Benny A. Gilco 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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 8, The “Oral Gene 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

Com. Sub. for House Concurrent Resolution No. 9—Requesting that bridge number 45-64-142.92 (45A064,45A065) on Interstate 64 in Summers County, West Virginia, the “U.S. Army S/SGT Raymond Lawrence Berry 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. 20—Requesting that bridge number 29-11-7.97 (29A014) over Mill Creek on County Route 11 in Mineral County, West Virginia, the “U.S. Army Corporal William Eugene Shank Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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, with its Senate amended title, of

Com. Sub. for House Concurrent Resolution No. 32, Joe “Toby” Slade 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

Com. Sub. for House Concurrent Resolution No. 77—Requesting the Division of Highways to name bridge number 13-64-179.36 (13A165) on Interstate 64 East, also known as the Mountain Avenue Bridge, in White Sulphur Springs, Greenbrier County, the “U.S. Army Private Eskridge A. Waggoner 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. 84—Requesting that bridge number 30-3/5-13.59 (30A016) on County Route 3/5 in Mingo County, West Virginia, locally known as the Bailey Branch Pony Truss, the “The Baisden Family Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on Military has had under consideration

Senate Concurrent Resolution No. 6, Requesting Joint Committee on Government and Finance study veterans, active duty and National Guard members' issues.

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,

Erik P. Wells,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

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 Concurrent Resolution No. 80 (originating in the Committee on Energy, Industry and Mining)—Requesting the Joint Committee on Government and Finance authorize a study of changes in the market for resources and methods for the production of electrical power, to assess whether it is necessary to revise or maintain West Virginia energy portfolio standards and to consider what statutory requirements, if any, are necessary to promote the use of all appropriate resources in order to provide reliable sources of power for all consumers in West Virginia at the best possible price.

Whereas, The United States Congress has enacted the Public Utility Regulatory Policies Act of 1978, Pub. L. No. 95-617, 92 Stat. 3117 (1978), to reduce the nation's electric utilities' dependence on foreign fossil fuels by promoting the development and use of alternative sources of energy; and

Whereas, In 2009 the Legislature enacted the Alternative and Renewable Energy Portfolio Act, W. Va. Code §§24-2F-1 to -12, and this act requires that state electric utilities acquire or generate a certain percentage of their electric supply from alternative and renewable energy sources; and

Whereas, A critical objective for both of these legislative initiatives was to promote the development of sustained, and sustainable, local sources of energy; and

Whereas, West Virginia has been graced with abundant natural resources comprising a beneficial diversity of energy sources and the West Virginia Legislature seeks to capitalize on these locally available resources for the benefit of all the citizens and guests of the state; and

Whereas, The market for methods and resources to provide electrical power continues to shift and evolve in response to market forces and emerging technologies; and

Whereas, The West Virginia Renewable Energy Portfolio Act has not been reviewed or amended in recent years; 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 changes in the market for resources and methods for the production of electrical power, to assess whether it is necessary to revise or maintain West Virginia energy portfolio standards and to consider what statutory requirements, if any, are necessary to promote the use of all appropriate resources in

order to provide reliable sources of power for all consumers in West Virginia at the best possible price; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Douglas E. Facemire,
Chair.

At the request of Senator Facemire, unanimous consent being granted, the resolution (S. C. R. No. 80) contained in the preceding report from the Committee on Energy, Industry and Mining was taken up for immediate consideration.

On motion of Senator Facemire, the resolution was referred to the Committee on Rules.

Senator Kirkendoll, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Eng. Com. Sub. for House Bill No. 4012, Relating to the Revised Uniform Law on Notarial Acts.

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,

Art Kirkendoll,
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 Interstate Cooperation.

At the request of Senator Kirkendoll, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4012) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 4346, Establishing separate standards of performance for carbon dioxide emissions.

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,

Douglas E. Facemire,
Chair.

At the request of Senator Facemire, unanimous consent being granted, the bill (Eng. H. B. No. 4346) 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 the Judiciary, with an amendment from the Committee on Energy, Industry and Mining 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. 4449, Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes.

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.

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 Energy, Industry and Mining.

At the request of Senator Facemire, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4449) 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 Laird, Miller, Unger, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Plymale, Green, D. Hall and Jenkins offered the following resolution:

Senate Resolution No. 44—Memorializing the life of the Honorable Robert K. “Bob” Holliday, former member of the West Virginia Senate and House of Delegates and dedicated public servant.

Whereas, Robert K. “Bob” Holliday was born February 11, 1933, in Logan, West Virginia, the son of J. Kelvin and Kathleen Holliday; and

Whereas, Mr. Holliday graduated from Montgomery High School in 1950 where he was honored as the Outstanding Senior Student, graduated from West Virginia University, having received a B. A. from the West Virginia Institute of Technology Journalism and having received a M. A. from Marshall University in Political Science; and

Whereas, Robert K. “Bob” Holliday served in the House of Delegates from 1963 through 1968 and the State Senate from 1969 to 1972 and from 1981 through 1992 and was a respected member of Senate and House committees; and

Whereas, During his tenure in the State Legislature he served as Chairman for the Committee on Labor, Chairman for the Committee on Education, Chairman for the Committee on Interstate Cooperation and Chairman for the Committee on Health and Human Resources; and

Whereas, The Honorable Robert K. “Bob” Holliday received the Pearl S. Buck Award in 1982, the Distinguished Service Award from the West Virginia School of Osteopathic Medicine in 1983, the West Virginia Rehabilitation Structural Barriers Award, an Honorary Doctorate in the Adult Basic Education Program and was selected to the Who’s Who in American Universities and Colleges; and

Whereas, The Honorable Robert K. “Bob” Holliday served as Chairman for the Heart Fund, Region IV Mental Health Planning Committee, President for the Fayette Mental Health Society, Director for the West Virginia Mental Health Association, Board Member of the Plateau Group Homes and Director of the New River Gorge County Development Corporation; and

Whereas, The Honorable Robert K. “Bob” Holliday was a member of many community organizations, including the Midland Trail Improvement Association, Pi Sigma Alpha, the Fayette Needy Association, the Coal Valley Lodge: AF&AM, the 32 Scottish Rite, Shriners, the Fayette Volunteers and the Fayette County Young Democratic Club; and

Whereas, The Honorable Robert K. “Bob” Holliday was the owner and editor of a respected newspaper, a noted author, political scientist and television producer; and

Whereas, The Honorable Robert K. “Bob” Holliday was a loving and devoted husband to Deborah Bragg Holliday and father of seven children, Kelvin Edward, Kathleen Edna, Stephen Kerr, Robert Lawson, Jeffrey Edward, Tracey Ann and Brandon Michael; and

Whereas, In 2010, the Honorable Robert K. “Bob” Holliday was honored for his public service to his community and his state when the Legislature named the section of Rt. 16 from the stop light on Rt. 19 at Fayetteville to Cotton Hill Bridge as the “Robert K. ‘Bob’ Holliday Highway”; and

Whereas, Sadly, the Honorable Robert K. “Bob” Holliday passed away on Friday, February 28, 2014, at the age of eighty-one,

bringing an end to a long and dedicated life of public service; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of the Honorable Robert K. “Bob” Holliday, former member of the West Virginia Senate and House of Delegates and dedicated public servant; and, be it

Further Resolved, That the Senate expresses its most sincere condolences to the family of the Honorable Robert K. “Bob” Holliday on the occasion of his 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 Robert K. “Bob” Holliday.

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.

Thereafter, at the request of Senator Laird, and by unanimous consent, the remarks by Senator Miller regarding the adoption of Senate Resolution No. 44 were ordered printed in the Appendix to the Journal.

Senators Plymale, Stollings, Yost, Wells, McCabe, Kessler (Mr. President), Unger, D. Hall and Jenkins offered the following resolution:

Senate Resolution No. 45—Recognizing the Paul Wesley Ambrose Health Policy Fellows Program, specifically the current Fellows, Dr. Kimberly R. Becher, Dr. Matthew Q. Christiansen and Dr. Kane A. Maiers.

Whereas, Dr. Paul Ambrose, who received his undergraduate and medical degree from Marshall University, focused on the promotion

of health and the prevention of disease in populations by preparing health professionals with leadership skills in public health; and

Whereas, On September 11, 2001, Dr. Paul Ambrose was aboard the plane that crashed into the Pentagon in Washington, D. C., during the terrorist attack. Dr. Ambrose left an inspiring legacy ranging from legislative affairs to work with the Surgeon General; and

Whereas, In memorial of Dr. Paul Ambrose and his advocacy for public health promotion, the Marshall University Family Medicine Residency Program, in cooperation with the Robert C. Byrd Center for Rural Health, established a curricular track for family medicine residents, with both academic and field experiences. The health policy track was founded in 2009 to advance the ideals of service, stewardship and commitment, and honors principles passionately promoted by Dr. Ambrose; and

Whereas, The goals of the Paul Wesley Ambrose Health Policy Program are to encourage interest in health policy, with an emphasis on rural health. The components include modules that explore a variety of pertinent topics such as health economics and work force issues, ethical concerns in health care, health systems and services, health law and regulation and leadership in health care; and

Whereas, The family medicine resident physicians attend legislative and administrative meetings at both the state and federal level, conducting essential research and providing valuable knowledge and insight into health-related issues being considered by the legislative body; and

Whereas, The purpose of the program is to provide bright, motivated new physicians with the experiences and tools they need to become leaders in the area of health policy; and

Whereas, Tracy Hendershot, M. D., served as the initial Health Policy Fellow and now practices at Coplin Medical Center in

Elizabeth, WV; and the current fellows, Kimberly R. Becher, M. D., and Kane Maiers, M. D., are in their third year of the program while Matthew Q. Christiansen, M. D., is in his first year of the program; and

Whereas, Kimberly R. Becher, M. D., grew up in West Virginia, graduated from Denison University in 2002 and graduated from the Joan C. Edwards School of Medicine in 2011. Dr. Becher serves as the National Congress of Family Medicine Residents Representative to the American Academy of Family Physicians (AAFP). After finishing residency she plans to work at Primary Care Systems, a community health center in Clay, WV; and

Whereas, Kane Maiers, M. D., grew up in Short Gap, WV. He obtained both his undergraduate degree in Biology and his medical degree from West Virginia University. Kane has longstanding interests in health policy and medical education and has obtained a Master's of Clinical Research degree from the University of Virginia to better prepare him for work in these areas. Dr. Maiers served as a student representative to the Association of American Medical Colleges and has been excited to work with the State Legislature during his training. After residency, he hopes to join a West Virginia practice while continuing to pursue his interest in health policy; and

Whereas, Matthew Q. Christiansen, M. D., was born and grew up in Spencer, WV. After graduating from Denison University in Ohio with a degree in Biology, he worked in Yellowstone National Park and in the Bering Sea, Alaska, as a fisheries biologist. He holds a special interest in health policy and in making the health care system work better for patients. After residency, he hopes to join a rural practice while continuing to pursue his interest in health policy; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Paul Wesley Ambrose Health Policy Fellows Program, specifically the current fellows, Dr. Kimberly R. Becher, Dr. Matthew Q. Christiansen and Dr. Kane A. Maiers; and, be it

Further Resolved, That the Senate commends Dr. Kimberly R. Becher, Dr. Matthew Q. Christiansen and Dr. Kane A. Maiers for their commitment and passion to West Virginia and their desire to improve the health and well-being of its citizens; and, be it

Further Resolved, That the Senate invites all members of the West Virginia Legislature to recognize the Paul Wesley Ambrose Health Policy Fellows Program for contributing valuable physician resources to the legislative leadership; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Joan C. Edwards School of Medicine at Marshall University, Dr. Kimberly R. Becher, Dr. Matthew Q. Christiansen and Dr. Kane A. Maiers.

Which, under the rules, lies over one day.

Senators Williams, Beach, Prezioso, Sypolt, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Unger, Plymale, Cookman, Green, Fitzsimmons, D. Hall, Jenkins and Laird offered the following resolution:

Senate Resolution No. 46—Designating March 4, 2014, as West Virginia University and West Virginia University Extension Day.

Whereas, In 1914, the Smith-Lever Act in the United States Congress established a unique educational partnership between the United States Department of Agriculture and the nation's land-grant universities that extends research-based knowledge through a state-by-state network of extension educators; and

Whereas, The Smith-Lever Act has stimulated innovative research and vital educational programs for youths and adults through the Cooperative Extension Service and its progressive information delivery systems that improved lives and shaped a nation; and

Whereas, The West Virginia University Extension Service is the primary outreach arm of West Virginia University, and is the “front porch” of WVU with an office in each of the state’s fifty-five counties, with trusted research delivered by local WVU Extension agent experts in areas of youth development, agriculture, community development and families and health; and

Whereas, The West Virginia University Extension Service has been providing trusted traditions and progressive solutions for the state of West Virginia for the past one hundred years; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 4, 2014, as West Virginia University and West Virginia University Extension Day; and, be it

Further Resolved, That the Senate recognizes the valuable contributions that West Virginia University and the West Virginia University Extension Service provides to the citizens and State of West Virginia; and, be it

Further Resolved, That the Senate joins in celebrating this landmark one hundredth birthday of the Cooperative Extension Service; 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, E. Gordon Gee and to Steve Bonanno, Interim Director of the West Virginia University Extension Service.

At the request of Senator Williams, 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. 73, Requesting DOH name bridge in Beckley “Arland W. Hatcher 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 Resolution No. 43, Memorializing life and public service of James Howard “Buck” Harless.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Chafin, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

House Concurrent Resolution No. 11, The “Pendleton County Union Veterans Memorial Bridge”.

On unfinished business, coming up in regular order, was reported by the Clerk.

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 “Sates” and inserting in lieu thereof the word “States”.

The question being on the adoption of the resolution (H. C. R. No. 11), 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.

Com. Sub. for House Concurrent Resolution No. 38, W. T. Elswick Memorial Bridge.

On unfinished business, coming up in regular 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 three, in the Resolved clause, before “W. T.” by inserting the words “U. S. Army MSGT”;

On page three, in the first Further Resolved clause, before “W. T.” by inserting the words “U. S. Army MSGT”;

And,

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

Com. Sub. for House Concurrent Resolution No. 38—Requesting the Division of Highways to name bridge number 20-61-4.63 (20A776), crossing Paint Creek on United States Route 61, in Kanawha County, the “U. S. Army MSGT W. T. (Big Bill) Elswick Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 38), 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.

Com. Sub. for House Concurrent Resolution No. 56, Army SSG Jesse Adam Ault Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the eleventh Whereas clause, before the word “Army” by inserting “U. S.”;

On page two, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page two, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 56—Requesting the Division of Highways to name bridge number 48-18-20.53 (48A087), and known locally as the Jackson Bridge on West Virginia Route 18 north of Middlebourne, Tyler County, as the “U. S. Army SSG Jesse Adam Ault Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 56), 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill No. 4003, Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

On third reading, 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. 4003) 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. 4151, Relating to military members and their spouses who obtain licensure through professional 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. Com. Sub. for H. B. No. 4151) 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. 4178, Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 4178) 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. 4178) takes effect from passage.

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

Eng. House Bill No. 4259, Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.

On third reading, 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. 4259) 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. 4259) takes effect from passage.

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

Eng. House Bill No. 4301, Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

On third reading, 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. 4301) passed.

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

Eng. House Bill No. 4301—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping and fishing licenses; and permitting limited reciprocal use of hunting and fishing licenses with states which share river borders with this 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. 4402, Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

On third reading, 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 H. B. No. 4402) 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. 4402—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-26, relating to the conditional discharge for first offense underage purchase, consumption, sale, service, possession of nonintoxicating beer or alcoholic liquor or obtaining nonintoxicating beer or alcoholic liquor by misrepresentation of age; allowing for probation in lieu of conviction under certain circumstances; permitting the court to enter an adjudication upon violation of probation; providing for discharge and dismissal if terms of probation are met; stating the effect of the discharge and dismissal; prohibiting prosecution or penalty for failure of the person to disclose or acknowledge an arrest or trial that was discharged and dismissed pursuant to this section; precluding a person from using the benefits of this section more than once; permitting expungement of records under certain circumstances; requiring payment of regular court costs by persons whose case is disposed of pursuant to this section; and ensuring court costs assessed are distributed according to code.

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

Eng. House Bill No. 4421, Allowing the lottery to pay prizes utilizing other payment methods in addition to 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. H. B. No. 4421) passed with its title.

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

Eng. House Bill No. 4437, Relating to the 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. 4437) 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. 4437—A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund;

creating special revenue accounts in the office of the Treasurer for juvenile benefit funds; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

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

Eng. House Bill No. 4445, Modifying the definition of “battery” and “domestic battery”.

On third reading, 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. 4445) 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.

Eng. Com. Sub. for House Bill No. 4067, 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 amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page ten, section three, line ten, after the word “authorized” by striking out the period and inserting the following: with the following amendment:

On pages one and two, section two, by striking out all of subsections 2.3 and 2.4 and inserting in lieu thereof two new subsections, designated subsections 2.3 and 2.4, to read as follows:

2.3. The projected expenditure schedule will be divided by the previous fiscal year’s billed average daily inmate population to yield the preliminary projected cost per inmate day. The West Virginia Regional Jail and Correctional Facility Board, established under W. Va. Code §31-20-3, shall evaluate the preliminary projected cost per inmate day to determine if reductions can be implemented based on other revenues, cash reserves, and cost efficiency efforts. The Board may reduce the preliminary projected cost per inmate day based on adopting a fiscally sound annual operating budget.

2.4. The Board’s approved cost per inmate day shall then become effective as of July 1st of the next fiscal year’s budget following the October projection.

The bill (Eng. Com. Sub. for H. B. No. 4067), as amended, was then ordered to third reading.

Eng. House Bill No. 4154, Fixing a technical error relating to the motor fuel excise tax.

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

Eng. House Bill No. 4159, Updating the meaning of federal adjusted gross income and certain other terms.

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. 4188, Updating the authority and responsibility of the Center for Nursing.

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. 4304, Providing rules for motor vehicles passing bicycles on roadways.

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 four, section five, line twenty-four, by striking out the word “highway” and inserting in lieu thereof the word “roadway”.

The bill (Eng. Com. Sub. for H. B. No. 4304), as amended, was then ordered to third reading.

Eng. House Bill No. 4365, Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board.

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

Eng. House Bill No. 4457, Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program.

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

Eng. House Bill No. 4488, Eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

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

Eng. House Bill No. 4618, Establishing transformative system of support for early literacy.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page four, section ten, lines thirty-eight through forty-five, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision, designated subdivision (4), to read as follows:

(4) To ensure that all students read proficiently by the end of third grade, a statewide comprehensive approach to early literacy is required. This approach shall focus on supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.;

On page five, section ten, line sixty-nine, by striking out the word “Ensure” and inserting in lieu thereof the word “Ensuring”;

On page five, section ten, line seventy-four, by striking out the word “Close” and inserting in lieu thereof the word “Closing”;

On page five, section ten, line seventy-seven, by striking out the word “Assist” and inserting in lieu thereof the word “Assisting”;

On page six, section ten, line eighty-one, by striking out the word “Maximize” and inserting in lieu thereof the word “Maximizing”;

On page six, section ten, line eighty-four, by striking out the word “Support” and inserting in lieu thereof the word “Supporting”;

On page six, section ten, line eighty-eight, by striking out the word “Ensure” and inserting in lieu thereof the word “Ensuring”;

On page six, section ten, line ninety-four, by striking out the word “Create” and inserting in lieu thereof the word “Creating”;

On page seven, section ten, line one hundred, by striking out the word “Provide” and inserting in lieu thereof the word “Providing”;

On page seven, section ten, line one hundred six, by striking out the word “Receive” and inserting in lieu thereof the word “Receiving”;

On page ten, section ten, line one hundred seventy-six, by striking out the words “shall be” and inserting in lieu thereof the word “are”;

And,

On page eleven, section ten, line one hundred eighty-eight, after the word “and” by inserting the word “then”.

The bill (Eng. H. B. No. 4618), 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:

Eng. House Bill No. 4186, Relating to the procedures for issuing a concealed weapon license.

Eng. Com. Sub. for House Bill No. 4236, Sexual assault nurse examination network.

Eng. House Bill No. 4256, Amending the annual salary schedule for members of the state police.

Eng. Com. Sub. for House Bill No. 4270, Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center.

Eng. Com. Sub. for House Bill No. 4284, Pregnant Workers' Fairness Act.

Eng. Com. Sub. for House Bill No. 4287, Administration of health maintenance tasks.

Eng. Com. Sub. for House Bill No. 4290, Revising the regulatory structure of money transmitters and other entities.

Eng. House Bill No. 4302, Relating to elections for public school purposes.

Eng. Com. Sub. for House Bill No. 4363, Creating an informal dispute resolution process available to behavioral health providers.

Eng. Com. Sub. for House Bill No. 4393, Creating the Dangerous Wild Animals Act.

Eng. Com. Sub. for House Bill No. 4425, Giving the Superintendent of State Police authority to hire additional staff.

Eng. Com. Sub. for House Bill No. 4496, Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.

And,

Eng. House Bill No. 4503, Declaring certain claims against the state and its agencies to be moral obligations of the state.

At the request of Senator Cole, 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, including a minority party caucus,

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

Upon expiration of the recess, the Senate reconvened and, without objection, 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, regarding annual reports, which communication was received:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 4, 2014

Senate Executive Message No. 4

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

Dear Mr. President:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following 2013-2014 annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of (FY 2012-2013)

Aeronautics Commission, West Virginia Department of Transportation

Affordable Housing Trust Fund, West Virginia

Agricultural Land Protection Authority, West Virginia

Alcohol Beverage Control Administration, West Virginia Department of Revenue

Alternative and Renewable Energy Resource Planning Assessment, by the West Virginia Division of Energy; the West Virginia Division of Environmental Protection; and the West Virginia Public Service Commission

Architects, West Virginia Board of (FY 2012-2013)

Attorney General, Office of the, State of West Virginia

Attorney General, Office of the, State of West Virginia, Report on the Activities of the Consumer Protection and Antitrust Division

Barbers and Cosmetologists, West Virginia Board of

Children's Health Insurance Program, West Virginia Department of Administration

Chiropractic, West Virginia Board of (FY 2012-2013)

Coal Mine Health and Safety, West Virginia Board of, and Mine Safety Technical Review Committee

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee

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

Counseling, West Virginia Board of (2011-2013)

Court System, West Virginia (2012)

Crime, Delinquency and Correction, Law Enforcement Professional Standards Subcommittee, Division of Justice and Community Services, West Virginia Department of Military Affairs and Public Safety (FY 2012-2013)

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 (FY 2012-2013)

Energy, Division of, West Virginia Department of Commerce

Equal Employment Opportunity, West Virginia Office of

Financial Institutions, Division of, West Virginia Department of Revenue (111th Annual Report Fiscal Year Ending June 30, 2012, and 112th Annual Report Fiscal Year Ending June 30, 2013)

Fire Marshal, State Fire Commission, West Virginia Department of Military Affairs and Public Safety

Forestry, Division of, West Virginia Department of Commerce

Funeral Service Examiners, West Virginia Board of (FY 2012-2013)

Grievance Board, West Virginia Public Employees, West Virginia Department of Administration

Groundwater Programs and Activities, Division of Water and Waste Management, Groundwater Program, West Virginia Department of Environmental Protection (Biennial Report, July 1, 2011 to June 30, 2013)

Human Rights Commission, West Virginia

Infant and Maternal Mortality, Office of Maternal, Child and Family Health, West Virginia Department of Health and Human Resources (2011)

Infrastructure and Jobs Development Council (West Virginia)

Insurance Commissioner, Offices of the, West Virginia Department of Revenue (Calendar Year 2012)

Investment Management Board, West Virginia (2011)

Justice and Community Services, Division of; Justice Reinvestment Initiative; Annual Report on Implementation of Treatment Supervision (reporting from July 1, 2013); West Virginia Department of Military Affairs and Public Safety

Juvenile Justice and Delinquency Prevention, Division of Justice and Community Services (Report of State Advisory Group, a subcommittee), West Virginia Department of Military Affairs and Public Safety

Medical Imaging and Radiation Therapy Technology, West Virginia Board of Examiners of

Medicine, West Virginia Board of

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 (FY 2012-2013)

Natural Resources, Division of, West Virginia Department of
Commerce (FY 2012-2013)

Neighborhood Investment Program, Development Office, West
Virginia Department of Commerce

Newborn Hearing Screening, Office of Maternal, Child and
Family Health, West Virginia Department of Health and Human
Resources (2012)

Nursing Home Administrators Licensing Board, West Virginia
(FY 2012-2013)

Nursing Homes and Assisted Living Facilities in West Virginia,
Office of Inspector General, Health Facility Licensure and
Certification, West Virginia Department of Health and Human
Resources (October 1, 2012 through September 30, 2013)

Occupational Therapy, West Virginia Board of (Biennium 2012
and 2013)

Oral Health Improvement Act, West Virginia Oral Health
Program, Office of Maternal, Child and Family Health, West
Virginia Department of Health and Human Resources

Personnel, Division of, West Virginia Department of
Administration

Physical Therapy, West Virginia Board of (Biennium 2012 and 2013)

Privacy Office, State, West Virginia Health Care Authority

Professional Engineers, West Virginia State Board on Registration for

Public Defender Services, West Virginia Department of Administration (Fiscal Year 2012-2013)

Racing Commission, West Virginia Department of Revenue

Real Estate Appraiser Licensing and Certification Board, West Virginia (FY 2012-2013)

Real Estate Commission, West Virginia (FY 2012-2013)

Registered Professional Nurses, West Virginia Board of Examiners for (Biennium Report July 1, 2011-June 30, 2013)

Residential Facilities and Child Placing Agencies, West Virginia Department of Health and Human Resources (FY 2012-2013)

Residential Placement of Children; Findings, Recommendations, and Actions of the West Virginia Commission to Study Residential Placement of Children; Bureau for Children and Families, West Virginia Department of Health and Human Resources

Risk and Insurance Management, Board of, West Virginia Department of Administration (FY 2012-2013)

Senior Services, West Virginia Bureau of

Speech-Language Pathology and Audiology, West Virginia Board of Examiners for (FY 2012-2013)

State Police, West Virginia, West Virginia Department of Military Affairs and Public Safety (FY 2012-2013)

State Rehabilitation Council, West Virginia

Sudden Unexplained Infant Death (SUID), Division of Research, Evaluation and Planning, Office of Maternal, Child and Family Health, West Virginia Department of Health and Human Resources (2010)

Tax Commissioner of West Virginia, West Virginia Department of Revenue (Fiftieth Biennial Report)

Tax Increment Financing, Development Office, West Virginia Department of Commerce

Veterans' Assistance, West Virginia Department of (FY 2011-2012)

Veterinary Medicine, West Virginia Board of (FY 2012-2013)

Volunteer West Virginia (State's Commission for National and Community Service)

Water Development Authority, West Virginia

West Virginia University Board of Governors, Unrestricted Investment Fund for October 1, 2012 to September 30, 2013

Women's Right to Know Act, Division of Perinatal and Women's Health, Office of Maternal, Child and Family Health, West Virginia Department of Health and Human Resources (2012)

Work Force Program, The Governor's Guaranteed, Development Office, West Virginia Department of Commerce

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

March 4, 2014

Senate Executive Message No. 5

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

Dear Mr. President:

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 April 10, 2013, through March 4, 2014.

Very truly yours,

Earl Ray Tomblin,
Governor.

The Senate 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

Senate Bill No. 306, Budget Bill.

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

Com. Sub. for Senate Bill No. 306 (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.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 306) 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 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. 81 (originating in the Committee on Economic Development)—Requesting the Joint

Committee on Government and Finance study the development and stimulation of craft beer production and sales in the state, including review of fees, taxation and other regulatory provisions impeding or promoting the establishment of new craft beer businesses.

Whereas, The Legislature recognizes a rising and existing consumer-driven market interested in purchasing locally available and naturally produced food and drink; and

Whereas, The brewing of beer in low-volume production runs using traditional brewing and creative skills to produce distinctive styles and brands is a growth industry with positive public esteem and broad approval; and

Whereas, The formulation of distinctive craft beers has contributed to the image and identity of the communities in which they have been produced; and

Whereas, The Legislature recognizes the importance of strengthening our local and regional food and beverage production for the economic development of the state; and

Whereas, West Virginia has not yet conducted a focused review of the potential role of craft beer production and sale in a state economic development plan; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the development and stimulation of craft beer production and sales in the state, including review of fees, taxation and other regulatory provisions impeding or promoting the establishment of new craft beer businesses; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Bob Williams,
Chair.

At the request of Senator Williams, unanimous consent being granted, the resolution (S. C. R. No. 81) 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. 82 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study restructuring or realigning the Division of Corrections, Regional Jail and Correctional Facility Authority, Board of Probation and Parole and the Division of Justice and Community Services under the Department of Military Affairs and Public Safety.

Whereas, The Legislature desires to continuously find ways to improve and reform the criminal justice system that would enhance public safety and optimize state services; and

Whereas, The Legislature is faced with the difficult and critical task of balancing the state's budget with limited resources, and further recognizes that the state's county officials are facing similar difficulties on the local level; and

Whereas, Realigning these existing agencies into a bureau under the Department of Military Affairs and Public Safety may eliminate any overlap in similar services, such as programming, training, medical and food service, file sharing and data collection, that are currently provided by each agency, respectively; and

Whereas, Restructuring these agencies under the Department of Military Affairs and Public Safety may allow savings by increasing the efficiency of the agencies and eliminating any service overlap; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study restructuring or realigning the Division of Corrections, Regional Jail and Correctional Facility Authority, Board of Probation and Parole and the Division of Justice and Community Services under the Department of Military Affairs and Public Safety; and, be it

Further Resolved, That the Legislative Oversight Committee on the Regional Jail and Correctional Facility Authority be authorized to conduct this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 82) 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. 83 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance conduct a study to determine whether the Purchasing Division should oversee the approval of change orders on state contracts.

Whereas, Change orders can drastically increase the total cost of a state contract; and

Whereas, There is no current oversight in regards to change orders; and

Whereas, The justification for the approval of change orders is not always adequately documented; 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 to determine whether the Purchasing Division should oversee the approval of change orders on state contracts; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 83) 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. 84 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the implementation of a statewide advertising program to promote the tourism industry in West Virginia.

Whereas, Travel spending by all overnight and day visitors in West Virginia was \$5.1 billion in the 2012 calendar year, the equivalent to approximately \$13.9 million per day; and

Whereas, Travel spending in West Virginia has increased by 6.3 percent per year since 2000; and

Whereas, During 2012, visitor spending in West Virginia directly supported approximately forty-six thousand four hundred jobs with earnings of approximately \$1.1 billion; and

Whereas, Local and state government revenues generated by travel spending were \$707 million in 2012, not including property taxes; and

Whereas, Without these government revenues generated by travel spending, each household in West Virginia would have had to pay an additional \$924 in state and local taxes to maintain current service levels; and

Whereas, State spending on tourism advertising has, and continues to, decrease; and

Whereas, Due to the recent chemical spill event, West Virginia's image may have been severely tarnished on a national level; and

Whereas, Other states, such as Michigan, have undertaken a systematic, well-funded advertising program to promote tourism in their states and to improve their images, both nationally and internally; and

Whereas, Because the continuing growth of West Virginia's tourism economy is of major importance to all our citizens, it is in the best interest of the State of West Virginia to implement an advertising program to promote the tourism industry in West Virginia and to improve the state's image; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the implementation of a statewide advertising program to promote the tourism industry in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 84) 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. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

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. Com. Sub. for House Bill No. 2606, Permitting the State Rail Authority to set the salary of the executive director.

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 (Eng. Com. Sub. for H. B. No. 2606) 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

Eng. Com. Sub. for House Bill No. 2803, Requiring electric utilities to implement integrated resource plans.

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 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 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. 4147, Relating to emergency preparedness.

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.

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. 4149, Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.

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.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4149) 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, with amendments from the Committee on Government Organization 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

Eng. Com. Sub. for House Bill No. 4184, Relating to the West Virginia Tourism Development 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 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. 4184) 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. 4208, Banning synthetic hallucinogens.

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 the Judiciary.

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. 4217, Relating to Medicaid reports to the Legislature.

And has amended same.

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

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. Com. Sub. for House Bill No. 4237, Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

And has amended same.

Eng. Com. Sub. for House Bill No. 4335, Relating to a child's right to nurse.

And has amended same.

And,

Eng. House Bill No. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

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.

At the request of Senator Stollings, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. No. 4237, Eng. Com. Sub. for H. B. No. 4335 and Eng. H. B. No. 4588) 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 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

Eng. Com. Sub. for House Bill No. 4245, Relating to anticipated retirement dates of certain health care professionals.

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.

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 Health and Human Resources.

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. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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.

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 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. 4305, Relating to the requirements of members of a building commission board be from the same political party.

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. Com. Sub. for H. B. No. 4305) 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 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. 4332, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

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

Respectfully submitted,

Ron Stollings,
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. 4373, Relating to driver education 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 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 reference of the bill contained in the foregoing report from the Committee on Education.

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. 4392, Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4392) 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

Eng. House Bill No. 4431, Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license.

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. 4460, Relating to violating provisions of the civil service law for paid fire departments.

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. Com. Sub. for House Bill No. 4473, Relating to establishing voting precincts and changing the composition of standard receiving boards.

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. 4537, West Virginia CARES 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,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4537) 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 Finance, with an amendment 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

Eng. House Bill No. 4619, Authorizing innovation school districts.

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. 4619) 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.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Walters.

Thereafter, at the request of Senator Barnes, and by unanimous consent, the remarks by Senator Walters were ordered printed in the Appendix to the Journal.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 5, 2014, at 11 a.m.

WEDNESDAY, MARCH 5, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Reverend Dr. Melissa Pratt, Senior Pastor, Teays Valley Church of God, Scott Depot, West Virginia.

Pending the reading of the Journal of Tuesday, March 4, 2014,

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. 90, Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.

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 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; penalties; definitions.

(a) ~~Any~~ A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

(b) ~~Any~~ A person who intentionally disarms or attempts to disarm ~~any~~ a law-enforcement officer, correctional officer, probation officer or parole officer, acting in his or her official capacity, is 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~~ A person who, with intent to impede or obstruct a law-enforcement officer in the conduct of an investigation of a felony offense, knowingly and willfully makes a materially false statement, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 ~~and not~~ nor more than \$200, or confined in jail for five days, or both fined and confined. ~~However,~~ The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For ~~the~~ purposes of this subsection,

“law-enforcement officer” does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer.

(d) ~~Any~~ A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity who is attempting to make a lawful arrest of the person, and who knows or reasonably believes that the officer is attempting to arrest him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both.

(e) ~~Any~~ A person who intentionally flees or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 and shall be confined in a regional jail not more than one year.

(f) ~~Any~~ A person who intentionally flees or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who operates the vehicle in a manner showing a reckless indifference to the safety of others, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years.

(g) ~~Any~~ A person who intentionally flees or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of ~~any~~ a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less

than \$1,000 nor more than \$3,000 and shall be confined in ~~the county or regional~~ jail for not less than six months nor more than one year.

(h) ~~Any~~ A person who intentionally flees or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes bodily injury to ~~any~~ a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(i) ~~Any~~ A person who intentionally flees (i) or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes death to ~~any~~ a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be ~~punished by a definite term of imprisonment~~ imprisoned in a state correctional facility ~~which is~~ for not less than five nor more than fifteen years. A person imprisoned pursuant to ~~the provisions of~~ this subsection is not eligible for parole prior to having served a minimum of three years of his or her sentence or the minimum period required by ~~the provisions of~~ section thirteen, article twelve, chapter sixty-two of this code, whichever is greater.

(j) ~~Any~~ A person who intentionally flees (j) or attempts to flee in a vehicle from ~~any~~ a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who is under the influence of alcohol, controlled substances or drugs, ~~at the time~~, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(k) For purposes of this section, the term “vehicle” includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle or

snowmobile as those terms are defined in section one, article one, chapter seventeen-a of this code, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state.

(l) For purposes of this section, the terms “flee”, “fleeing” and “flight” do not include ~~any~~ a person’s reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement officer to maintain appropriate surveillance, for the purpose of complying with the officer’s direction to stop.

(m) The revisions to subsections (e), (f), (g) and (h) of this section enacted during the regular session of the 2010 regular legislative session shall be known as the Jerry Alan Jones Act.

(n) (1) No person, with the intent to purposefully deprive another person of emergency services, may interfere with or prevent another person from making an emergency communication, which a reasonable person would consider necessary under the circumstances, to law-enforcement, fire or emergency medical service personnel.

(2) For the purpose of this subsection, the term “interfere with or prevent” includes, but is not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone, telephone line or equipment or other communication device.

(3) For the purpose of this subsection, the term “emergency communication” means communication to transmit warnings or other information pertaining to a crime, fire, accident, power outage, disaster or risk of injury or damage to a person or property.

(4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than one day nor more than one year and shall be fined not less than \$250 nor more than \$2,000, or both.

(5) A person who is convicted of a second offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months nor more than one year and fined not less than \$500 nor more than \$3,000, or both.

(6) A person who is convicted of a third or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more than one year and fined not less than \$500 nor more than \$4,000, or both.

(7) In determining the number of prior convictions for purposes of imposing punishment under this subsection, the court shall disregard all such prior convictions occurring more than ten years prior to the offense in question.

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

Engrossed Committee Substitute for Senate Bill No. 90, 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. 90) 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. 314, Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

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 eight, section fourteen, lines one hundred thirty-five and one hundred thirty-six, by striking out the words “census of the year 1990” and inserting in lieu thereof the words “most recent decennial census taken under the authority of the United States”;

And,

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

Eng. Senate Bill No. 314—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to proceeds of the hotel occupancy tax; allowing expenditure of the proceeds for medical care and emergency services in certain counties with no more than one hospital; and measuring county populations according to most recent decennial census for these purposes.

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

Engrossed Senate Bill No. 314, 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. 314) 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. Senate Bill No. 327, Updating terms in Corporation Net Income Tax Act.

A message from The Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, of

Eng. Senate Bill No. 328, Terminating Strategic Research and Development Tax Credit.

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 from passage, instead of ninety days from passage.

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. 328) 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 amendments, as to

Eng. Senate Bill No. 331, Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.

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 sixteen, lines fifty-eight through seventy-three, by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) Notwithstanding any other provision of this code to the contrary, after June 30, 2014, taxpayers whose average monthly payment of the taxes levied by this article and article fifteen-a of this chapter during the previous calendar year exceeds \$100,000 shall remit the tax attributable to the first fifteen days of June each year by June 20.;

And,

On pages twelve and thirteen, section seventy-four, lines ninety-five through one hundred twelve, by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) Notwithstanding the provisions of subsections (a) and (b) of this section, after June 30, 2014, every employer required to deduct and withhold tax whose average payment per calendar month for the preceding calendar year under subsection (b) of this section exceeded \$100,000 shall remit the tax attributable to the first fifteen days of June each year by June 23.

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

Engrossed Senate Bill No. 331, 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. 331) 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. 331) 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. Com. Sub. for Senate Bill No. 405, Requiring presiding judge's permission to release juror qualification forms after trial's conclusion.

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 five-a, line ninety-five, after the word “successor” by changing the period to a colon and inserting the following proviso: *Provided, however,* That if the judge denies the request, the reasons for the denial must be in writing and be shared with all parties in the case and the person making the request within thirty days after filing the motion.

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

Engrossed Committee Substitute for Senate Bill No. 405, 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. 405) 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. 405) 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. 416, Relating to tentative appraisals of natural resources property.

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, Providing completed grand jury questionnaires are confidential.

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. 4151, Relating to military members and their spouses who obtain licensure through professional boards.

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. 4301, Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

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. 4384, Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.

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. 4437, Relating to the Division of Juvenile Services.

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. 11, The “Pendleton County Union Veterans Memorial Bridge”.

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. 38, W. T. (Big Bill) Elswick 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. 56, Army SSG Jesse Adam Ault Memorial Bridge.

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 5th day of March, 2014, 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. 4359), Relating to licensure of managing general agents of insurers.

And,

(H. B. No. 4372), Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial Institutions.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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. 50, Requesting DOH name portion of State Rt. 20, Hinton, Summers County, “Marine Sgt. Mecot E. Camara Memorial Highway”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 50 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “USMC Sgt. Mecot E. Camara Memorial Highway”.

Whereas, Mecot Eugene Camara was born in Hinton, West Virginia, on December 28, 1960, to Billie Jean Hoskins Camara, of American ancestry, and Prudencio Camara, of Philippine ancestry. He was raised and educated in Hinton where he met his high school sweetheart, Tammy Ratliff. They eventually married on May 5, 1981. They had a son, Mecot Echo Camara, born on March 29, 1982; and

Whereas, Sgt. Mecot E. Camara enlisted in the U. S. Marine Corps to serve the country he loved in 1981. He commenced basic training at Parris Island, South Carolina, on January 21, 1981, completing his training on April 4, 1981. This proud and passionate American then served his country for two years, sacrificing his life after going into Beirut in 1983 as a member of the International Peacekeeping Force in May, 1983. Sgt. Mecot E. Camara lost his life in October, 1983, during a terrorist suicide bombing. He received awards and service recognition including Meritorious Mast, Purple Heart, Combat Action Ribbon, Navy and Marine Corps Achievement Medal, Navy Unit Commendation, Marine Corps Expeditionary Medal and Sea Service Deployment Ribbon. However, his greatest military achievement was that of being a distinguished U. S. Marine Corps sergeant; and

Whereas, Sgt. Mecot E. Camara was survived by two beautiful sisters and one son, Threase Camara Riggs, Elisa M. Camara and Mecot Echo Camara. The Camara family continues to share the legacy of their beloved Sgt. Camara to inspire West Virginians and Americans that they can be heroes even from small towns and serve and be proud of America, Land of the Free, while also protecting innocent lives around the world; and

Whereas, Sgt. Mecot E. Camara made the ultimate sacrifice for his country and in doing so represented West Virginia and his country with the highest levels of honor and courage and his sacrifice should not go unnoticed, and naming that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “USMC Sgt. Mecot E. Camara Memorial Highway” is an appropriate recognition of his patriotism, love of liberty and ultimate sacrifice for state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that stretch of road on State Route 20 known as the Hinton Bypass between Beech Run Road and Temple Street in Hinton, Summers County, the “USMC Sgt. Mecot E. Camara Memorial Highway”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create signs at both ends of the highway, proclaiming this roadway to be the “USMC Sgt. Mecot Camara Memorial Road 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, the Summers County commission and to Sgt. Camara’s sisters, Threase Camara Riggs and Elisa M. Camara, and his son, Mecot Camara.

Senate Concurrent Resolution No. 52, Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 52 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to place signage along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Whereas, More than ten thousand men and women from West Virginia have died during twentieth and twenty-first century military actions, either in combat or during the official period of conflict and prior to discharge from the military. The ultimate sacrifices made by these men and women for their country and West Virginia represent the highest levels of honor and courage and should not go unnoticed; and

Whereas, Gold Star Families are those families who have family members who died or were killed serving in the armed forces. They are the families of fallen military heroes, whether they gave their lives in Iraq, Afghanistan, Vietnam, Korea, WWII or another conflict; and

Whereas, Rather than attempt to acknowledge individually each of these fallen warriors and patriots by finding a bridge or stretch of road or highway to be named for the individual veterans, it would be a more worthy form of recognition, homage and honor to these heroes and heroines and the Gold Star Families if signage were erected at the highways that enter West Virginia; and

Whereas, One sign each should be placed at the ten most visible and most traveled highways entering West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place signage along highways entering West Virginia honoring fallen veterans and Gold Star Families; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs upon the ten most heavily traveled highways entering the State of West Virginia on which a “Welcome to West Virginia” sign is posted near a border crossing. To the extent permissible by signage rules and regulations, each sign should read “West Virginia is proud to honor its fallen Veterans and Gold Star Families” and have affixed to it a gold star symbol similar to the design of the lapel pin approved under 10 U. S. C. §1126; 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,

Senate Concurrent Resolution No. 59, Requesting DOH name bridge on I-79 in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and “Staff Sergeant Benjamin T. Portaro Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 59 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 17-79-117.174, on Interstate 79, in Anmoore, Harrison County, West Virginia, heading south, the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”, and heading north, the “U. S. Army SSGT Benjamin T. Portaro Memorial Bridge”.

Whereas, Nick Cavallaro was born in Caulonia, Reggio Calabria, Italy, October 28, 1920, and came to the United States in August,

1922, with his brother Celestino (Charley) and mother Maria Rosa Strangio Cavallaro and settled in Anmoore, West Virginia; and

Whereas, Benjamin Portaro was born in Caulonia, Reggio Calabria, Italy, March 8, 1921, and immigrated to Anmoore, West Virginia, with his family; and

Whereas, When World War II broke out, Nick Cavallaro and Benjamin Portaro both enlisted in the United States Army; and

Whereas, Nick Cavallaro participated in battles in North Africa and Sicily, Italy, and was one of the thousands of paratroopers dropped behind German lines the night before the invasion of Normandy, France; and

Whereas, Nick Cavallaro was scheduled to come home on leave when the Battle of the Bulge broke out and his leave was canceled; and

Whereas, Sadly, Nick Cavallaro lost his life in battle at Fosse, Belgium, on January 3, 1945, leaving behind his mother, brother, sister Louise and a host of other family and friends; and

Whereas, Nick Cavallaro was awarded two Purple Heart Medals, the Bronze Star Medal and the Combat Infantryman Badge, as well as various medals by the French and Belgian governments; and

Whereas, Benjamin Portaro was a staff sergeant when he was discharged, having fought in two battles in France before fighting at the Battle of the Bulge in Belgium, where he was captured by German forces and eventually escaped; and

Whereas, Benjamin Portaro was awarded the Bronze Star Medal, Purple Heart Medal, POW Medal, Good Conduct Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal with two bronze service stars, World War II Victory Medal, Combat Infantryman Badge 1st Award, Honorable Service Lapel Button WWII and the Marksman Badge with Rifle Bar; and

Whereas, Nick Cavallaro and Benjamin Portaro were Italian immigrants, cousins and citizens of Anmoore, West Virginia, and fought for their adopted country of the United States of America; and

Whereas, It is fitting to recognize the service and sacrifice of cousins Nick Cavallaro and Benjamin Portaro by naming this bridge in their honor as an everlasting tribute to their memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-79-117.174, on Interstate 79, in Anmoore, Harrison County, West Virginia, heading south, the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”, and heading north, the “U. S. Army SSGT Benjamin T. Portaro 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, heading south, as the “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”, and heading north, the “U. S. Army SSGT Benjamin T. Portaro 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.

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 50, 52 and 59) 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. 54, Requesting DOH name U. S. Rt. 54/6 in Wyoming County “Virginia & U. S. Army Major Woodrow Cook Memorial Road”.

Senate Concurrent Resolution No. 55, Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans Bridge”.

Senate Concurrent Resolution No. 60, Requesting DOH name section of Rt. 1 in Marion County “USAF Sergeant Jerome E. Kiger Memorial Road”.

Com. Sub. for House Concurrent Resolution No. 79, Ord Brothers Memorial Bridge.

And,

Com. Sub. for House Concurrent Resolution No. 82, U. S. Army Staff Sergeant Kenneth Amick 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 Beach, unanimous consent being granted, the resolutions (S. C. R. Nos. 54, 55 and 60 and Com. Sub. for H. C. R. Nos. 79 and 82) 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 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. 3156, Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

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.

At the request of Senator Yost, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 3156) contained in the preceding report from the Committee on Labor 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, with amendments from the Committee on Labor 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

Eng. Com. Sub. for House Bill No. 4156, Electronic Toll Collection 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 the Judiciary.

Respectfully submitted,

Robert D. Beach,
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 Transportation and Infrastructure.

At the request of Senator Beach, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4156) 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. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.

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.

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.

At the request of Senator Snyder, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4411) was taken up for immediate consideration, read a first time and ordered to second reading.

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. 36, Army Sergeant Billy E. Vinson Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 69, U. S. Army Corporal John L. Gibbs Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 70, U. S. Army Sgt. Matthew D. Hunter Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 73, U. S. Army Captain David Van Camp Memorial Bridge.

And has amended same.

House Concurrent Resolution No. 75, Army SPC 4 Marvin Dewayne Canterbury Memorial Highway.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 76, Army PFC Richard Lee Lakin 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.

The Senate proceeded to the sixth order of business.

Senators Palumbo, Cole, Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Tucker, Prezioso and Fitzsimmons offered the following resolution:

Senate Resolution No. 47—Designating the month of March, 2014, 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 West Virginia, 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 every year; and

Whereas, The American Red Cross has assisted close to one thousand families and provided over \$500,000 in financial assistance in the West Virginia region over the past year; and

Whereas, The generosity of contributions of time and money by the people of West Virginia 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, 2014, 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 West Virginia 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 resumed business under the sixth order.

Senators Kessler (Mr. President), Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, D. Hall, Green, McCabe, Wells and Prezioso offered the following resolution:

Senate Resolution No. 48—Recognizing the sister-state relationship of West Virginia with the Republic of China (Taiwan) on the occasion of its thirty-fourth anniversary.

Whereas, August 4, 2014, will mark the thirty-fourth anniversary of a sister-state relationship between West Virginia and 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, In the year 2014, the West Virginia Senate urges support for a United States-Taiwan bilateral investment agreement and strongly encourages Taiwan's participation in the Trans-Pacific Partnership as soon as possible; and

Whereas, The dedication of our partners from Taiwan to achieving positive outcomes in investment, information, communication technology services and other areas is a testament to Taiwan's economic opening and deepening ties with regional and global partners; 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, 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 four hundred sixteen Americans traveled to Taiwan for business and leisure during 2012. Consolidating aviation safety and regulation in Taiwan is also a priority for Americans' safety and best interests; given Taiwan's prominent role in regional air control and transport services like

meaningful participation 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-fourth 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 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, Yost, Stollings, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Prezioso and Fitzsimmons offered the following resolution:

Senate Resolution No. 49—Recognizing the Marshall University Forensic Science Center DNA Laboratory and its achievements as a key component in the criminal justice system supporting West Virginia and the nation.

Whereas, The Marshall University Forensic Science Center DNA Laboratory is one of the nation's only university-based and accredited forensic DNA testing laboratories; and

Whereas, The Marshall University Forensic Science Center DNA Laboratory serves as the data, record and sample archive for the convicted offenders database in West Virginia; and

Whereas, The Marshall University Forensic Science Center DNA Laboratory has assisted in crime laboratories with DNA testing and analysis of sexual assault kits and property crime evidence in West Virginia and other jurisdictions throughout the nation; and

Whereas, The Marshall University Forensic Science Center DNA Laboratory has provided relationship testing in support of human identification for the West Virginia Office of the Chief Medical Examiner and other states; and

Whereas, The Marshall University Forensic Science Center DNA Laboratory has provided the infrastructure necessary for the West Virginia State Police Digital Forensic Unit to investigate computer-based crimes within the state; and

Whereas, The Marshall University Forensic Science Center DNA Laboratory has served as a training center for members of crime laboratories, law enforcement and sexual assault nurse examiners across the nation; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Marshall University Forensic Science Center DNA Laboratory and its achievements as a key component in the criminal justice system supporting West Virginia and the nation; and, be it

Further Resolved, That the Senate strongly encourages the Marshall University Forensic Science Center DNA Laboratory,

current and future, to continue existing partnerships and cultivate new partnerships with state and local law-enforcement agencies, and to engage in activities that promote and enhance the West Virginia criminal justice system; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Marshall University Forensic Science Center DNA Laboratory.

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.

Petitions

Senator Barnes presented a petition from Derrick Young and one hundred seventy-six West Virginia residents, opposing Senate Bill No. 534 (*Increasing excise tax on cigarettes and other tobacco products*).

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Resolution No. 43, Memorializing life and public service of James Howard “Buck” Harless.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Chafin, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Senate Resolution No. 45, Recognizing Paul Wesley Ambrose Health Policy Fellows Program.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Plymale, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill No. 4067, Authorizing the Department of Military Affairs and Public Safety 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. 4067) 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. 4067) 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. 4154, Fixing a technical error relating to the motor fuel 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. H. B. No. 4154) 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. 4154) 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. House Bill No. 4159, Updating the meaning of federal adjusted gross income and certain other terms.

On third reading, 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. 4159) 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. 4159) 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. 4188, Updating the authority and responsibility of 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. 4188) 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. 4188) 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. 4304, Providing rules for motor vehicles passing bicycles on roadways.

On third reading, 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. 4304) 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. 4304—A Bill to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 and §17C-11-7 of said code, all relating to use of a bicycle on a roadway; setting standards for overtaking a bicycle on a roadway; creating a misdemeanor offense for failure to follow requirements for overtaking a bicycle on a roadway; requiring bicycles to generally ride in bicycle lanes or as close as practicable to the right edge of the roadway; providing exceptions to the requirement that bicycles ride in bicycle lanes or as close as practicable to the right edge of the roadway; removing requirement to ride a bicycle on an adjacent path; and allowing a person to operate a bicycle without a bell or other device capable of giving an audible signal.

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

Eng. House Bill No. 4365, Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement 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. H. B. No. 4365) passed with its title.

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

Eng. House Bill No. 4457, Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE 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. H. B. No. 4457) 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. 4457) takes effect from passage.

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

Eng. House Bill No. 4488, Eliminating the requirement for notarization of the articles of incorporation for 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, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 4488) passed with its title.

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

Eng. House Bill No. 4618, Establishing transformative system of support for early literacy.

On third reading, 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. 4618) 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. 306, Budget Bill.

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. 4012, Relating to the Revised Uniform Law on Notarial Acts.

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

The following amendment to the bill, from the Committee on Interstate Cooperation, was reported by the Clerk and adopted:

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

CHAPTER 39. RECORDS AND PAPERS.

ARTICLE 1. AUTHENTICATION AND RECORD OF WRITINGS.

§39-1-4. Form of certificate of acknowledgment.

The certificate of acknowledgment mentioned in the preceding section may be in form or effect as follows:

State (territory or district) of, county of, to wit:

I, ~~....., a commissioner, appointed by the Governor of the State of West Virginia, for the said State (or territory or district) of~~; or I, ~~....., a justice of the peace of the county aforesaid; or I,, recorder of said county municipality; or I,, a notary public of said county; or I,, a prothonotary (or clerk) clerk of the court of said county; (or other officer or person authorized to take acknowledgments by section three of this article, as the case may be), do certify that, whose name (or names) is (or are) signed to the~~

writing above (or hereto annexed) bearing date on the day of , 19 20, has (or have) this day acknowledged the same before me, in my said

Given under my hand this day of, 19 20

§39-1-5. Acknowledgment by husband and wife.

When a husband and wife have signed a writing purporting to sell or convey real estate, the wife may acknowledge the same together with, or separately from her husband. Either the husband or the wife may sign and acknowledge ~~such~~ the writing before the other has signed or acknowledged it. If both acknowledge ~~such~~ the writing at the same time, the certificate of ~~such~~ the acknowledgments may be in form or effect as follows:

State (territory or district) of county of, to wit:

I,, ~~a commissioner appointed by the Governor of the State of West Virginia for the said State of, (or territory or district of,); or I,, a justice of the peace of the said county of,; or I,, a notary public of the said county of,; or I,, prothonotary (or clerk) clerk of the court or county of,; (or other officer or person authorized to take acknowledgments by section three of this article, as the case may be),* do certify and, his or her wife whose names are signed to the writing above (or hereto annexed) bearing date the day of, 19 20....., have this day acknowledged the same before me in my said~~

Given under my hand this day of, 19 20.....

If the husband or wife acknowledge a deed or other writing separately from the other, the certificate of acknowledgment after the star in the foregoing form shall be in form or effect as follows: do certify that, the wife of, (or the husband of, as the case may be), whose name is signed to the writing above (or

hereto annexed) bearing date the day of, 19 20, has this day acknowledged the same before me in my said

Given under my hand this day of, 19 20

ARTICLE 4. REVISED UNIFORM LAW ON NOTARIAL ACTS.

§39-4-1. Short title.

This article may be cited as the Revised Uniform Law on Notarial Acts.

§39-4-2. Definitions.

In this article:

(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(3) “Electronic signature” means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(4) “In a representative capacity” means acting as:

(A) An authorized officer, agent, partner, trustee or other representative for a person other than an individual;

(B) A public officer, personal representative, guardian or other representative, in the capacity stated in a record;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(5) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(6) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(7) “Notary public” means an individual commissioned to perform a notarial act by the West Virginia Secretary of State.

(8) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

(9) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(10) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) “Sign” means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound or process.

(12) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(13) “Stamping device” means:

(A) A physical device capable of affixing to or embossing on a tangible record an official stamp; or

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(15) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

§39-4-3. Applicability; operative date of enactment; effect on existing law.

(a) This article applies to a notarial act performed on or after July 1, 2014.

(b) The repeal of chapter twenty-nine-c of this code and the repeal of articles four, chapter twenty-nine and one-a, chapter thirty-nine of this code and the amendment and reenactment of section two, article one, chapter fifty-nine of this code, pursuant to the provisions of Enrolled House Bill No. 4012, as enacted by the Legislature during the regular session, 2014, are operative on June 30, 2014. The prior enactments of chapter twenty-nine-c; articles four, chapter twenty-nine and one-a, chapter thirty-nine; and section two, article one, chapter fifty-nine of this code, whether amended

and reenacted or repealed by the passage of Enrolled House Bill No. 4012, have full force and effect until the provisions of Enrolled House Bill No. 4012, are operative on June 30, 2015, unless after the effective date of Enrolled House Bill No. 4012, and prior to the operative date of June 30, 2015, the provisions of Enrolled House Bill No. 4012, are otherwise repealed or amended and reenacted.

§39-4-4. Authority to perform notarial act.

(a) A notarial officer may perform a notarial act authorized by this article or by law of this state other than this article.

(b) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party, or in which either of them has a direct beneficial interest, financial or otherwise. A notarial act performed in violation of this subsection is voidable.

§39-4-5. Requirements for certain notarial acts.

(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item.

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in subsection (b), section five hundred five, article three, chapter forty-six of this code.

§39-4-6. Personal appearance required.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer. An individual making the statement or executing the signature does not appear personally if the appearance is by video or audio technology, even if the video is synchronous.

§39-4-7. Identification of individual.

(a) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(1) By means of:

(A) A passport, driver's license or government issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act; or

(B) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual and is satisfactory to the officer; or

(2) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license or government issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

§39-4-8. Authority to refuse to perform notarial act.

(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) The individual executing the record is competent or has the capacity to execute the record; or

(2) The individual's signature is knowingly and voluntarily made.

(b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this article.

§39-4-9. Signature if individual is unable to sign.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

§39-4-10. Notarial act in this state.

(a) A notarial act may be performed in this state by:

(1) A notary public of this state;

(2) A judge, clerk or deputy clerk of a court of this state; or

(3) Any other individual authorized to perform the specific act by the law of this state.

(b) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subdivision (1) or (2), subsection (a) of this section, conclusively establish the authority of the officer to perform the notarial act.

§39-4-11. Notarial act in another state.

(a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(1) A notary public of that state;

(2) A judge, clerk or deputy clerk of a court of that state; or

(3) Any other individual authorized by the law of that state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subdivision (1) or (2), subsection (a) of this section, conclusively establish the authority of the officer to perform the notarial act.

§39-4-12. Notarial act under authority of federally recognized Indian tribe.

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect

as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:

(1) A notary public of the tribe;

(2) A judge, clerk or deputy clerk of a court of the tribe; or

(3) Any other individual authorized by the law of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subdivision (1) or (2), subsection (a) of this section, conclusively establish the authority of the officer to perform the notarial act.

§39-4-13. Notarial act under federal authority.

(a) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

(1) A judge, clerk or deputy clerk of a court;

(2) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(4) Any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subdivision (1), (2) or (3), subsection (a) of this section, conclusively establish the authority of the officer to perform the notarial act.

§39-4-14. Foreign notarial act.

(a) In this section, “foreign state” means a government other than the United States, a state or a federally recognized Indian tribe.

(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) The signature and official stamp of an individual holding an office described in subsection (c) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(f) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for

performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

§39-4-15. Certificate of notarial act.

(a) A notarial act must be evidenced by a certificate. The certificate must:

(1) Be executed contemporaneously with the performance of the notarial act;

(2) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;

(3) Identify the jurisdiction in which the notarial act is performed;

(4) Contain the title of office of the notarial officer; and

(5) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.

(b) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subdivisions (2), (3) and (4), subsection (a) of this section, an official stamp may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in said subdivisions, an official stamp may be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and:

(1) Is in a short form set forth in section sixteen of this article;

(2) Is in a form otherwise permitted by the law of this state;

(3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections five, six and seven of this article or law of this state other than this article.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections four, five and six of this article.

(e) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to or logically associated with, the electronic record. If the Secretary of State has established standards pursuant to section twenty-five of this article, for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

§39-4-16. Short form certificates.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsections (a) and (b), section fifteen of this article:

(1) For an acknowledgment in an individual capacity:

State of

County of

This record was acknowledged before me on [Date] by
..... [Name(s) of individual(s)]

.....
Signature of notarial officer

Stamp

.....
Title of office

My commission expires:

(2) For an acknowledgment in a representative capacity:

State of

County of

This record was acknowledged before me on [Date] by
..... [Name(s) of individual(s)] as
..... [Type of authority, such as officer or trustee] of
..... [Name of party on behalf of whom record was
executed].

.....
Signature of notarial officer

Stamp

.....
Title of office

My commission expires:

(3) For a verification on oath or affirmation:

State of

County of

Signed and sworn to (or affirmed) before me on [Date] by
..... [Name(s) of individual(s) making
statement]

.....
Signature of notarial officer

Stamp

.....
Title of office

My commission expires:

(4) For witnessing or attesting a signature:

State of

County of

Signed or attested before me on [Date] by
..... [Name(s) of individual(s)]

.....
Signature of notarial officer

Stamp

.....
Title of office

My commission expires:

(5) For certifying a copy of a record:

State of

County of

I certify that this is a true and correct copy of a record in the possession of

Dated

.....
Signature of notarial officer

Stamp

.....
Title of office

My commission expires:

§39-4-17. Official stamp.

The official stamp of a notary public must:

(1) Include the notary public’s name, address, jurisdiction, commission expiration date and other information required by the Secretary of State; and

(2) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

§39-4-18. Stamping device.

(a) A notary public is responsible for the security of the notary public’s stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public’s commission, or on

the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.

(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the Secretary of State on discovering that the device is lost or stolen.

§39-4-19. Notification regarding performance of notarial act on electronic record, selection of technology.

(a) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the Secretary of State that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the Secretary of State has established standards for approval of technology pursuant to section twenty-five of this article, the technology must conform to the standards. If the technology conforms to the standards, the Secretary of State shall approve the use of the technology.

§39-4-20. Commission as notary public; qualifications; no immunity or benefit; disposition of fees.

(a) An individual qualified under subsection (b) of this section may apply to the Secretary of State for a commission as a notary

public. The applicant shall comply with and provide the information required by rules promulgated by the Secretary of State and pay any application fee.

(b) An applicant for a commission as a notary public must:

(1) Be at least eighteen years of age;

(2) Be a citizen or permanent legal resident of the United States;

(3) Be a resident of or have a place of employment or practice in this state;

(4) Be able to read and write English;

(5) Have a high school diploma or its equivalent; and

(6) Not be disqualified to receive a commission under section twenty-three of this article.

(c) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the Secretary of State.

(d) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the Secretary of State an assurance in the form of: (1) A surety bond or its functional equivalent in the amount of \$1,000; or (2) certification that the applicant is covered under a: (A) Professional liability insurance policy; (B) an errors and omission insurance policy; (C) a commercial general liability insurance policy; or (D) their equivalent, in the amount of \$1,000. The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the Secretary of State. If a notary public violates law with respect to notaries public in this state, the surety or issuing

entity is liable under the assurance. The notary public shall give thirty days' notice to the Secretary of State before canceling any assurance or loss of insurance coverage. The surety or issuing entity shall notify the Secretary of State not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the Secretary of State.

(e) On compliance with this section, the Secretary of State shall issue a commission as a notary public to an applicant for a term of five years.

(f) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

§39-4-21. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.

(a) The Secretary of State may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) Failure to comply with this article;

(2) A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Secretary of State;

(3) A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit;

(4) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;

(5) Failure by the notary public to discharge any duty required of a notary public, whether by this article, rules promulgated by the Secretary of State, or any federal or state law;

(6) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have;

(7) Violation by the notary public of a rule of the Secretary of State regarding a notary public;

(8) Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;

(9) Failure of the notary public to maintain an assurance as provided in subsection (d), section twenty of this article;

(10) Charging more than the maximum fees specified in section thirty of this article; and

(11) Failure to notify the Secretary of State of an address or name change pursuant to subsection (b), section twenty-two of this article.

(b) If the Secretary of State denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with article five, chapter twenty-nine-a of this code.

(c) The authority of the Secretary of State to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

§39-4-22. Database of notaries public.

(a) The Secretary of State shall maintain an electronic database of notaries public:

(1) Through which a person may verify the authority of a notary public to perform notarial acts; and

(2) Which indicates whether a notary public has notified the Secretary of State that the notary public will be performing notarial acts on electronic records.

(b) Not later than thirty days after a notary public either:

(1) Changes the address of his or her business or residence; or

(2) Changes his or her name, the notary public shall notify the Secretary of State of the address or name change.

§39-4-23. Prohibited acts.

(a) A commission as a notary public does not authorize an individual to:

(1) Assist persons in drafting legal records, give legal advice or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or

(4) Receive compensation for performing any of the activities listed in this subsection.

(b) A notary public may not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in this state, may not use the term “notario” or “notario publico”.

(d) A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the Secretary of State, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

§39-4-24. Validity of notarial acts.

Except as otherwise provided in subsection (b), section four of this article, the failure of a notarial officer to perform a duty or meet a requirement specified in this article does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this article does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this article or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§39-4-25. Rules.

(a) The Secretary of State may promulgate rules, in accordance with the provisions of chapter twenty-nine-a of this code, to implement this article. Rules promulgated regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may:

(1) Prescribe the manner of performing notarial acts regarding tangible and electronic records;

(2) Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(3) Include provisions to ensure integrity in the creation, transmittal, storage or authentication of electronic records or signatures;

(4) Prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public;

(5) Include provisions to prevent fraud or mistake in the performance of notarial acts;

(6) Establish the process for approving and accepting surety bonds and other forms of assurance under subsection (d), section twenty of this article; and

(7) Establish fees, with legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code. Fees collected by the Secretary of State pursuant to section two, article one, chapter fifty-nine of this code shall be deposited by the Secretary of State as follows: One-half shall be deposited in the state general revenue fund and one-half shall be deposited in the service

fees and collections account established by section two, article one, chapter fifty-nine of this code 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 by the provisions of article four, chapter thirty-nine of this code.

(b) In promulgating, amending or repealing rules about notarial acts with respect to electronic records, the Secretary of State shall consider, so far as is consistent with this article:

(1) The most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;

(2) Standards, practices and customs of other jurisdictions that substantially enact this article; and

(3) The views of governmental officials and entities and other interested persons.

§39-4-26. Notary public commission and commissioner appointment in effect.

(a) A commission as a notary public in effect on June 30, 2015, continues until its date of expiration. A notary public who applies for a commission as a notary public on or after July 1, 2015, is subject to and shall comply with this article. A notary public, in performing notarial acts on or after July 1, 2015, shall comply with this article.

(b) An appointment as commissioner under the repealed provisions of article four, chapter twenty-nine of this code, in effect on June 30, 2015, continues until its date of expiration. A commissioner, in performing notarial acts on or after July 1, 2015, shall comply with this article: *Provided*, That a person holding a commission pursuant to the provisions of article four, chapter twenty-nine of this code, on June 30, 2015, is not required to obtain

or use a stamp required by section seventeen of this article, prior to the expiration of that commission.

§39-4-27. Savings clause.

This article does not affect the validity or effect of a notarial act performed before July 1, 2015.

§39-4-28. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§39-4-29. Relation to Electronic Signatures in Global and National Commerce Act.

This article modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U. S. C. Section 7001 *et seq.*, but does not modify, limit, or supersede Section 101(c) of that act, 15 U. S. C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U. S. C. Section 7003(b).

§39-4-30. Maximum fees.

(a) The maximum fee in this state for notarization of each signature and the proper recordation thereof in the journal of notarial acts is \$5.00 for each signature notarized.

(b) The maximum fee in this state for certification of a facsimile of a document, retaining a facsimile in the notary's file, and the proper recordation thereof in the journal of notarial acts is \$5.00 for each eight and one-half by eleven inch page retained in the notary's file.

(c) The maximum fee in this state is \$5.00 for any other notarial act performed.

§39-4-31. Government notaries public.

(a) State and local government employees may be commissioned as government notaries public to act for and in behalf of their respective state and local government offices.

(b) A state or local government employee commissioned under this section shall meet the requirements for qualification and appointment prescribed in this article except that the head of the state or local government office where the applicant is employed, or his or her designee, shall execute a certificate that the application is made for the purposes of the office and in the public interest and submit it to the Secretary of State together with the application for appointment as a notary public.

(c) The costs of application and all notary supplies for a commissioned state or local government employee shall be paid from funds available to the office in which he or she is employed.

(d) All fees received for notarial services by a government notary public appointed for and in behalf of a state or local government office shall be remitted by him or her to the state or local government office in which he or she is employed.

(e) A government notary public must comply with all provisions of this article in the performance of notarial acts.

(f) A government notary public may acknowledge any document required to be acknowledged by a notary public: *Provided*, That a government notary public may not operate privately.

§39-4-32. Liability of notary and of an employer of notary.

(a) A notary public is liable to the persons involved for all damages proximately caused by the notary's official misconduct.

(b) The employer of a notary public is also liable to the persons involved for all damages proximately caused by the notary's official misconduct, if:

(1) The notary public was acting within the scope of his or her employment at the time he or she engaged in the official misconduct; and

(2) The employer consented to the notary public's official misconduct.

(c) It is not essential to a recovery of damages that a notary's official misconduct be the only proximate cause of the damages.

(d) For the purposes of this section, the term "official misconduct" means any act or conduct that:

(1) May result in the denial, refusal to renew, revocation, suspension or condition commission of a notary public pursuant to section twenty-one of this article; or

(2) Is prohibited by section twenty-three of this article.

§39-4-33. Criminal penalties.

(a) A notary public who knowingly and willfully commits any official misconduct is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$5,000 or confined in jail not more than one year, or both fined and confined.

(b) A notary public who recklessly or negligently commits any official misconduct is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000.

(c) Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$5,000 or confined in jail not more than one year, or both fined and confined.

(d) Any person who unlawfully possesses a notary's official seal or any papers or copies relating to notarial acts, is guilty of a

misdeemeanor and, upon conviction, shall be fined not more than \$1,000.

(e) For the purposes of this section, the term “official misconduct” means any act or conduct that:

(1) May result in the denial, refusal to renew, revocation, suspension or condition commission of a notary public pursuant to section twenty-one of this article; or

(2) Is prohibited by section twenty-three of this article.

§39-4-34. Action for injunction; unauthorized practice of law.

Upon his or her own information or upon complaint of any person, the Attorney General, or his or her designee, may maintain an action for injunctive relief in circuit court against any notary public who renders, offers to render or holds himself or herself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this state or by the Secretary of State.

§39-4-35. Administrative complaints and investigations.

(a) In addition to the powers and duties contained in this article, the Secretary of State may:

(1) Investigate, upon complaint or on his or her own initiative, any alleged violations or irregularities of this article.

(2) Administer oaths and affirmations, issue subpoenas for the attendance of witnesses, issue subpoenas duces tecum to compel the production of books, papers, records and all other evidence necessary to any investigation.

(3) Involve the aid of any circuit court in the execution of its subpoena power.

(4) Report any alleged violations of this article to the appropriate prosecuting attorney having jurisdiction, which prosecuting attorney shall present to the grand jury the alleged violations, together with all evidence relating thereto, no later than the next term of court after receiving the report.

(b) The Attorney General shall, when requested, provide legal and investigative assistance to the Secretary of State.

§39-4-36. Secretary of State record retention.

(a) The provisions of subsection (c), section three, article two, chapter five of this code notwithstanding, the Secretary of State may destroy original records of appointment under this article after expiration of the term of a notary public: *Provided*, That the Secretary of State maintains an electronic copy of the appointment for a minimum of ten years after the expiration of the term of the notary public.

(b) The Secretary of State may destroy any original journals of notarial acts in his or her possession: *Provided*, That an electronic copy is maintained in accordance with the retention rules of the Department of Administration.

CHAPTER 57. EVIDENCE AND WITNESSES.

ARTICLE 4. DEPOSITIONS AND PERPETUATION OF TESTIMONY.

§57-4-2. Taking and certification of depositions – Out-of state and in foreign countries.

On affidavit that a witness resides out of this state, or is out of it in the service thereof, or of the United States, or is out of this state and for justifiable reasons will probably be out of this state until

after the trial of the case in which his or her testimony is needed, his or her deposition may be taken by or before ~~any commissioner appointed by the Governor of this state,~~ or any justice, notary public or other officer authorized to take depositions in the state wherein the witness may be, or, if the deposition is to be taken in a foreign country, by or before such commissioner or commissioners as may be agreed upon by the parties or appointed by the court, or, if there be none such, by or before any American minister, plenipotentiary, charge d'affaires, consul general, consul, vice consul, consular agent, vice deputy consular agent, commercial agent or vice commercial agent, appointed by the government of the United States, or by or before the mayor or other chief magistrate of any city, town or corporation in ~~such~~ the country or any notary public therein. Any person or persons taking ~~such~~ the deposition may administer an oath to the witness and take and certify the deposition with his or her official seal annexed, and if he or she have none, the genuineness of his or her signature shall be authenticated by some officer of the same state or country, under his or her official seal.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§57-5-9. Administration of oaths or taking of affidavits; authentication of affidavit made in another state or country; oaths and affidavits of persons in military service.

Any judge of this state may administer any oath that is or may be lawful for any person to take, including oaths of office, and also may swear any person to an affidavit, and administer an oath to any person in any proceeding.

Any oath or affidavit required by law, which is not of such a nature that it must be made otherwise or elsewhere may, unless otherwise provided, be administered by, or made before, a county commissioner, notary public, ~~or a commissioner appointed by the Governor,~~ or by the clerk of any court, or, in case of a survey directed by a court in a case therein pending, by or before the surveyor directed to execute said order of survey.

An affidavit may also be made before any officer of another state or country authorized by its laws to administer an oath, and shall be deemed duly authenticated if it be subscribed by such the officer, with his or her official seal annexed, and if he or she have none, the genuineness of his or her signature, and his or her authority to administer an oath, shall be authenticated by some officer of the same state or country under his or her official seal.

Any oath or affidavit required of a person in the military service of the United States (including the Women’s Army Corps, Women’s Appointed Volunteers for Emergency Service, Army Nurse Corps, Spars, Women’s Reserve or similar women’s auxiliary unit officially connected with such the military service of the United States), may be administered by or made before any commissioned officer of any branch of the military service of the United States, or any auxiliary unit officially connected with such the military service. Such oath may be taken or affidavit made at any place either within or outside the United States of America, or any territory, possession or dependency thereof. The jurat to such the oath and certificate to such the affidavit need not state the place where the same is taken and shall require no seal to be affixed thereto. The certificate of the officer before whom such the oath is taken or affidavit is made must state his or her rank, branch of military service, and identification number, and such the certificate may be substantially in form and effect as follows:

IN THE MILITARY SERVICE OF THE UNITED STATES:

I,, being duly sworn on oath (affirmation), do swear (affirm) that I am a member of the military service of the United States (or of, an auxiliary to the military forces of the United States); that ***, etc.

.....

Taken, subscribed and sworn to before me,, a commissioned officer in the service of the United States, by, a member of the military service of the United States

(or of, an auxiliary to the military forces of the United States), this the day of, ~~19~~ 20.....

.....
(Signature of officer)

.....
(Rank) (Identification Number)

Any oath or affidavit heretofore taken or made by any person in the military service in substantial compliance with this section shall be valid.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS;
NEWSPAPERS; LEGAL ADVERTISEMENTS.**

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2. Fees to be charged by Secretary of State.

(a) Except as may be otherwise provided in this code, the Secretary of State shall charge for services rendered in his or her office the following fees to be paid by the person to whom the service is rendered at the time it is done:

(1) For filing, recording, indexing, preserving a record of and issuing a certificate relating to the formation, amendment, change of name, registration of trade name, merger, consolidation, conversion, renewal, dissolution, termination, cancellation, withdrawal revocation and reinstatement of business entities organized within the state, as follows:

(A) Articles of incorporation of for-profit corporation \$50.00

(B) Articles of incorporation of nonprofit corporation 25.00

(C) Articles of organization of limited liability company	100.00
(D) Agreement of a general partnership	50.00
(E) Certificate of a limited partnership	100.00
(F) Agreement of a voluntary association	50.00
(G) Articles of organization of a business trust	50.00
(H) Amendment or correction of articles of incorporation, including change of name or increase of capital stock, in addition to any applicable license tax	25.00
(I) Amendment or correction, including change of name, of articles of organization of business trust, limited liability partnership, limited liability company or professional limited liability company or of certificate of limited partnership or agreement of voluntary association	25.00
(J) Amendment and restatement of articles of incorporation, certificate of limited partnership, agreement of voluntary association or articles of organization of limited liability partnership, limited liability company or professional limited liability company or business trust	25.00
(K) Registration of trade name, otherwise designated as a true name, fictitious name or D.B.A. (doing business as) name for any domestic business entity as permitted by law	25.00
(L) Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability companies or professional limited liability companies, voluntary associations or business trusts	25.00
(M) Plus for each additional party to the merger in excess of two	15.00

(N) Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing the appropriate documents to organize the surviving entity . . . 25.00

(O) Articles of dissolution of a corporation, voluntary association or business trust, or statement of dissolution of a general partnership 25.00

(P) Revocation of voluntary dissolution of a corporation, voluntary association or business trust 15.00

(Q) Articles of termination of a limited liability company, cancellation of a limited partnership or statement of withdrawal of limited liability partnership 25.00

(R) Reinstatement of a limited liability company or professional limited liability company after administrative dissolution . . 25.00

(2) For filing, recording, indexing, preserving a record of and issuing a certificate relating to the registration, amendment, change of name, merger, consolidation, conversion, renewal, withdrawal or termination within this state of business entities organized in other states or countries, as follows:

(A) Certificate of authority of for-profit corporation \$100.00

(B) Certificate of authority of nonprofit corporation 50.00

(C) Certificate of authority of foreign limited liability companies 150.00

(D) Certificate of exemption from certificate of authority 25.00

(E) Registration of a general partnership 50.00

(F) Registration of a limited partnership	150.00
(G) Registration of a limited liability partnership for two-year term	500.00
(H) Registration of a voluntary association	50.00
(I) Registration of a trust or business trust	50.00
(J) Amendment or correction of certificate of authority of a foreign corporation, including change of name or increase of capital stock, in addition to any applicable license tax	25.00
(K) Amendment or correction of certificate of limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association or business trust	25.00
(L) Registration of trade name, otherwise designated as a true name, fictitious name or D.B.A. (doing business as) name for any foreign business entity as permitted by law	25.00
(M) Amendment and restatement of certificate of authority or of registration of a corporation, limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association or business trust	25.00
(N) Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability companies or professional limited liability companies, voluntary associations or business trusts	25.00
(O) Plus for each additional party to the merger in excess of two	5.00
(P) Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing	

the appropriate articles or certificate to organize the surviving entity 25.00

(Q) Certificate of withdrawal or cancellation of a corporation, limited partnership, limited liability partnership, limited liability company, voluntary association or business trust 25.00

Notwithstanding any other provision of this section to the contrary, after June 30, 2008, the fees described in this subdivision that are collected 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 shall be deposited in the general administrative fees account established by this section.

(3) For receiving, filing and recording a change of the principal or designated office, change of the agent of process and/or change of officers, directors, partners, members or managers, as the case may be, of a corporation, limited partnership, limited liability partnership, limited liability company or other business entity as provided by law \$15.00

(4) For receiving, filing and preserving a reservation of a name for each one hundred twenty days or for any other period in excess of seven days prescribed by law for a corporation, limited partnership, limited liability partnership or limited liability company \$15.00

(5) For issuing a certificate relating to a corporation or other business entity, as follows:

(A) Certificate of good standing of a domestic or foreign corporation \$10.00

(B) Certificate of existence of a domestic limited liability company, and certificate of authorization foreign limited liability company 10.00

(C) Certificate of existence of any business entity, trademark or service mark registered with the Secretary of State 10.00

(D) Certified copy of corporate charter or comparable organizing documents for other business entities 15.00

(E) Plus, for each additional amendment, restatement or other additional document 5.00

(F) Certificate of registration of the name of a foreign corporation, limited liability company, limited partnership or limited liability partnership 25.00

(G) And for the annual renewal of the name registration 10.00

(H) Any other certificate not specified in this subdivision 10.00

(6) For issuing a certificate other than those relating to business entities, as provided in this subsection, as follows:

(A) Certificate or apostille relating to the authority of certain public officers, including the membership of boards and commissions \$10.00

(B) Plus, for each additional certificate pertaining to the same transaction 5.00

(C) Any other certificate not specified in this subdivision 10.00

(D) For acceptance, indexing and recordation of service of process any corporation, limited partnership, limited liability partnership, limited liability company, voluntary association, business trust, insurance company, person or other entity as permitted by law 15.00

(E) For shipping and handling expenses for execution of service of process by certified mail upon any defendant within the United States, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the Secretary of State 5.00

(F) For shipping and handling expenses for execution of service of process upon any defendant outside the United States by registered mail, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the Secretary of State 15.00

(7) For a search of records of the office conducted by employees of or at the expense of the Secretary of State upon request, as follows:

(A) For any search of archival records maintained at sites other than the office of the Secretary of State no less than \$10.00

(B) For searches of archival records maintained at sites other than the office of the Secretary of State which require more than one hour, for each hour or fraction of an hour consumed in making a search 10.00

(C) For any search of records maintained on site for the purpose of obtaining copies of documents or printouts of data 5.00

(D) For any search of records maintained in electronic format which requires special programming to be performed by the state information services agency or other vendor any actual cost, but not less than 25.00

(E) The cost of the search is in addition to the cost of any copies or printouts prepared or any certificate issued pursuant to or based on the search.

(F) For recording any paper for which no specific fee is prescribed 5.00

(8) For producing and providing photocopies or printouts of electronic data of specific records upon request, as follows:

(A) For a copy of any paper or printout of electronic data, if one sheet \$1.00

(B) For each sheet after the first50

(C) For sending the copies or lists by fax transmission . . . 5.00

(D) For producing and providing photocopies of lists, reports, guidelines and other documents produced in multiple copies for general public use, a publication price to be established by the Secretary of State at a rate approximating 2.00 plus .10 per page and rounded to the nearest dollar.

(E) For electronic copies of records obtained in data format on disk, the cost of the record in the least expensive available printed format, plus, for each required disk, which shall be provided by the Secretary of State 5.00

(b) The Secretary of State may propose legislative rules for promulgation for charges for on-line electronic access to database information or other information maintained by the Secretary of State.

(c) For any other work or service not enumerated in this subsection, the fee prescribed elsewhere in this code or a rule promulgated under the authority of this code.

(d) The records maintained by the Secretary of State are prepared and indexed at the expense of the state and those records shall not be obtained for commercial resale without the written agreement of the state to a contract including reimbursement to the state for each instance of resale.

(e) The Secretary of State may provide printed or electronic information free of charge as he or she considers necessary and efficient for the purpose of informing the general public or the news media.

(f) There is hereby continued in the State Treasury a special revenue account to be known as the “service fees and collections” account. Expenditures from the account shall be used for the operation of the office of the Secretary of State 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. Notwithstanding any other provision of this code to the contrary, except as provided in subsection (h) of this section and section two-a of this article, one half of all the fees and service charges established in the following sections and for the following purposes shall be deposited by the Secretary of State or other collecting agency to that special revenue account and used for the operation of the office of the Secretary of State:

(1) The annual attorney-in-fact fee for corporations and limited partnerships established in section five, article twelve-c, chapter eleven of this code;

(2) The fees received for the sale of the State Register, code of state rules and other copies established by rule and authorized by section seven, article two, chapter twenty-nine-a of this code;

(3) The registration fees, late fees and legal settlements charged for registration and enforcement of the charitable organizations and professional solicitations established in sections five, nine and fifteen-b, article nineteen, chapter twenty-nine of this code;

(4) The annual attorney-in-fact fee for limited liability companies as designated in section one hundred eight, article one, chapter thirty-one-b of this code and established in section two hundred

eleven, article two of said chapter: *Provided*, That after June 30, 2008, the annual report fees designated in section one hundred eight, article one, chapter thirty-one-b of this code shall upon collection be deposited in the general administrative fees account described in subsection (h) of this section;

(5) The filing fees and search and copying fees for uniform commercial code transactions established by section five hundred twenty-five, article nine, chapter forty-six of this code;

(6) The annual attorney-in-fact fee for licensed insurers established in section twelve, article four, chapter thirty-three of this code;

(7) The fees for the application and record maintenance of all notaries public established by section twenty, article four, chapter thirty-nine of this code.

(8) The fees for registering credit service organizations as established by section five, article six-c, chapter forty-six-a of this code;

(9) The fees for registering and renewing a West Virginia limited liability partnership as established by section one, article ten, chapter forty-seven-b of this code;

(10) The filing fees for the registration and renewal of trademarks and service marks established in section seventeen, article two, chapter forty-seven of this code;

(11) All fees for services, the sale of photocopies and data maintained at the expense of the Secretary of State as provided in this section; and

(12) All registration, license and other fees collected by the Secretary of State not specified in this section.

(g) Any balance in the service fees and collections account established by this section which exceeds five hundred thousand dollars as of June 30, 2003, and each year thereafter, shall be expired to the state fund, General Revenue Fund.

(h)(1) Effective July 1, 2008, there is hereby created in the State Treasury a special revenue account to be known as the general administrative fees account. Expenditures from the account shall be used for the operation of the office of the Secretary of State 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 eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2009, expenditures are authorized from collections rather than pursuant to an appropriation by the Legislature. Any balance in the account at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this subsection.

(2) After June 30, 2008, all the fees and service charges established in section two-a of this article for the following purposes shall be collected and deposited by the Secretary of State or other collecting agency in the general administrative fees account and used for the operation of the office of the Secretary of State:

(A) The annual report fees paid to the Secretary of State by corporations, limited partnerships, domestic limited liability companies and foreign limited liability companies;

(B) The fees 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) of this section; and

(C) The fees for the purchase of date and updates related to the State's Business Organizations Database described in section two-a of this article.

(i) There is continued in the office of the Secretary of State a noninterest-bearing, escrow account to be known as the “prepaid fees and services account”. This account shall be for the purpose of allowing customers of the Secretary of State to prepay for services, with payment to be held in escrow until services are rendered. Payments deposited in the account shall remain in the account until services are rendered by the Secretary of State and at that time the fees will be reallocated to the appropriate general or special revenue accounts. There shall be no fee charged by the Secretary of State to the customer for the use of this account and the customer may request the return of any moneys maintained in the account at any time without penalty. The assets of the prepaid fees and services account do not constitute public funds of the state and are available solely for carrying out the purposes of this section.

The bill (Eng. Com. Sub. for H. B. No. 4012), as amended, was then ordered to third reading.

Eng. House Bill No. 4186, Relating to the procedures for issuing a concealed weapon 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. 4236, Sexual assault nurse examination network.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

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 §15-9B-1 and §15-9B-2, all to read as follows:

ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.

§15-9B-1. Sexual Assault Forensic Examination Commission.

(a) There is created within The Governor's Committee on Crime, Delinquency and Correction the Sexual Assault Forensic Examination Commission. The purpose of the commission is to establish, manage and monitor a statewide system to facilitate the timely and efficient collection of forensic evidence in sexual assault cases.

(b) The commission shall be chaired by the director of the Division of Justice and Community Service. Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorney's Association;

(2) A representative chosen from the membership of the West Virginia Association of Counties;

(3) The Commissioner of the Bureau of Public Health, or his or her designee;

(4) A representative from the State Police Crime Laboratory;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;

(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program; and

(9) A representative of the Marshall University Forensic Science Center.

If any of the representative organizations cease to exist, the director may select a person from a similar organization.

The director may appoint the following additional members of the commission, as needed:

(1) An emergency room physician;

(2) A victim advocate from a rape crisis center;

(3) A sexual assault nurse examiner;

(4) A law-enforcement officer with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise; and

(6) A director of a child advocacy center.

(c) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic examinations, establishing minimum qualifications and procedures for performing forensic examinations and establishing protocols to assure the proper collection of evidence.

(d) As used in this article, the word “commission” means the Sexual Assault Forensic Examination Commission.

§15-9B-2. Powers and duties of the commission.

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers receive training and support services, advocating the fair and reasonable reimbursement to exam providers and to facilitate transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state on a county or regional basis. If the commission deems necessary, it may add or remove a county or portion thereof from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided the rules authorized pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission thirty days advance notice of their intent to withdraw from the plan. If there is a change of circumstances, that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, necessary to implement this article. These rules shall include, at a minimum:

(1) Establishment of local sexual assault forensic examination boards who shall develop local plans;

(2) Membership of local sexual assault forensic examination boards;

(3) Meeting requirements of local sexual assault forensic examination boards;

(4) Contents and minimum requirements of a local plans to be developed by local sexual assault forensic examination boards;

(5) The process of submission of the local plan and approval by the commission; and

(6) The manner for amending or altering a local plan.

The bill (Eng. Com. Sub. for H. B. No. 4236), as amended, was then ordered to third reading.

Eng. House Bill No. 4256, Amending the annual salary schedule for members of the state police.

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

At the request of Senator Prezioso, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 4270, Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center.

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. 4284, Pregnant Workers' Fairness 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. 4287, Administration of health maintenance tasks.

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. 4290, Revising the regulatory structure of money transmitters and other entities.

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

Eng. House Bill No. 4302, Relating to elections for public school purposes.

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 §11-8-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §13-1-13 of said code be amended and reenacted; and that §18-9-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 8. LEVIES.

§11-8-17. Special levy elections; notices; election officers; conduct of election; supplies; canvass of returns; form of ballot.

(a) The local levying body shall publish a notice, calling the election, 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 shall be the territory in which the election is held. Such notice shall be so published within fourteen consecutive days next preceding the election.

(b) All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the local levying body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time.

(2) The local levying body ~~however~~, shall provide the election supplies necessary for such election and shall canvass the returns thereof: Provided, That the county commission is the board of canvassers to canvass the returns of levy elections called by the board of education.

(c) A separate ballot shall be used at a levy election held in connection with any other election. The ballot shall be entitled: "Special election to authorize additional levies for the year(s) _____ and for the purpose of _____ according to the order of the _____ entered on the _____ day of _____."

The additional levy shall be on Class I property _____ cents; on Class II property _____ cents; on Class III property (if any) _____ cents; on Class IV property (if any) _____ cents.

CHAPTER 13. PUBLIC BONDED INDEBTEDNESS.

ARTICLE 1. BOND ISSUES FOR ORIGINAL INDEBTEDNESS.

§13-1-13. Time and manner of canvassing returns.

The authorities calling bond elections shall canvass the returns at the same time with reference to the election and in the same manner as is required of county ~~courts~~ commissions for general elections; Provided, That the county commission is the board of canvassers to canvass the returns of bond elections called by the board of education.

CHAPTER 18. EDUCATION.

ARTICLE 9. SCHOOL FINANCES.

§18-9-2. Elections under this chapter; procedure.

Any and all elections authorized by this chapter for school purposes may, unless otherwise provided, be held separately or in connection with any general or special election. Notice of ~~any such~~ an election shall be given by the publication of the order of the board calling the same 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 ~~shall be~~ is the territory in which the election is to be held. The order shall be ~~so~~ published within fourteen consecutive days next preceding the day of election. All provisions of the law concerning general and special elections ~~shall~~ apply in ~~such~~ these elections insofar as is practicable. ~~except that in~~ In cases of special elections the board calling the election shall appoint necessary election officers. ~~and shall canvass the returns, and the~~ The secretary of the board shall procure and furnish to the election commissioners at each place of voting the ballots, poll

books, tally sheets and other ~~things needed~~ election supplies necessary for the election. In calling elections, district and county boards of education shall follow the forms ~~to be~~ prescribed by the Attorney General. For all elections authorized by this chapter for school purposes, the county commission is the board of canvassers to canvass the returns.

The bill (Eng. H. B. No. 4302), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4363, Creating an informal dispute resolution process available to behavioral health providers.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

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

ARTICLE 1A. DEPARTMENT OF HEALTH.

§27-1A-12. Independent Informal Dispute Resolution.

(a) A behavioral health provider licensed by the Department of Health and Human Resources adversely affected by an order or citation of a deficient practice issued pursuant to this article or pursuant to federal law may request to use the independent informal dispute resolution process established by this section. A licensee may contest a cited deficiency as contrary to rule, regulation or law or unwarranted by the facts, or any combination thereof.

(b) The independent informal dispute resolution process is not a formal evidentiary proceeding and utilization of the independent informal dispute resolution process does not waive the right of the licensee to request a formal hearing with the secretary.

(c) The independent informal dispute resolution process shall consist of the following:

(1) The secretary shall transmit to the licensee a statement of deficiencies attributed to the licensee and request that the licensee submit a plan of correction addressing the cited deficiencies no later than ten working days following the last day of the survey or inspection, or no later than ten working days following the last day of a complaint investigation. Notification of the availability of the independent informal dispute resolution process and an explanation of the independent informal dispute resolution process shall be included in the transmittal.

(2) When the licensee returns its plan of correction to the secretary, the licensee may request, in writing, to participate in the independent informal dispute resolution process to protest or refute all or part of the cited deficiencies within ten working days. The secretary may not release the final report until all dispute processes are resolved.

(3) The Secretary of the West Virginia Department of Health and Human Resources (hereinafter "secretary") shall approve and establish a panel of at least three independent review providers: *Provided*, That in lieu of establishing a panel, the secretary may use an existing panel of approved independent review providers. The secretary shall contract with the independent review providers to conduct the independent informal dispute resolution processes. Each independent review provider shall be accredited by the Utilization Review Accreditation Commission. When a licensee requests an independent informal dispute resolution process, the secretary shall choose one independent review provider from the approved panel to conduct the process.

(4) The secretary shall refer the request to an independent review provider from the panel of certified independent review providers approved by the department within five working days of receipt of the written request for the independent informal dispute resolution

process made by a licensee. The secretary shall vary the selection of the independent review providers on a rotating basis. The secretary shall acknowledge in writing to the licensee that the request for independent review has been received and forwarded to the independent review provider. The notice shall include the name and professional address of the independent review provider.

(5) The independent review provider shall hold an independent informal dispute resolution conference, unless additional time is requested by either the licensee, the Department of Health and Human Resources or the independent review provider and approved by the secretary, within ten working days of receipt of the written request for the independent informal dispute resolution process made by a licensee. The licensee or the Department of Health and Human Resources may submit additional information before the independent informal dispute resolution conference.

(6) Neither the secretary nor the licensee may be accompanied by counsel during the independent informal dispute resolution conference. The manner in which the independent informal dispute resolution conference is held is at the discretion of the licensee, but is limited to:

(A) A review of written information submitted by the licensee;

(B) A telephonic conference; or

(C) A face-to-face conference held at a mutually agreed upon location.

(7) If the independent review provider determines the need for additional information, clarification or discussion at the conclusion of the independent informal dispute resolution conference, the secretary and the licensee shall present the requested information.

(8) The independent review provider shall make a determination within ten working days of receipt of any additional information as

provided in subdivision (7) of this section or conclusion of the independent informal dispute resolution conference, based upon the facts and findings presented, and shall transmit a written decision containing the rationale for its determination to the secretary.

(9) If the secretary disagrees with the determination, the secretary may reject the determination made by the independent review provider and shall issue an order setting forth the rationale for the reversal of the independent review provider's decision to the licensee within ten working days of receiving the independent review provider's determination.

(10) If the secretary accepts the determination, the secretary shall issue an order affirming the independent review provider's determination within ten working days of receiving the independent review provider's determination.

(11) If the independent review provider determines that the original statement of deficiencies should be changed as a result of the independent informal dispute resolution process and the secretary accepts the determination, the secretary shall transmit a revised statement of deficiencies to the licensee within ten working days of the independent review provider's determination.

(12) The licensee shall submit a revised plan to correct any remaining deficiencies to the secretary within ten working days of receipt of the secretary's order and the revised statement of deficiencies.

(d) The licensee is responsible for certain costs of the independent informal dispute resolution review, which shall be remitted to the secretary within sixty days of the informal conference order:

(1) If the licensee requests a face-to-face conference, the licensee shall pay any costs incurred by the independent review provider that exceed the cost of a telephonic conference, regardless of which party ultimately prevails;

(2) If the independent review provider's decision supports the entirety of the originally written contested deficiency or adverse action taken by the secretary, the licensee shall reimburse the secretary for the cost charged by the independent review provider; or

(3) If the independent review provider's decision supports some of the originally written contested deficiencies, but not all of them, the licensee shall reimburse the secretary for the cost charged by the independent review provider on a pro-rata basis as determined by the secretary.

(e) Establishment of the independent informal dispute resolution process does not preclude licensees from utilizing other informal dispute resolution processes provided by statute or rule in lieu of the independent informal dispute resolution process.

(f) Administrative and judicial review of a decision rendered through the independent informal dispute resolution process may be made in accordance with article five, chapter twenty-nine-a of this code.

(g) Any decision issued by the secretary as a result of the independent informal dispute resolution process shall be made effective from the date of issuance.

The following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4363), from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page six, section twelve, after subsection (g), by adding a new subsection, designated subsection (h), to read as follows:

(h) The pendency of administrative or judicial review does not prevent the secretary or a licensee from obtaining injunctive relief as provided by statute or rule.

The question being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 4363), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4392, Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.

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

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

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9 and §21-16-10; that §29-3-12b of said code be amended and reenacted; and that §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-3D-7 and §29-3D-8 of said code be amended and reenacted, all to read as follows:

CHAPTER 21. LABOR.

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

§21-16-1. Declaration of purpose.

The provisions of this article are intended to protect the health, safety and welfare of the public as well as public and private property by assuring the competence of those who perform work on

a heating, ventilating and cooling system through licensure by the Commissioner of Labor.

§21-16-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

(a) “Perform work on a heating, ventilating and cooling system” means to install, maintain, alter, remodel or repair one or more components of a heating, ventilating and cooling system.

(b) “Heating, ventilating and cooling system” means equipment to heat, cool or ventilate residential or commercial structures, comprised of one or more of the following components:

(1) “Heating system” means a system in which heat is transmitted by radiation, conduction or convection, or a combination of any of these methods, to the air, surrounding surfaces, or both, and includes a forced air system that uses air being moved by mechanical means to transmit heat, but does not include a fireplace or woodburning stove not incorporated into or used as a primary heating system;

(2) “Ventilating system” means the natural or mechanical process of supplying air to, or removing air from, any space whether the air is conditioned or not conditioned, at a rate of airflow of more than two hundred fifty cubic feet per minute; and

(3) “Cooling system” means a system in which heat is removed from air, surrounding surfaces, or both, and includes an air-conditioning system.

(c) “HVAC Technician” means a person licensed to install, test, maintain and repair heating, ventilating and cooling systems.

(d) “HVAC Technician in Training” means a person with interest in and an aptitude for performing installation, maintenance and repair work to a heating, ventilating and cooling system as defined

in this article, but who alone is not capable or authorized to perform heating, ventilating and cooling system work unless directly supervised by a HVAC technician.

(e) “License” means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article.

(f) “Routine maintenance” means work performed on a routine schedule that includes cleaning and/or replacing filters, greasing or lubricating motor bearings, adjusting and/or replacing belts, checking system temperature, checking gas temperature, adjusting gas pressure as required, and checking voltage and amperage draw on heating, ventilating and cooling systems.

(g) “Single family dwelling” means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-16-3. License required; exemptions.

(a) On and after January 1, 2016, a person performing or offering to perform work on a heating, ventilating and cooling system in this state shall have a license issued by the Commissioner of Labor, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto.

(b) A person licensed under this article shall carry a copy of the license on any job in which heating, ventilating and cooling work is being performed.

(c) This article does not apply to:

(1) A person who personally performs work on a heating, ventilating and cooling system in a single family dwelling owned by that person or by a member of that person’s immediate family;

(2) A person who performs work on a heating, ventilating and cooling system at a manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating the plant or establishment;

(3) A person who performs only electrical or plumbing work on a heating, ventilating and cooling system, so long as the work is within the scope of practice which the person is otherwise licensed or authorized to perform; or

(4) A person who performs routine maintenance as a direct employee of the person, firm or corporation that owns or operates the facility where the heating, ventilating or cooling system equipment is located.

§21-16-4. Scope of practice.

(a) A HVAC technician in training is authorized to assist in providing heating, ventilating and cooling work only under the direction and control of a HVAC technician.

(b) A HVAC technician is authorized to provide heating, ventilating and cooling work without supervision.

(c) Persons licensed under this article are subject to the applicable provisions of the Contractor Licensing Act in article eleven of this chapter in the performance of work authorized by this article.

§21-16-5. Rule-making authority.

The Commissioner of Labor shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, applications, examinations and qualifications;

(2) Provisions for the granting of licenses, without examination, to applicants who present satisfactory evidence no later than July 1, 2016, of having at least two thousand hours of experience and/or training working on heating, ventilating and cooling systems and at least six thousand hours of experience and/or training in heating, ventilating and cooling or relating work, to include other sheet metal industry tasks: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(3) Reciprocity provisions;

(4) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(5) Fees for issuance and renewal of licenses and other costs necessary to administer the provisions of this article;

(6) Enforcement procedures; and

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

§21-16-6. Enforcement; interagency agreements authorized.

(a) The Commissioner of Labor and his or her Deputy Commissioner or any compliance officer of the Division of Labor as authorized by the Commissioner of Labor may enforce the provisions of this article and may, at reasonable hours, enter any building or premises where heating, ventilating and cooling work is performed and issue cease and desist orders for noncompliance.

(b) The Commissioner of Labor may enter into an interagency agreement with the State Fire Marshal for the mutual purpose of enforcing the provisions of this article and the provisions of article three-e, chapter twenty-nine of this code.

§21-16-7. Denial, suspension and revocation of license.

(a) The Commissioner of Labor may deny a license to any applicant who fails to comply with the provisions of this article or the rules established by the Commissioner of Labor or who lacks the necessary qualifications.

(b) The Commissioner of Labor may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs heating, ventilating and cooling work; or

(4) The licensee violated any statute of this state, any legislative rule or any ordinance of any municipality or county of this state which protects the consumer or public against unfair, unsafe, unlawful or improper business practices.

§21-16-8. Penalties.

(a) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of section three of this article, to perform, heating, ventilating and cooling work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) A person continuing to perform, or an employer continuing to authorize a person not exempt by the provisions of section three of this article, to perform, heating, ventilating and cooling work after

the issuance of a cease and desist order is guilty of a misdemeanor and, upon conviction thereof, is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000;

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not more than one year.

(c) Each day after official notice is given, a person continues to perform, or an employer continues to authorize a person to perform, and which is not exempt by the provisions of section three of this article, heating, ventilating and cooling work, is a separate offense and punishable accordingly.

(d) (1) The Commissioner of Labor may institute proceedings in the circuit court of Kanawha County or of the county where the alleged violation of the provisions of this article occurred or are occurring to enjoin any violation of any provision of this article.

(2) A circuit court may by injunction compel compliance with this article, with the lawful orders of the Commissioner of Labor and with any final decision of the Commissioner of Labor.

(3) The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to chapter twenty-nine-a of this code.

§21-16-9. Inapplicability of local ordinances.

On and after January 1, 2016, a political subdivision of this state may not require, as a condition precedent to the performance of work on heating, ventilating and cooling in the political subdivision, a person who holds a valid and current license issued under this article, to have any other license or other evidence of competence beyond those required by the Commissioner of Labor to perform work on heating, ventilating and cooling systems.

§21-16-10. Disposition of fees.

All fees paid pursuant to this article, shall be paid to the Commissioner of Labor and deposited in “West Virginia Contractor Licensing Board Fund” for the use of the Commissioner of Labor in a manner consistent with section seventeen, article eleven, chapter twenty-one of this code.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-12b. Fees.

(a) The State Fire Marshal may establish fees in accordance with the following:

(1) For blasting. – Any person storing, selling or using explosives shall first obtain a permit from the State Fire Marshal. The permit shall be valid for one year. The State Fire Marshal may charge a fee for the permit.

(2) For inspections of schools or day-care facilities. – The State Fire Marshal may charge a fee of up to \$25.00 per annual inspection for inspection of schools or day-care facilities: *Provided*, That only one such fee may be charged per year for any building in which a school and a day-care facility are colocated: *Provided, however*, That any school or day-care facility may not be charged for an inspection more than one time per twelve-month period.

(3) For inspections of hospitals or nursing homes. – The State Fire Marshal may charge an inspection fee of up to \$100.00 per annual inspection of hospitals or nursing homes: *Provided*, That any hospital or nursing home may not be charged for an inspection more than one time per twelve-month period.

(4) For inspections of personal care homes or board and care facilities. – The State Fire Marshal may charge an inspection fee of up to \$50.00 per annual inspection for inspections of personal care homes or board and care facilities: *Provided*, That any personal care home or board and care facility may not be charged for an inspection more than one time per twelve-month period.

(5) For inspections of residential occupancies. – The State Fire Marshal may charge an inspection fee of up to \$100.00 for each inspection of a residential occupancy. For purposes of this subdivision, “residential occupancies” are those buildings in which sleeping accommodations are provided for normal residential purposes.

(6) For inspections of mercantile occupancies. – The State Fire Marshal may charge an inspection fee of up to \$100.00 for inspections of mercantile occupancies: *Provided*, That if the inspection is in response to a complaint made by a member of the public, the State Fire Marshal shall obtain from the complainant an advance inspection fee of \$25.00. This fee shall be returned to the complainant if, after the State Fire Marshal has made the inspection, he or she finds that the complaint was accurate and justified, and he or she shall thereafter collect an inspection fee of up to \$100.00 from the mercantile occupancy. If, after the inspection has been performed, it appears to the State Fire Marshal that the complaint was not accurate or justified, the State Fire Marshal shall keep the \$25.00 advance inspection fee obtained from the complainant and may not collect any fees from the mercantile occupant. For purposes of this section, “mercantile occupancy” includes stores, markets and other rooms, buildings or structures for the display and sale of merchandise.

(7) For business occupancies. – The State Fire Marshal may charge an inspection fee of up to \$100.00 for inspections of business occupancies: *Provided*, That the provisions in subdivision (6) of this section shall apply regarding complaints by members of the public. For purposes of this section, “business occupancies” are those buildings used for the transaction of business, other than mercantile occupancies, for the keeping of accounts and records and similar purposes.

(8) For inspections of assembly occupancies. – The State Fire Marshal may charge an inspection fee not more than one time per twelve-month period for the inspection of assembly occupancies. The inspection fee shall be assessed as follows: For Class C assembly facilities, an inspection fee not to exceed \$50.00; for Class B assembly facilities, an inspection fee not to exceed \$75.00; and for Class A facilities, an inspection fee not to exceed \$100.00.

For purposes of this subdivision, an “assembly occupancy” includes, but is not limited to, all buildings or portions of buildings used for gathering together fifty or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement or awaiting transportation. For purposes of this section, a “Class C assembly facility” is one that accommodates fifty to three hundred persons; a “Class B facility” is one which accommodates more than three hundred persons but less than one thousand persons; and a “Class A facility” is one which accommodates more than one thousand persons.

(b) The State Fire Marshal may collect fees for the fire safety review of plans and specifications for new and existing construction. Fees shall be paid by the party or parties receiving the review.

(1) Structural barriers and fire safety plans review. – The fee is \$1.00 for each \$1,000.00 of construction cost up to the first \$1 million. Thereafter, the fee is ~~forty~~ eighty cents for each \$1,000.00 of construction cost.

(2) Sprinkler system review. – The fee charged for the review of an individual sprinkler system is as follows: Number of heads: One to two hundred – \$85.00; two hundred one to three hundred – \$100.00; three hundred one to seven hundred fifty – \$120.00; over seven hundred fifty – \$120.00 plus ten cents per head over seven hundred fifty.

(3) Fire alarm systems review. – The fee charged for the review of a fire alarm system is \$50.00 for each ten thousand square feet of space with a \$50.00 minimum charge.

(4) Range hood extinguishment system review. – The fee is \$25.00 per individual system reviewed.

(5) Carpet specifications. – The fee for carpet review and approval is \$20.00 per installation.

(c) All fees authorized and collected pursuant to this article, ~~and article three-b, article three-c and article three-d~~ of this chapter shall be paid to the State Fire Commission and thereafter deposited into the special account in the State Treasury known as the Fire Marshal Fees Fund. Expenditures from the fund shall be for the purposes set forth in this article and articles ~~three-b, and three-c and three-d~~ of this chapter and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter five-a of this code. Any balance remaining in the special account at the end of any fiscal year shall be reappropriated to the next fiscal year.

(d) If the owner or occupant of any occupancy arranges a time and place for an inspection with the State Fire Marshal and is not ready for the occupancy to be inspected at the appointed time and place, the owner or occupant thereof shall be charged the inspection fee provided in this section unless at least forty-eight hours prior to the scheduled inspection the owner or occupant requests the State Fire Marshal to reschedule the inspection. In the event a second

inspection is required by the State Fire Marshal as a result of the owner or occupant failing to be ready for the inspection when the State Fire Marshal arrives, the State Fire Marshal shall charge the owner or occupant of the occupancy the inspection fees set forth above for each inspection trip required.

(e) The fees provided for in this section shall remain in effect until such time as the Legislature has approved rules promulgated by the State Fire Marshal, in accordance with the provisions of article three, chapter twenty-nine-a of this code, establishing a schedule of fees for services.

ARTICLE 3D. SUPERVISION OF FIRE PROTECTION WORK.

§29-3D-1. Declaration of purpose.

The provisions of this article are intended to protect the health, safety and welfare of the public as well as public and private property by assuring the competence of those who perform fire protection work and damper work through licensure by the State Fire Marshal.

§29-3D-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

(a) “Combination fire/smoke damper” means a device that meets both fire damper and smoke damper requirements.

(b) “Damper” means a fire damper, smoke damper or combination fire/smoke damper.

(c) “Damper work” means to install, test, maintain or repair a damper.

(a) (d) “Engineered suppression systems installer” means a person certified by a manufacturer to install, alter, extend, maintain, layout or repair an agent suppression system.

(b) (e) “Engineered suppression systems technician” means a person certified by a manufacturer to maintain or repair an agent suppression system.

(f) “Fire damper” means a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow.

(g) “Fire protection damper technician” means a person certified to install, test, maintain or repair a damper.

(h) “Fire protection damper technician in training” means a person with interest in and an aptitude for performing installation, maintenance or repair work to a damper as defined in this article, but who alone is not capable or authorized to perform damper work unless directly supervised by a fire protection damper technician.

(e) (i) “Fire protection layout technician” is an individual who has achieved National Institute for Certification in Engineering Technologies (NICET) Level III or higher certification, and who has the knowledge, experience and skills necessary to layout fire protection systems based on engineering design documents.

(d) (j) “Fire protection system” means any fire protection suppression device or system designed, installed and maintained in accordance with the applicable National Fire Protection Association (NFPA) codes and standards, but does not include public or private mobile fire vehicles.

(e) (k) “Fire protection work” means the installation, alteration, extension, maintenance, or testing of all piping, materials and equipment inside a building, including the use of shop drawings prepared by a fire protection layout technician, in connection with the discharge of water, other special fluids, chemicals or gases and backflow preventers for fire protection for the express purpose of extinguishing or controlling fire.

~~(f)~~ (l) “Journeyman sprinkler fitter” means a person qualified by at least ten thousand hours of work experience installing, adjusting, repairing and dismantling fire protection systems and who is competent to instruct and supervise the fire protection work of a sprinkler fitter in training.

~~(g)~~ (m) “License” means a valid and current license issued by the State Fire Marshal in accordance with the provisions of this article.

~~(h)~~ (n) “Portable fire extinguisher technician” means a person certified in accordance with NFPA 10 to install, maintain, repair and certify portable fire extinguishers as defined by NFPA 10.

~~(i)~~ (o) “Preengineered suppression systems installer” means a person certified by a manufacturer to install, alter, extend, maintain, layout or repair an agent suppression system.

~~(j)~~ (p) “Preengineered suppression systems technician” means a person certified to maintain or repair an agent suppression system.

(q) “Single family dwelling” means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

(r) “Smoke damper” means a device within an operating (dynamic) air distribution system to control the movement of smoke.

~~(k)~~ (s) “Sprinkler fitter in training” means a person with interest in and an aptitude for performing fire protection work but who alone is not capable of performing such work, and who has fewer than ten thousand hours of experience installing, adjusting, repairing and dismantling fire protection systems.

§29-3D-3. License required; exemptions.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work in this state shall have a license

issued by the State Fire Marshal, in accordance with the provisions of this article.

(b) On and after January 1, 2016, a person performing or offering to perform damper work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That a person may not be licensed to perform damper work in this state without first being licensed as a HVAC technician pursuant to the provisions of article sixteen, chapter twenty-one of this code.

~~(b)~~ (c) A person licensed under this article must carry a copy of the license on any job in which fire protection work is being performed.

~~(c)~~ (d) This article does not apply to:

(1) A person who personally performs fire protection work or damper work on a single family dwelling owned or leased, and occupied by that person;

(2) A person who performs fire protection work or damper work at any manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating the plant or establishment;

(3) A person who, while employed by a public utility or its affiliate, performs fire protection work in connection with the furnishing of public utility service.

(4) A person who performs fire protection work while engaging in the business of installing, altering or repairing water distribution or drainage lines outside the foundation walls of a building, public or private sewage treatment or water treatment systems including all associated structures or buildings, sewers or underground utility services;

(5) A person who performs fire protection work while engaged in the installation, extension, dismantling, adjustment, repair or alteration of a heating ventilation and air conditioning (HVAC) system, air-veyor system, air exhaust system or air handling system; or

(6) A person who performs fire protection work at a coal mine that is being actively mined or where coal is being processed.

§29-3D-4. Rule-making authority.

The State Fire Marshal shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, including classifications of licenses as defined in this article, applications, examinations and qualifications: Provided, That the rules shall require a person to be licensed as a HVAC technician or HVAC technician in training pursuant to article sixteen, chapter twenty-one of this code and the rules promulgated pursuant thereto, before being granted a license to perform damper work pursuant to this article;

(2) Provisions for the granting of licenses without examination to applicants who present satisfactory evidence of having the expertise required to perform fire protection work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2009: *Provided, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;*

(3) Provisions for the granting of licenses without examination to applicants who present satisfactory evidence of having the expertise required to perform damper work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2016: *Provided, That if a license issued under the authority of*

this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination:

~~(3)~~ (4) Reciprocity provisions;

~~(4)~~ (5) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

~~(5)~~ (6) Fees for testing, issuance and renewal of licenses, and other costs necessary to administer the provisions of this article;

~~(6)~~ (7) Enforcement procedures; and

~~(7)~~ (8) Any other rules necessary to effectuate the purposes of this article.

§29-3D-5. Enforcement.

(a) The State Fire Marshal and his or her deputy fire marshal, assistant fire marshal or assistant fire marshal-in-training is authorized to enforce the provisions of this article, and may, at reasonable hours, enter any building or premises where fire protection work or damper work is performed and issue citations for noncompliance.

(b) The State Fire Marshal may enter into an interagency agreement with the Commissioner of Labor for the mutual purpose of enforcing this article and article sixteen, chapter twenty-one of this code.

§29-3D-6. Denial, suspension and revocation of license.

(a) The State Fire Marshal may deny a license to any applicant who fails to comply with the rules established by the State Fire Marshal, or who lacks the necessary qualifications.

(b) The State Fire Marshal may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs plumbing, ~~or~~ fire protection work or damper work; or

(4) The licensee violated any statute of this state, any legislative rule or any ordinance of any municipality or county of this state which protects the consumer or public against unfair, unsafe, unlawful or improper business practices.

§29-3D-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work without a license issued by the State Fire Marshal is subject to a citation.

(b) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of section three of this article, to perform, damper work without a license issued by the State Fire Marshal, is subject to a citation.

~~(b)~~ (c) Any person continuing to engage in fire protection work or damper work after the issuance of a citation is guilty of a misdemeanor and, upon conviction thereof, is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, or confinement in jail for not more than six months, or both;

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not less than thirty days nor more than one year.

~~(c) A separate offense means each day, after official notice is given, that a person performs fire protection work that is unlawful or is not in compliance with the provisions of this article.~~

(d) Each day after a citation is given that a person continues to perform, or an employer continues to authorize a person to perform, fire protection work or damper work, which is not exempt by the provisions of section three of this article, is a separate offense and punishable accordingly.

~~(d)~~ (e) (1) The State Fire Marshal may institute proceedings in the circuit court of Kanawha County or the county where the alleged violation of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.

(2) A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with any final decision of the State Fire Marshal.

(3) The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

~~(e)~~ (f) Any person adversely affected by an action of the State Fire Marshal may appeal the action pursuant to the provisions of chapter twenty-nine-a of this code.

§29-3D-8. Inapplicability of local ordinances.

(a) On and after January 1, 2009, a political subdivision of this state may not require, as a condition precedent to the performance of fire protection work in the political subdivision, a person who holds a valid and current license to perform fire protection work issued under the provisions of this article, to have any other license or other evidence of competence as a fire protection worker.

(b) On and after January 1, 2016, a political subdivision of this state may not require, as a condition precedent to the performance of damper work in the political subdivision, a person who holds a valid and current license to perform damper work issued under this article to have any other license or other evidence of competence beyond those required by the State Fire Marshal and the Commissioner of Labor to perform damper work.

The bill (Eng. Com. Sub. for H. B. No. 4392), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4393, Creating the Dangerous Wild Animals Act.

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

The following amendments to the bill, from the Committee on Agriculture and Rural Development, were reported by the Clerk, considered simultaneously, and adopted:

On page five, section five, line seventeen, by striking out all of paragraph (A) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

“(2) Create a comprehensive list of dangerous wild animals, excluding wildlife, livestock and domestic animals as defined herein. The list may include, but not be limited to:

- (A) Bears;
- (B) Big cats;
- (C) Canids;
- (D) Primates;

(E) Constrictor snakes greater than six feet and venomous snakes;
and

(F) Alligators and caimans;”;

And by renumbering the remaining subdivisions;

On page twelve, section eight, line fourteen, by striking out the words “has been pre-approved by the board” and inserting in lieu thereof the words “is a licensed exhibitor under the Animal Welfare Act, 7 U. S. C. §2132(e), as amended”;

On page thirteen, section nine, line five, after the word “intentionally” by inserting the words “or recklessly”;

And,

On page thirteen, section nine, line eleven, after the word “intentionally” by inserting the words “or recklessly”.

The bill (Eng. Com. Sub. for H. B. No. 4393), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4425, Giving the Superintendent of State Police authority to hire additional staff.

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. 4449, Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes.

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. 4496, Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.

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 eight, section three, line twenty-three, by striking out the word "Twenty-five" and inserting in lieu thereof the word "Thirty";

And,

On page eight, section three, line twenty-six, by striking out the word "Ten" and inserting in lieu thereof the word "Five".

The bill (Eng. Com. Sub. for H. B. No. 4496), as amended, was then ordered to third reading.

Eng. House Bill No. 4503, 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. 4619, Authorizing innovation school districts.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On pages two through five, by striking out all of section three;

On page nine, section thirteen, lines eighty through eighty-eight, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) *School System Eligibility:*

All county boards are eligible to apply for designation as an innovation school district: *Provided*, That a district that has expended funds or incurred obligations in violation of section twenty-six, article eight, chapter eleven of this code is not eligible to apply for designation as an innovation school district, unless otherwise determined by the state board. The applications shall be taken in four categories: Sparse Density County; Low Density County; Medium Density County; and High Density County, as those terms are defined in section two, article nine-a of this chapter. The state board is authorized to designate no more than one county from each category as an innovation school district beginning July 1, 2015: *Provided*, That the State Board, after July 1, 2016, may designate one additional county from each category as an innovation school district as long as the number of counties designated at any one time does not exceed two counties from each category as innovation school districts, subject to other considerations included herein. The designation of counties as innovation school districts shall be on a competitive basis.;

On page ten, section thirteen, line one hundred five, by striking out the word “two” and inserting in lieu thereof the words “number allowed by subsection (c) of this section”;

On page ten, section thirteen, line one hundred eight, by striking out the word “two” and inserting in lieu thereof the words “number allowed by subsection (c) of this section”;

On page sixteen, section thirteen, line two hundred nineteen, by striking out the word “hearings” and inserting in lieu thereof the words “town hall meetings”;

On page sixteen, section thirteen, line two hundred nineteen, by striking out “(2)” and inserting in lieu thereof “(4)”;

On page twenty, section thirteen, line three hundred thirteen, by striking out the word “thirty” and inserting in lieu thereof the word “sixty”;

On page twenty-three, section thirteen, line three hundred fifty-seven, by striking out “(l)” and inserting in lieu thereof “(i)”;

On page twenty-three, section thirteen, line three hundred seventy-six, by striking out “(m)” and inserting in lieu thereof “(j)”;

On page twenty-four, section thirteen, line three hundred eighty-two, by striking out “(o)” and inserting in lieu thereof “(k)”;

And,

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 section, designated §18-5B-13, to read as follows:.

The bill (Eng. H. B. No. 4619), 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:

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

Eng. Com. Sub. for House Bill No. 2803, Requiring electric utilities to implement integrated resource plans.

Eng. Com. Sub. for House Bill No. 4147, Relating to emergency preparedness.

Eng. Com. Sub. for House Bill No. 4208, Banning synthetic hallucinogens.

Eng. Com. Sub. for House Bill No. 4217, Relating to Medicaid reports to the Legislature.

Eng. Com. Sub. for House Bill No. 4245, Relating to anticipated retirement dates of certain health care professionals.

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

Eng. House Bill No. 4332, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Eng. Com. Sub. for House Bill No. 4373, Relating to driver education programs.

Eng. House Bill No. 4431, Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license.

Eng. House Bill No. 4460, Relating to violating provisions of the civil service law for paid fire departments.

And,

Eng. Com. Sub. for House Bill No. 4473, Relating to establishing voting precincts and changing the composition of standard receiving boards.

At the request of Senator Laird, and by unanimous consent, Senator Laird addressed the Senate regarding the pending closure of Hawks Nest golf course.

Thereafter, at the request of Senator Miller, unanimous consent being granted, the remarks by Senator Laird were ordered printed in the Appendix to the Journal.

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

At the request of Senator M. Hall, unanimous consent being granted, Senator M. Hall addressed the Senate regarding the City of Hurricane's pending water project and the process for its approval.

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.

The Senate proceeded to the thirteenth order of business.

Senator Stollings called attention to today being the birthday of the senator from Ohio and on behalf of the Senate extended felicitations and good wishes to Senator Fitzsimmons, with Senator Stollings leading the members in singing "Happy Birthday".

Pending announcement of meetings of standing committees of the Senate,

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

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

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 twelfth day of March, two thousand fourteen, 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 January, two thousand fourteen; and

WHEREAS, Pursuant to Article VI, Section 22 of the Constitution of West Virginia, the 2014 regular session of the Legislature concludes on the eighth day of March, two thousand fourteen; 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 finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, The Budget Bill has not been finally acted upon by the Legislature as of this fifth day of March, two thousand fourteen.

NOW, THEREFORE, I, EARL RAY TOMBLIN, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, to extend the two thousand fourteen regular session of the Legislature for consideration of the Budget Bill for an additional period not to exceed four days, through the twelfth day of March, two thousand fourteen; but no matters other than the Budget Bill shall be considered during this extension of the session, except providing 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 fifth day of March, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-First year of the State.

EARL RAY TOMBLIN,
Governor.

By the Governor:

NATALIE E. TENNANT,
Secretary of State.

The Senate 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

Eng. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

With amendments from the Committee on the Judiciary pending;

And reports the same back with the recommendation that it be adopted as amended by the Committee on the Judiciary to which the resolution was first referred.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the resolution (Eng. H. J. R. No. 108) 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. 3108, Relating to criminal background checks on applicants for employment by nursing homes.

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. 3108) 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. 4005, Relating to criminal offenses for child neglect.

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. 4005) 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. 4006, Relating to the possession and distribution of child pornography.

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. 4006) 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. 4039, 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. 4039) 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. 4135, Designating the first Thursday in May the West Virginia Day of Prayer.

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. H. B. No. 4135) 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. 4149, Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.

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 March 4, 2014;

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. Com. Sub. for House Bill No. 4183, Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.

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. 4183) 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. House Bill No. 4196, Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs.

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 (Eng. H. B. No. 4196) 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

Eng. Com. Sub. for House Bill No. 4210, Juvenile sentencing reform.

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. 4225, Providing for emergency contact information on driver's license records with the Division of Motor Vehicles.

And,

Eng. House Bill No. 4529, Relating to the sale of wine.

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

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. No. 4225 and Eng. H. B. No. 4529) 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.

On motion of Senator Palumbo, Engrossed Committee Substitute for House Bill No. 4225 was 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. 4242, Increasing gross weight limitations on certain roads in Brooke County.

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 (Eng. Com. Sub. for H. B. No. 4242) 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 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. 4254, Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency.

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 (Eng. Com. Sub. for H. B. No. 4254) 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 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. 4268, Relating to the administration of veterans' assistance.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4268) 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

Eng. Com. Sub. for House Bill No. 4278, Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

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 amended by the Committee on Government Organization to which the bill was first referred; and 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. 4278) 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. 4283, Raising the minimum wage.

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. 4283) 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. 4312, Creating a certification for emergency medical technician-industrial.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4312) 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 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. 4318, Continuing education of veterans mental health.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4318) 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

Eng. Com. Sub. for House Bill No. 4347, Relating to affirmative defenses against mechanics' liens.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4347) 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.

On motion of Senator Palumbo, the bill was rereferred 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

Eng. Com. Sub. for House Bill No. 4410, Redefining auctioneer exceptions.

And has amended same.

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

Respectfully submitted,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4410) 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

Eng. House Bill No. 4454, Relating to the sale of alcoholic beverages on Sundays by private licensees.

With amendments 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,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 4454) 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. 4455, Relating to the sale of wine and alcoholic liquors by licensed wineries, farm wineries, distilleries and mini-distilleries.

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. 4455) 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

Eng. Com. Sub. for House Bill No. 4538, Relating to the Board of Dentistry.

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 (Eng. Com. Sub. for H. B. No. 4538) 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

Eng. House Bill No. 4549, Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.

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. 4549) 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. 4552, Relating to the court of claims.

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. 4552) 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

House Concurrent Resolution No. 83, Requesting Congress erect a national monument to motherhood.

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

Respectfully submitted,

Herb Snyder,
Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Thursday, March 6, 2014, at 11 a.m.

THURSDAY, MARCH 6, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Scotty Dingess, West Logan Church of God, Logan, West Virginia.

Pending the reading of the Journal of Wednesday, March 5, 2014,

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 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 6th day of March, 2014, 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. 4350), Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans.

And,

(H. B. No. 4504), Providing for sharing juvenile records in certain circumstances with another state.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

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. 2606, Permitting the State Rail Authority to set the salary of the executive director.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 4, 2014;

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

Eng. Com. Sub. for 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 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. 2954) 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. 4237, Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

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 the Judiciary on March 4, 2014;

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 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. House Bill No. 4286, Captive Cervid Farming 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 the Judiciary.

Respectfully submitted,

Ronald F. Miller,
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 Agriculture and Rural Development.

At the request of Senator Miller, and by unanimous consent, the bill (Eng. H. B. No. 4286) 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. 4294, Establishing standards for court reporters and entities that provide court reporting services.

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. 4294) 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. 4335, Relating to a child's right to nurse.

With an amendment 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 the Judiciary on March 4, 2014;

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 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. 4339, Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

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. Com. Sub for H. B. No. 4339) 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 Unger, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Facemire, Green, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Plymale, Snyder, Stollings, Walters, Wells, Williams, Yost and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 85—Requesting the Joint Legislative Oversight Commission on State Water Resources study

the needs, challenges and issues related to the aging water infrastructures in West Virginia, water shortages and the lack of safe drinking water available to all citizens of West Virginia.

Whereas, The importance of safe drinking water to public health, the environment and the economic welfare of our communities is undisputed; and

Whereas, The January 9, 2014, chemical spill in the Elk River that affected the water supply for three hundred thousand West Virginians brought national and state attention to water quality; and

Whereas, The four hundred thirty residents of Bud, West Virginia, a small town in Wyoming County, have been without water for the past six months as result of the death of the owner of the local water company; and

Whereas, Due to aging water systems in McDowell County that frequently break, nearly three thousand of its residents experience water outages or are continuously under water-boil notices; and

Whereas, Many residents in Summers County face poor water quality or well contamination as a result of septic systems that empty into or near water sources; and

Whereas, Many West Virginians must continually replace filtration systems that corrode due to the poor water quality; and

Whereas, While nine counties were affected by the January, 2014, chemical spill that adversely affected the water quality of three hundred thousand residents, many additional rural West Virginians face similar water quality issues on a daily basis; and

Whereas, The West Virginia Infrastructure and Jobs Development Council estimates that forty percent of households statewide are not served by a public water system; and

Whereas, Infrastructure funds in the 2015 State Budget have been slated to be cut from \$40 million to \$20 million, even though the need for investment in water infrastructure continues to far outpace the amount of funding that is available at all levels of government; and

Whereas, Congress has cut funding for the Drinking Water State Revolving Fund loan program in recent years; and

Whereas, The Region 1 Planning and Development Council estimates it would cost more than \$250 million to meet priority water and sewage needs in the state's southernmost six counties alone; and

Whereas, The Legislature finds that it should take an active role in studying, formulating and implementing resources that address the causes of the lack of quality water around the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Legislative Oversight Commission on State Water Resources is hereby requested to study the needs, challenges and issues related to the aging water infrastructures in West Virginia, water shortages and the lack of safe drinking water available to all citizens of West Virginia; and, be it

Further Resolved, That the Commission on State Water Resources work with the Joint Legislative Oversight Commission on State Water Resources in its study; and, be it

Further Resolved, That the Joint Legislative Oversight Commission on State Water Resources report to the regular session of the Legislature, 2015, 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 Blair, Kessler (Mr. President), Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings and Prezioso offered the following resolution:

Senate Concurrent Resolution No. 86—Requesting the School Building Authority to waive local matching requirements and fund all needed improvements for the West Virginia School for the Deaf and the Blind.

Whereas, The West Virginia School for the Deaf and the Blind facilities are outdated, do not meet all the life and safety codes and are not compliant with the Americans with Disabilities Act, yet serve a population most in need of compliant classrooms and quarters; and

Whereas, The facilities of the West Virginia School for the Deaf and the Blind are not optimized for twenty-first century technology and learning experiences which are especially critical to the workforce and life-skills development of the school's students; and

Whereas, No residential or educational facility on its campus has undergone significant renovation during the past twenty years and no new residential construction for instructional or student purposes has been undertaken in the last forty years; and

Whereas, Children and youth from counties all over the state attend the West Virginia School for the Deaf and the Blind, yet these

counties are neither responsible for the cost of their educations nor the maintenance of these facilities; and

Whereas, The Legislature created the School Building Authority, dedicated state revenues for its purposes and has resisted binding intrusion into its affairs and revenues; and

Whereas, The Governor, in recognition of the state's difficult budget situation, has frozen certain spending and hiring, recommended broad reductions in his requested budgets for successive years and recommended expirations from the Revenue Shortfall Reserve Fund and various legislative and other funds to make ends meet; and

Whereas, The School Building Authority exists to meet the needs of all public schools of the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests that the School Building Authority waive local matching requirements, which are irrelevant to these schools that are operated exclusively by the State, and fund all needed improvements to the West Virginia School for the Deaf and the Blind in accordance with its expertise; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the State Superintendent of Schools, the Superintendent of the West Virginia School for the Deaf and the Blind, the Executive Director of the School Building Authority, the Secretary of State and the Governor of West Virginia.

Which, under the rules, lies over one day.

Senators Palumbo, Yost, Unger, D. Hall, Green and McCabe offered the following resolution:

Senate Concurrent Resolution No. 87—Requesting the Joint Committee on Government and Finance to study the allocation of behavioral health spending on community-based support services.

Whereas, The appropriations for behavioral health facilities are much greater than appropriations for more cost-effective community-based support services; and

Whereas, Community support services reduce recidivism through active participation in safe and stable environments; and

Whereas, Recovery support services provide opportunities for change, enabling individuals to accept responsibility in improving their own health and well-being; and

Whereas, The Governor’s Advisory Council on Substance Abuse recommends peer support, recovery coaching and transitional housing to reduce substance abuse; and

Whereas, Peer support is a fact-based, proven alternative to hospitalization; and

Whereas, The Legislature finds that it would be of greater benefit to the public if people lived in their own homes and received support directly from their 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 allocation of behavioral health spending on community-based support services; and, be it

Further Resolved, That the study be conducted in collaboration with the West Virginia Behavioral Health Planning Council, the West Virginia Behavioral Healthcare Providers Association, the Partnership of African American Churches and the Fair Shake Network; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Stollings, Wells, Yost, Plymale, Snyder, Kessler (Mr. President), Unger, Carmichael, Prezioso, Laird, McCabe, Jenkins, D. Hall and Green offered the following resolution:

Senate Resolution No. 50—Designating the week of March 3-9, 2014, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide, and each hour someone is newly diagnosed; and

Whereas, The National Multiple Sclerosis Society – Blue Ridge Chapter reports that in our state more than four thousand people are diagnosed with MS, and that the disease generally strikes people in the prime of life, between ages twenty through fifty, and causes unpredictable effects in which the progression, severity and specific symptoms cannot be foreseen, and the cause and cure for this often debilitating disease remain unknown; and

Whereas, The National Multiple Sclerosis Society – Blue Ridge Chapter has been committed for more than thirty-three years to a world free of MS, heightening public knowledge about and insight into the disease; and

Whereas, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatment and a cure and has invested more than \$771 million in groundbreaking research; and

Whereas, Funds raised through the National Multiple Sclerosis Society fuel the efforts of nearly three hundred twenty-five research projects globally, totaling \$40 million annually, at the best medical centers, universities and other institutions throughout the United States and abroad, and because of this MS research has never been more hopeful than it is today; and

Whereas, Discovering the cause, finding a cure and preventing future generations from being diagnosed with MS are important tasks that all Americans and West Virginians should support; and

Whereas, The Senate recognizes the importance of finding the cause and cure of MS, a chronic and often devastating disease, and expresses its appreciation and admiration for the dedication that the National Multiple Sclerosis Society – Blue Ridge Chapter has shown toward a future free of multiple sclerosis; therefore, be it

Resolved by the Senate:

That the Senate hereby designates the week of March 3-9, 2014, as Multiple Sclerosis Awareness Week; and, be it

Further Resolved, That the Senate encourages everyone to “Go Orange” at the Capitol on March 6, 2014, in support of discovering the cause, finding a cure and preventing future generations from being diagnosed with multiple sclerosis; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of the National Multiple Sclerosis Society – Blue Ridge Chapter.

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, at the request of Senator Unger, and by unanimous consent, returned to the fourth order of business.

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. 88 (originating in the Committee on Natural Resources)—Requesting the Joint Committee on Government and Finance study the financial sustainability and profitability of amenities at West Virginia state parks and state forests, such as golf courses, skiing, tubing, swimming pools, picnic shelters, horseback riding, hiking and biking trails, nature centers, naturalist programming, wildlife and bird watching, children's programming, playgrounds, basketball and tennis courts, baseball fields, boating, skeet shooting and hunting and fishing.

Whereas, The mission of the West Virginia state parks and state forests 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, West Virginia state parks and state forests attract approximately 6.5 million visitors per year and contribute over \$126 million of economic activity to the state; and

Whereas, State parks and state forests provide numerous amenities to their visitors and guests, including golf courses, skiing, tubing, swimming pools, picnic shelters, horseback riding, hiking and biking trails, nature centers, naturalist programming, wildlife and bird watching, children's programming, playgrounds, basketball and tennis courts, baseball fields, boating, skeet shooting and hunting and fishing; and

Whereas, The state park and state forest amenities are necessary to encourage out-of-state guests to visit and stay in the parks and forests and spend money in the area to help the local economy; and

Whereas, More importantly, West Virginia citizens rely on state park and state forest amenities for their own enjoyment and recreational use; and

Whereas, For many local residents, the state parks and state forests are the only venue for outdoor recreation; they are the only local venues for picnics, family reunions, church outings, weddings, golfing, playgrounds for children, safe swimming areas, ball courts, safe hiking and biking and teaching youngsters to hunt, fish and experience nature; and

Whereas, Proudly, the State of West Virginia can say that many state park and state forest amenities are offered free-of-charge or at a low cost to guests and citizens; and

Whereas, As a result of this, state park and state forest amenities are not monetarily profitable when singled out and evaluated individually, but yet, as a whole, they generate hundreds of millions of dollars in economic activities and are greatly profitable to citizens' quality of life; and

Whereas, State park and state forest amenities are essential to economic development, family values, preserving our cultural heritage, preserving the state's most beautiful natural and historic

areas, promoting healthy lifestyles and fighting obesity and diabetes and exposing children and adults to outdoor sports and recreation; and

Whereas, State park and state forest amenities cannot be evaluated solely based upon their profitability; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the financial sustainability and profitability of amenities at West Virginia state parks and state forests, such as golf courses, skiing, tubing, swimming pools, picnic shelters, horseback riding, hiking and biking trails, nature centers, naturalist programming, wildlife and bird watching, children's programming, playgrounds, basketball and tennis courts, baseball fields, boating, skeet shooting and hunting and fishing; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 89 (originating in the Committee on Natural Resources)—Requesting the Joint Committee on Government and Finance study reassigning the operation of Berwind, Laurel Lake, Plum Orchard, Bluestone and Panther Wildlife Management Areas to the Wildlife Resources Section of the Division of Natural Resources.

Whereas, Five wildlife management areas—Berwind, Laurel Lake, Plum Orchard, Bluestone and Panther—were assigned without express statutory authority in the late 1970s to the Parks and Recreation Section of the Division of Natural Resources to operate; and

Whereas, No additional recreational facilities were ever developed on these areas beyond what existed at the time of transfer by the Parks and Recreation Section; and

Whereas, These wildlife management areas remain primarily for the benefit and enjoyment of hunters and anglers due to their rustic nature and designation as wildlife management areas; and

Whereas, The wildlife management areas provide valuable wildlife habitats and in order to maintain the same requires the skill and expertise of wildlife managers and biologists with the Wildlife Resources Section of the Division of Natural Resources; and

Whereas, These wildlife management areas cost the Parks and Recreation Section over \$800,000 to operate and maintain. In light of budget deficits and the closure of various recreational amenities in the Parks and Recreation Section, such as the “soft” closure of Hawks Nest State Park, transfer of these wildlife management areas back to the Wildlife Resources Section will alleviate the budget crisis for state parks; and

Whereas, These wildlife management areas are eligible for federal Pittman-Robertson Act funds, while state parks with recreational amenities are not. Panther also receives mineral royalties that are not shared with parks; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study reassigning the operation of Berwind, Laurel Lake, Plum Orchard, Bluestone and Panther Wildlife Management

Areas to the Wildlife Resources Section of the Division of Natural Resources; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 88 and 89) contained in the preceding report from the Committee on Natural Resources were taken up for immediate consideration.

On motion of Senator Laird, the resolutions 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. 90 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study moving the State Forensic Laboratory to the Supreme Court and the feasibility of utilizing other crime labs within the state.

Whereas, The State Forensic Lab is currently located under the State Police, but is not considered such by the internal policy of the State Police; and

Whereas, It is currently difficult for the State Forensic Laboratory to accomplish its duties under the State Police; and

Whereas, The money provided to the State Forensic Lab is inadequate; and

Whereas, Moving the State Forensic Lab could be beneficial to the state; and

Whereas, Utilizing crime labs at Marshall University, West Virginia University and other facilities throughout the state may help to eliminate the significant backlog of cases that the State Forensic Lab experiences, thus allowing for more efficiency and more swift justice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study moving the State Forensic Laboratory to the Supreme Court and the feasibility of utilizing other crime labs within the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Herb Snyder,
Chair.

At the request of Senator Snyder, unanimous consent being granted, the resolution (S. C. R. No. 90) 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 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. 91 (originating in the Committee on Finance)—Requesting the Joint Committee on Government and Finance to study the advisability and feasibility of creating a cost-effective and portable group government-managed retirement savings program made available to small businesses and their employees by the State Treasurer, including the compliance costs and legal implications to the state and its small businesses that could result from applicable federal law as well as the tax treatment accorded to the investment options pursuant to applicable federal law under such a program, or to encourage and promote currently

available private sector financial and retirement security opportunities for small businesses and their employees through portable defined contribution plans, such as Simple IRA, SEP, 401(k), 457, Regular/Roth IRA and individual annuities, which are already available in the commercial marketplace.

Whereas, The Legislature recognizes that in a recent AARP survey, nearly seventy percent of West Virginians expressed anxiety about their savings for retirement; and

Whereas, The Legislature recognizes that current commercial employer-sponsored retirement plans offer more than eighty-three million American workers and their families the opportunity to accumulate savings and improve their retirement security, and the Bureau of Labor Statistics reports that, even for those workers age thirty-five to forty-four, median job tenure is only 5.3 years with the current employer, which demonstrates the need for portable and flexible retirement solutions; and

Whereas, The Legislature recognizes that the savings and investments held in the current commercial retirement system represents the largest share of American households' total accumulated financial wealth with retirement assets of \$20.8 trillion outside of Social Security benefits; and

Whereas, The Legislature recognizes that according to the AARP many employees and small businesses lack information on how to best plan for retirement, and forty-five percent or three hundred ninety-four thousand seven hundred three West Virginia workers would benefit from improved information as to how to access employer-sponsored or payroll deduction retirement savings available in the private market or in a proposed new government-managed plan; and

Whereas, The Legislature recognizes that while no state has implemented a Voluntary Employee Retirement Accounts (VERA) program to offer small businesses an opportunity to establish a basic

retirement savings option for employees under the administration of a government agency, West Virginia should conduct such a study since some states are currently exploring these governmental options; and

Whereas, The Legislature recognizes that a VERA plan in West Virginia may provide workers a simple way to save for retirement which will result in fewer West Virginians relying on public safety net services, saving taxpayer dollars; and

Whereas, The Legislature recognizes that there is a need to determine if any potential retirement program by VERA would be less expensive and not in direct competition with the viable and robust employee and employer portable retirement programs already offered by banks, financial institutions, insurance brokers, private insurers and their licensed agents; and

Whereas, The Legislature recognizes that a complete fiscal analysis needs to be conducted in order to determine the financial implications of a proposed allocation of \$3 million in state-managed funds from the transfer of money from the Unclaimed Property Trust Fund in the Treasurer's Office for start-up of the VERA program, as well as all costs determinant to investment and actuarial compliance with federal securities laws; and

Whereas, The Legislature recognizes that state government-managed IRAs could be a disincentive for employers considering the sponsorship of 401(k) or Simple IRA plans and may cause some employers to drop existing plans to avoid required employer contributions, which generally account for a significant portion of an employee's retirement assets, and such results would be contrary to the intended purpose of VERA to enhance employee savings; and

Whereas, The Legislature recognizes the AARP's recommendation for a common sense solution that will help individuals save and take control of their own financial future; and

Whereas, The Legislature recognizes that as an alternative to a state government-managed retirement program for small business employers and employees, a congruent study should be conducted to determine if the state would be better served by launching educational campaigns promoting existing retirement plan options currently available in the private sector to employers and employees, and through financial literacy programs to promote tax credits and incentives for 401(k) and other currently available retirement savings plans; therefore, be it

Resolved by the Legislature of West Virginia:

That The Joint Committee on Government and Finance is hereby requested to study the advisability and feasibility of creating a cost-effective and portable group government-managed retirement savings program made available to small businesses and their employees by the State Treasurer, including the compliance costs and legal implications to the state and its small businesses that could result from applicable federal law as well as the tax treatment accorded to the investment options pursuant to applicable federal law under such a program, or to encourage and promote currently available private sector financial and retirement security opportunities for small businesses and their employees through portable defined contribution plans, such as Simple IRA, SEP, 401(k), 457, Regular/Roth IRA and individual annuities, which are already available in the commercial marketplace; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Prezioso, unanimous consent being granted, the resolution (S. C. R. No. 91) contained in the preceding report from the Committee on Finance was taken up for immediate consideration.

On motion of Senator Prezioso, the resolution was referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Resolution No. 43, Memorializing life and public service of James Howard “Buck” Harless.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Chafin, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Senate Resolution No. 45, Recognizing Paul Wesley Ambrose Health Policy Fellows Program.

On unfinished business, coming up in regular order, was reported by the Clerk.

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.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution No. 45 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.

Com. Sub. for House Concurrent Resolution No. 36, Army Sergeant Billy E. Vinson Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word "Army" by inserting "U. S.";

On page two, in the first Further Resolved clause, before the word "Army" by inserting "U. S.";

And,

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

Com. Sub. for House Concurrent Resolution No. 36—Requesting the Division of Highways to name the West Virginia

73 Overpass at the Logan exit of Route 119, Logan, Logan County, bridge number 23-119-5.67 (23A254), as the “U. S. Army SGT Billy E. Vinson Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 36), 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.

Com. Sub. for House Concurrent Resolution No. 69, U.S. Army Corporal John L. Gibbs Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the fourth Whereas clause, by striking out “US” and inserting in lieu thereof “U. S.”;

On page two, in the Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

On page two, in the first Further Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 69—Requesting the Division of Highways to name bridge number

27-62-37.01 (27A052) on Route 62 in Hartford, Mason County, the “U. S. Army Corporal John L. Gibbs Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 69), 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.

Com. Sub. for House Concurrent Resolution No. 70, U.S. Army Sgt. Matthew D. Hunter Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the ninth Whereas clause, by striking out “US” and inserting in lieu thereof “U. S.”;

On page three, in the Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

On page three, in the first Further Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 70—Requesting the Division of Highways to name bridge number 35-40-7.52 (35A139) on Route 40 in Wheeling, Ohio County, the “U. S. Army Sgt. Matthew D. Hunter Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 70), 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.

Com. Sub. for House Concurrent Resolution No. 73, U.S. Army Captain David Van Camp Memorial Bridge.

On unfinished business, coming up in regular 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 three, in the Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

On page three, in the first Further Resolved clause, by striking out “US” and inserting in lieu thereof “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 73—Requesting the Division of Highways to name bridge number 35-88-2.84 (35A083) on Bridge Street in Wheeling, Ohio County, the “U. S. Army Captain David Van Camp Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for 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.

House Concurrent Resolution No. 75, Army SPC 4 Marvin Dewayne Canterbury Memorial Highway.

On unfinished business, coming up in regular 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 two, in the seventh Whereas clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page two, in the eighth Whereas clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page two, in the ninth Whereas clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page two, in the tenth Whereas clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page two, in the Resolved clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page two, in the first Further Resolved clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

On page three, in the second Further Resolved clause, by striking out the words "Army SPC 4" and inserting in lieu thereof the words "U. S. Army SP4";

And,

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

House Concurrent Resolution No. 75—Requesting the Division of Highways to name U. S. Route 119 from Clendenin, Kanawha County, to the Kanawha - Roane County line, the “U. S. Army SP4 Marvin Dewayne Canterbury Memorial Highway”.

The question being on the adoption of the resolution (H. C. R. No. 75), 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.

Com. Sub. for House Concurrent Resolution No. 76, Army PFC Richard Lee Lakin Memorial Bridge.

On unfinished business, coming up in regular 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 three, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page three, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

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

Com. Sub. for House Concurrent Resolution No. 76—Requesting that bridge number 50-37-3.29 (50A069) over Big Hurricane Creek in Wayne County be named the “U. S. Army PFC Richard Lee Lakin Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 76), 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.

House Concurrent Resolution No. 83, Requesting Congress erect a national monument to motherhood.

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 eighth order of business.

Eng. Com. Sub. for Senate Bill No. 306, Budget Bill.

On third reading, 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, Fitzsimmons, Green, D. Hall, 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: Barnes and Carmichael—2.

Absent: Facemire—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. 306) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

On this question, the yeas were: Beach, Blair, Boley, Cann, 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)—31.

The nays were: Barnes and Carmichael—2.

Absent: Facemire—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. 306) takes effect July 1, 2014.

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. 4012, Relating to the Revised Uniform Law on Notarial Acts.

On third reading, 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: None.

Absent: Facemire—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. 4012) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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: None.

Absent: Facemire—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 H. B. No. 4012) takes effect July 1, 2014.

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

Eng. House Bill No. 4186, Relating to the procedures for issuing a concealed weapon 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4186) 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. 4236, Sexual assault nurse examination network.

On third reading, 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: None.

Absent: Facemire—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. 4236) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 4236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9B-1 and §15-9B-2, all relating to regulation of sexual assault examinations; creating the Sexual Assault Forensic Examination Commission; setting forth powers and duties of the commission; setting for membership of the commission; providing for rule-making authority for the commission; and setting forth minimum requirements in rules.

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

Eng. House Bill No. 4256, Amending the annual salary schedule for members of the state police.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 5, 2014, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Unger, and by unanimous consent, consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for House Bill No. 4270, Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference 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,

Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4270) 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. 4284, Pregnant Workers' Fairness 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, 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)—32.

The nays were: Beach—1.

Absent: Facemire—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. 4284) 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. 4287, Administration of health maintenance tasks.

On third reading, 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: None.

Absent: Facemire—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. 4287) 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: None.

Absent: Facemire—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 H. B. No. 4287) 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. 4290, Revising the regulatory structure of money transmitters and other 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4290) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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: None.

Absent: Facemire-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 H. B. No. 4290) takes effect July 1, 2014.

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

At the request of Senator Blair, 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 Blair, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill No. 4284, Pregnant Workers' Fairness Act.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

On motion of Senator Blair, the Senate reconsidered the vote as to the passage of the bill.

The vote thereon having been reconsidered,

The question again being "Shall Engrossed Committee Substitute for House Bill No. 4284 pass?"

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: None.

Absent: Facemire—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. 4284) passed with its title.

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. House Bill No. 4302, Relating to elections for public school 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4302) 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. 4302—A Bill to amend and reenact §11-8-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §13-1-13 of said code; and to amend and reenact §18-9-2 of said code, all relating to elections for public school purposes; clarifying certain language; and designating the county commission as the board of canvassers to canvass the returns of all levy and bond elections for public school purposes.

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. 4363, Creating an informal dispute resolution process available to behavioral health 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, 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: None.

Absent: Facemire—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. 4363) 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. 4392, Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for House Bill No. 4392 pass?”

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: None.

Absent: Facemire—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. 4392) 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. 4392—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, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9 and §21-16-10; to amend and reenact §29-3-12b of said code; and to amend and reenact §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-

3D-7 and §29-3D-8 of said code, all relating to regulating persons who perform work on heating, ventilating and cooling systems and dampers; defining terms; requiring persons who perform work on heating, ventilating and cooling systems to be licensed by the Commissioner of Labor; requiring persons who perform work on dampers to be licensed by the State Fire Marshal; providing for exemptions from licensure; providing a scope of practice for heating, ventilating and cooling technicians and technicians-in-training; authorizing the commissioner to promulgate legislative rules; authorizing the State Fire Marshal to promulgate legislative rules; authorizing enforcement procedures; authorizing interagency agreements; authorizing the issuance, renewal, denial, suspension and revocation of licenses; authorizing fines for violation of articles; providing for criminal penalties; providing that no political subdivision of the state may mandate additional licensing requirements; and authorizing and providing for the disposition of fees.

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 Blair, and by unanimous consent, the remarks by Senator McCabe regarding the passage of Engrossed Committee Substitute for House Bill No. 4392 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for House Bill No. 4393, Creating the Dangerous Wild Animals 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 Committee Substitute for House Bill No. 4393 pass?”

On the passage of the bill, the yeas were: Beach, Cann, Chafin, Cookman, Edgell, Fitzsimmons, D. Hall, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Yost and Kessler (Mr. President)—22.

The nays were: Barnes, Blair, Boley, Carmichael, Cole, Green, M. Hall, Jenkins, Sypolt, Walters and Williams—11.

Absent: Facemire—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. 4393) 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 Walters, and by unanimous consent, the remarks by Senator Sypolt regarding the passage of Engrossed Committee Substitute for House Bill No. 4393 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for House Bill No. 4425, Giving the Superintendent of State Police authority to hire additional staff.

On third reading, 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: None.

Absent: Facemire—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. 4425) 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. 4449, Including proximity detection systems and cameras used on continuous mining machines and underground haulage 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4449) 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. 4496, Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4496) 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. 4503, 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, Fitzsimmons, Green, D. Hall, 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: Facemire—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. 4503) 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: None.

Absent: Facemire—1.

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. 4503) takes effect from passage.

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

Eng. House Bill No. 4619, Authorizing innovation school 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, Fitzsimmons, Green, D. Hall, 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: Facemire–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. 4619) 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. 4619—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5B-13, relating to school innovation zones act; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; effect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision of plans; extension and revocation of designation; effect of expiration of designation on innovations; requiring state board rule; and annual review.

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.

Eng. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

On second 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 resolution was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed House Bill No. 4256, already placed in that position.

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

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.

Eng. Com. Sub. for House Bill No. 2803, Requiring electric utilities to implement integrated resource plans.

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. 3108, Relating to criminal background checks on applicants for employment by nursing homes.

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 5C. NURSING HOMES.

§16-5C-21. Employment restrictions.

(a) Notwithstanding a legislative rule or provider manual issued by the department, a person cannot be employed by a nursing home unless granted a variance by the secretary, or his or her designee, if convicted of:

(1) Abduction or kidnapping;

(2) Any violent felony crime including, but not limited to, rape, sexual assault, homicide, felonious physical assault or felonious battery;

(3) Child or adult abuse or neglect;

(4) Crimes which involve the exploitation of a child or an incapacitated adult;

(5) Felony domestic battery or domestic assault;

(6) Felony arson;

(7) Felony or misdemeanor crime against a child or incapacitated adult which causes harm;

(8) Felony drug-related offenses;

(9) Felony driving under the influence of drugs or alcohol;

(10) Hate crimes;

(11) Murder or manslaughter;

(12) Neglect or abuse by a caregiver;

(13) Pornography crimes involving children or incapacitated adults including, but not limited to, use of minors or incapacitated

adults in filming sexual explicit conduct, distribution and exhibition of material depicting minors or incapacitated adults in sexually explicit conduct or sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a minor or incapacitated adult engaged in sexually explicit conduct;

(14) Purchase or sale of a child;

(15) Sexual offenses including, but not limited to, incest, sexual abuse or indecent exposure;

(16) Felony or misdemeanor involving financial exploitation of a minor or elderly person; or

(17) Felony offense related to fraud, theft, embezzlement, breach of fiduciary responsibility or other financial misconduct in connection with the delivery of a health care item or service, or with respect to any act or omission in a health care program operated or financed, in whole or in part, by any federal, state or local government agency; or

(18) Any criminal offense related to the delivery of an item or service under Medicare or a state health care program.

(b) The secretary shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code, to allow persons to appeal decisions, demonstrate rehabilitation, request a review of their initial negative determinations and to implement any variance procedure as may be required by state or federal law.

The bill (Eng. Com. Sub. for H. B. No. 3108), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4005, Relating to criminal offenses for child neglect.

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 §61-8D-1, §61-8D-3, §61-8D-4 and §61-8D-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8D. CHILD ABUSE.

§61-8D-1. Definitions.

In this article, unless a different meaning is plainly ~~is~~ required:

(1) “Abuse” means the infliction upon a minor of physical injury by other than accidental means.

(2) “Child” means any person under eighteen years of age not otherwise emancipated by law.

(3) “Controlled substance” means controlled substance as that term is defined in subsection (d), section one hundred one, article one, chapter sixty-a of this code.

(4) “Custodian” means a person over the age of fourteen years who has or shares actual physical possession or care and custody of a child on a full-time or temporary basis, regardless of whether such person has been granted custody of the child by any contract, agreement or legal proceeding. “Custodian” shall also include, but not be limited to, the spouse of a parent, guardian or custodian, or a person cohabiting with a parent, guardian or custodian in the relationship of husband and wife, where such spouse or other person shares actual physical possession or care and custody of a child with the parent, guardian or custodian.

(5) “Guardian” means a person who has care and custody of a child as the result of any contract, agreement or legal proceeding.

(6) “Gross neglect” means reckless or intentional conduct, behavior or inaction by a parent, guardian or custodian that evidences a clear disregard for a minor child’s health, safety or welfare.

~~(6)~~ (7) “Neglect” means the unreasonable failure by a parent, guardian or any person voluntarily accepting a supervisory role ~~towards~~ custodian of a minor child to exercise a minimum degree of care to assure ~~said~~ the minor child’s physical safety or health. For purposes of this article, the following do not constitute “neglect” by a parent, guardian or custodian:

(A) Permitting a minor child to participate in athletic activities or other similar activities that if done properly are not inherently dangerous, regardless of whether that participation creates a risk of bodily injury;

(B) Exercising discretion in choosing a lawful method of educating a minor child; or

(C) Exercising discretion in making decisions regarding the nutrition and medical care provided to a minor child based upon religious conviction or reasonable personal belief.

~~(7)~~ (8) “Parent” means the biological father or mother of a child, or the adoptive mother or father of a child.

~~(8)~~ (9) “Sexual contact” means sexual ~~contact~~ as that term is defined in section one, article eight-b, chapter sixty-one of this code.

~~(9)~~ (10) “Sexual exploitation” means an act whereby:

(A) A parent, custodian, guardian or other person in a position of trust to a child, whether for financial gain or not, persuades, induces,

entices or coerces the child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; or

(B) A parent, guardian, custodian or other person in a position of trust in relation to a child persuades, induces, entices or coerces the child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, person in a position of trust or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, custodian or other person in a position of trust knows such display is likely to be observed by others who would be affronted or alarmed.

~~(10)~~ (11) “Sexual intercourse” means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

~~(11)~~ (12) “Sexual intrusion” means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

~~(12)~~ (13) A “person in a position of trust in relation to a child” refers to any person who is acting in the place of a parent and charged with any of a parent’s rights, duties or responsibilities concerning a child or someone responsible for the general supervision of a child’s welfare, or any person who by virtue of their occupation or position is charged with any duty or responsibility for the health, education, welfare, or supervision of the child.

§61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties.

(a) If any parent, guardian or custodian shall abuse a child and by such abuse cause such child bodily injury as such term is defined in section one, article eight-b of this chapter, then such parent, guardian or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and ~~committed to the custody of the Division of Corrections~~ imprisoned

in a state correctional facility for not less than one nor more than five years, or in the discretion of the court, be confined in ~~the county or regional~~ jail for not more than one year.

(b) If any parent, guardian or custodian shall abuse a child and by such abuse cause said child serious bodily injury as such term is defined in section one, article eight-b of this chapter, then such parent, guardian or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 and committed to the custody of the Division of Corrections not less than two nor more than ten years.

(c) Any ~~person~~ parent, guardian or custodian who abuses a child and by the abuse creates a substantial risk of ~~death~~ or serious bodily injury, ~~or of death as serious bodily injury is defined in section one, article eight-b of this chapter,~~ to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 ~~and confined to the custody of the Division of Corrections or imprisoned in a state correctional facility~~ for not less than one nor more than five years, ~~or both~~.

(d) (1) If a parent, guardian or custodian who has not previously been convicted under this section, section four of this article or a law of another state or the federal government with the same essential elements abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.

(2) For a second offense under this subsection or for a person with one prior conviction under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,500 and confined in jail not less than thirty days nor more than one year, or both.

(3) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 and imprisoned in a state correctional facility not less than one year nor more than three years, or both.

(e) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) Shall not be required to register pursuant to article thirteen, chapter fifteen of this code; and

(3) Shall not, solely by virtue of the conviction, have their custody, visitation or parental rights automatically restricted.

(f) Nothing in this section shall preclude a parent, guardian or custodian from providing reasonable discipline to a child.

§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties.

(a) If ~~any~~ a parent, guardian or custodian ~~shall neglect~~ neglects a child and by such neglect ~~cause said~~ causes the child bodily injury, as ~~such term~~ bodily injury is defined in section one, article eight-b of this chapter, then ~~such the~~ the parent, guardian or custodian ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or ~~committed to the custody of the Division of Corrections~~ imprisoned in a state correctional facility for not less than one nor more than three years, or in the discretion

of the court, be confined in ~~the county~~ jail for not more than one year, or both. ~~such fine and confinement or imprisonment~~

(b) If ~~any a~~ parent, guardian or custodian ~~shall neglect~~ neglects a child and by such neglect cause ~~said~~ the child serious bodily injury, as ~~such term~~ serious bodily injury is defined in section one, article eight-b of this chapter, then ~~such the~~ parent, guardian or custodian ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be fined not less than \$300 nor more than \$3,000 or ~~committed to the custody of the Division of Corrections~~ imprisoned in a state correctional facility for not less than one nor more than ten years, or both. ~~such fine and imprisonment~~

(c) If a parent, guardian or custodian grossly neglects a child and by that gross neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in section one, article eight-b of this chapter, of the child then the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both.

(d) (1) If a parent, guardian or custodian who has not been previously convicted under this section, section three of this article or a law of another state or the federal government with the same essential elements neglects a child and by that neglect creates a substantial risk of bodily injury, as defined in section one, article eight-b of this chapter, to the child, then the parent, guardian or custodian, is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both fined and confined.

(2) For a second offense under this subsection or for a person with one prior conviction under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty

of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 and confined in jail not less than thirty days nor more than one year, or both.

(3) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 and imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned.

~~(c)~~ (e) The provisions of this section shall not apply if the neglect by the parent, guardian or custodian is due primarily to a lack of financial means on the part of such parent, guardian or custodian.

(f) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Health and Human Resources, Bureau for Children and Families through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) Shall not be required to register pursuant to the requirements of article thirteen, chapter fifteen of this code; and

(3) Shall not, solely by virtue of the conviction, have their custody, visitation or parental rights automatically restricted.

~~(d) The provisions of this section shall not apply to any parent, guardian or custodian who fails or refuses, or allows another person to fail or refuse, to supply a child under the care, custody or control of such parent, guardian or custodian with necessary medical care;~~

~~when such medical care conflicts with the tenets and practices of a recognized religious denomination or order of which such parent, guardian or custodian is an adherent or member.~~

~~(e) Any person who grossly neglects a child and by the gross neglect creates a substantial risk of serious bodily injury or of death to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than three thousand dollars and confined to the custody of the Division of Corrections for not less than one nor more than five years.~~

§61-8D-9. Convictions for offenses against children.

In any case where a person is convicted of ~~an~~ a felony offense described in this article against a child as set forth in this article and the person has custodial, visitation or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of article six, chapter forty-nine of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take such further action in accord with the provisions of said article.

The bill (Eng. Com. Sub. for H. B. No. 4005), as amended, was then ordered to third reading.

Eng. House Bill No. 4006, Relating to the possession and distribution of child pornography.

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:

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

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.**§61-8C-3. Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty.**

(a) Any person who, ~~with knowledge~~ knowingly and willfully, sends or causes to be sent or distributes, exhibits, possesses, electronically accesses with intent to view or displays or transports any material visually portraying a minor engaged in any sexually explicit conduct is guilty of a felony, ~~and, upon conviction thereof, shall be imprisoned in the penitentiary, not more than two years, and fined not more than \$2,000.~~

(b) Any person who violates the provisions of subsection (a) of this section when the conduct involves fifty or fewer images shall, upon conviction, be imprisoned in a state correctional facility for not more than two years or fined not more than \$2,000 or both.

(c) Any person who violates the provisions of subsection (a) of this section when the conduct involves more than fifty but fewer than six hundred images shall, upon conviction, be imprisoned in a state correctional facility for not less than two nor more than ten years or fined not more than \$5,000, or both.

(d) Notwithstanding the provisions of subsections (b) and (c) of this section any person who violates the provisions of subsection (a) of this section when the conduct involves six hundred or more images or depicts violence against a child or a child engaging in sexuality shall, upon conviction, be imprisoned in a state correctional facility for not less than five nor more than fifteen years or fined not more than \$25,000, or both.

(e) For purposes of this section each video clip, movie or similar recording of five minutes or less shall constitute seventy-five images. A video clip, movie or similar recording of a duration longer than five minutes shall be deemed to constitute seventy-five images for every two minutes in length it exceeds five minutes.

On motion of Senator Palumbo, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. No. 4006) was next reported by the Clerk and adopted:

On page two, section three, subsection (d), by striking out the word “sexuality” and inserting in lieu thereof the word “bestiality”.

The question being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. H. B. No. 4006), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4039, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

On second 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 first reading calendar, following consideration of Engrossed House Joint Resolution No. 108, already placed in that position.

Eng. House Bill No. 4135, Designating the first Thursday in May the West Virginia Day of Prayer.

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. 4147, Relating to emergency preparedness.

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 amendments to the bill were 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:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-1. Policy and purpose.

In view of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness and large-scale threats, resulting from terrorism, enemy attack, sabotage or other hostile action, or from fire, flood, earthquakes or other natural or man-made causes and in order to insure that preparations of this state will be adequate to deal with ~~such~~ the disasters and large-scale threats, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of the state, it is ~~hereby~~ found and declared to be necessary: (1) To create the Division of Homeland Security and Emergency Management and to authorize the creation of local and regional organizations for emergency services in the political subdivisions of the state; (2) to confer upon the Governor and upon the executive heads of governing bodies of the political subdivisions of the state the emergency powers provided herein; (3) to provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency services and homeland

security functions; ~~(4)~~ and (4) to establish and implement comprehensive homeland security and emergency management plans to deal with such disasters and large-scale threats. It is further declared to be the purpose of this article and the policy of the state that all homeland security and emergency management funds and functions of this state be coordinated to the maximum extent with the Secretary of the Department of Military Affairs and Public Safety and with the comparable functions of the federal government including its various departments and agencies, of other states and localities and of private agencies of every type, so that the most effective preparation and use may be made of the nation's and this state's manpower, resources and facilities for dealing with any disaster or large-scale threat that may occur.

§15-5-6. Emergency powers of Governor.

(a) The provisions of this section ~~shall be~~ are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in ~~such~~ the proclamation, or the Legislature in ~~such~~ the 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, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(b) Any ~~such~~ state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, ~~shall terminate~~ terminates upon the proclamation of the termination ~~thereof~~ by the Governor, or the passage by the Legislature of a concurrent resolution terminating ~~such~~ the state of emergency or state of preparedness: Provided, That in no case shall a state of preparedness last longer than thirty days.

(c) So long as ~~such a~~ state of emergency or state of preparedness exists, the Governor ~~shall have~~ has and may exercise the following additional emergency powers:

(a) (1) To enforce all laws and rules 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) (2) 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~~ prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for ~~such~~ the property;

(c) (3) 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~~ the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code;

(d) (4) 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) (5) 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 that are necessary for the receipt and care of ~~such~~ the evacuees;

(f) (6) To control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area and the occupancy of premises therein;

~~(g)~~ (7) 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)~~ (8) To ~~utilize such~~ use available resources of the state and of its political subdivisions as that are reasonably necessary to cope with the emergency;

~~(i)~~ (9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

~~(j)~~ (10) To make provision for the availability and use of temporary emergency housing; and

~~(k)~~ (11) To perform and exercise ~~such~~ other functions, powers and duties as that are necessary to promote and secure the safety and protection of the civilian population.

(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty-two of this article and the Statewide Mutual Aid Systems set forth in section twenty-eight of this article.

~~(e) No~~ The powers granted under this section may be interpreted to do not authorize any action that would violate the prohibitions of section nineteen-a of this article.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT.

ARTICLE 6J. PROTECTION OF CONSUMERS FROM PRICE GOUGING AND UNFAIR PRICING PRACTICES DURING AND SHORTLY AFTER A STATE OF EMERGENCY OR STATE OF PREPAREDNESS.

§46A-6J-1. Emergencies and natural disasters - Taking unfair advantage of consumers.

The Legislature ~~hereby~~ finds that during emergencies and major disasters, including, but not limited to, tornadoes, earthquakes, fires, floods, storms or civil disturbances or where a large-scale threat exists, some merchants have taken unfair advantage of consumers by greatly increasing prices for essential consumer goods or services. While the pricing of consumer goods and services is generally best left to the marketplace under ordinary conditions, when a declared state of emergency or state of preparedness results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited. It is the intent of the Legislature in enacting this article to protect citizens from excessive and unjustified increases in the prices charged during or shortly after a declared state of emergency or state of preparedness for goods and services that are vital and necessary for the health, safety and welfare of consumers. Further, it is the intent of the Legislature that this article be liberally construed so that its beneficial purposes may be served.

§46A-6J-2. Definitions.

(a) “Building materials” means lumber, construction tools, windows and any other item used in the building or rebuilding of property.

(b) “Consumer food item” means any article that is used or intended for use for food or drink by a person or animal.

(c) “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action.

(d) “Emergency supplies” includes, but is not limited to, water, flashlights, radios, batteries, candles, blankets, generators, heaters and temporary shelters.

(e) “Essential consumer item” means any article that is necessary to the health, safety and welfare of consumers, including, but not limited to, clothing, diapers, soap, cleaning supplies and toiletries.

(f) “Gasoline” means any fuel used to power any motor vehicle or power tool.

(g) “Housing” means any rental housing leased on a month-to-month term or the sale of manufactured homes, as that term is defined in section two, article nine, chapter twenty-one of this code.

(h) “Large-scale threat” means circumstances which present a reasonable probability that necessary services or public order would be disrupted and effect a significant number of people from either natural or man-made causes.

~~(h)~~ (i) “Medical supplies” includes, but is not limited to, prescription and nonprescription medications, bandages, gauze, isopropyl alcohol and antibacterial products.

~~(i)~~ (j) “Repair or reconstruction services” means any services performed by any person for repairs to residential, commercial or public property of any type that is damaged as a result of a disaster.

~~(j)~~ (k) “State of emergency” means the situation existing during or after the occurrence of a disaster or large-scale threat in which a state of emergency has been declared by the Governor or by the Legislature pursuant to the provisions of section six, article five, chapter fifteen of this code or in which a major disaster declaration or emergency declaration has been issued by the president of the United States pursuant to the provisions of 42 U. S. C. § 5122.

(l) “State of preparedness” means the situation existing before a disaster or large-scale threat in which a state of preparedness has been declared by the Governor or by the Legislature pursuant to the provisions of section six, article five, chapter fifteen of this code.

~~(k)~~ (m) “Transportation, freight and storage services” means any service that is performed by any company that contracts to move, store or transport personal or business property or rents equipment or storage space for those purposes.

§46A-6J-3. Prohibited unfair pricing practices.

(a) Upon the declaration of a state of emergency or state of preparedness, and continuing for the existence of the state of emergency or state of preparedness or for thirty days following the declaration, whichever period is longer, it is unlawful for any person, contractor, business, or other entity to sell or offer to sell to any person in the area subject to the declaration any consumer food items, essential consumer items, goods used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight and storage services, or gasoline or other motor fuels for a price greater than ten percent above the price charged by that person for those goods or services on the tenth day immediately preceding the declaration of emergency state of preparedness, unless the increase in price is directly attributable to additional costs imposed on the seller by the supplier of the goods or directly attributable to additional costs for labor or materials used to provide the services: *Provided*, That in those situations where the increase in price is attributable to additional costs imposed by the seller’s supplier or additional costs of providing the good or service during the state of emergency or state of preparedness, the price is no greater than ten percent above the total of the cost to the seller plus the markup customarily applied by the seller for that good or service in the usual course of business on the tenth day immediately preceding the declaration: *Provided, however*, That where a supplier of gasoline or other motor fuels cannot determine their daily costs, the supplier may sell gasoline or other motor fuels to distributors on any day at a rate not to exceed

the average of the Oil Price Information Service's average wholesale rack price for that product at the Montvale/Roanoke, Virginia, Fairfax, Virginia, and Pittsburgh, Pennsylvania wholesale racks for the previous day.

(b) Upon the declaration of a state of emergency or state of preparedness, and for a period of one hundred eighty days following that declaration, it is unlawful for any contractor to sell or offer to sell any repair or reconstruction services or any services used in emergency cleanup in the area subject to the declaration for a price greater than ten percent above the price charged by that person for those services on the tenth day immediately preceding the declaration, unless the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods or directly attributable to additional costs for labor or materials used to provide the services: *Provided*, That in those situations where the increase in price is attributable to the additional costs imposed by the contractor's supplier or additional costs of providing the service, the price is no greater than ten percent above the total of the cost to the contractor plus the markup customarily applied by the contractor for that good or service in the usual course of business on the tenth day immediately preceding to the declaration of the state of emergency state of preparedness.

(c) Any business offering an item for sale at a reduced price ten days immediately prior to the declaration of the state of emergency or state of preparedness may use the price at which it usually sells the item to calculate the price pursuant to subsection (a) or (b) of this section.

(d) Whenever the Governor declares a state of preparedness, the provisions of this article shall only apply to those items or services specifically set forth in the proclamation.

~~(d)~~ (e) The price restrictions imposed by this article may be limited or terminated by proclamation of the Governor.

§46A-6J-4. Notification by the Secretary of State; registry.

The Secretary of State shall promulgate rules to establish a system by which any person, corporation, trade association or partnership may register to receive notification that a state of emergency or state of preparedness has been declared and that the provisions of this article are in effect. The rules promulgated pursuant to the authority conferred by this section may include a requirement of the payment of fees for registration.

The bill (Eng. Com. Sub. for H. B. No. 4147), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4149, Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.

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 bill (Eng. Com. Sub. for H. B. No. 4149) was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4156, Electronic Toll Collection Act.

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

The following amendments to the bill, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page six, section three, line four, after the word “collection” by striking out the remainder of the section and inserting in lieu thereof the following: and enforcement of tolls for the use of roads, highways and bridges may be accomplished by electronic toll collection as provided in this article and in rules promulgated by authority of this article: *Provided*, That the application of this article should not apply to:

(1) Future highway construction provided for in the Division of Highways’ Statewide Transportation Improvement Plan at the time of the enactment of this article; and

(2) Existing toll roads: *Provided*, That this section may not be construed to prohibit the collection and enforcement of tolls pursuant to article sixteen-a, chapter seventeen of this code.;

On page eleven, section five, line ninety-three, by striking out the words “Authority of” and inserting in lieu thereof the words “the Parkways Authority pursuant to”;

On page fourteen, section six, line thirteen, by striking out the word “rebutable” and inserting in lieu thereof the word “rebuttable”;

On page fifteen, section seven, lines five through nine, by striking out the words “a copy of the rental agreement, lease or other contract document covering that vehicle on the date of the violation, with the name and address of the lessee clearly legible to the Authority and to the court having jurisdiction over the violation” and inserting in lieu thereof the words “the name and address of the lessee who leased the vehicle on the day of the violation: *Provided*, That a lessor shall provide a copy of the rental agreement, lease or other contract document covering that vehicle on the date of the violation to the Parkways Authority upon written request for a violation that is in litigation”;

And,

On page twenty, section nine, after line fifty-nine, by adding two new subsections, designated subsections (f) and (g), to read as follows:

(f) All videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this article shall be destroyed within sixty days following the conclusion of the action or proceeding.

(g) Nothing in this article authorizes any law-enforcement agency to enter any information in a national database that is contained in videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this article.

The bill (Eng. Com. Sub. for H. B. No. 4156), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4183, Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.

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. 4196, Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs.

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. 4208, Banning synthetic hallucinogens.

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 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 §60A-1-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and reenacted; and that §60A-3-308 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. DEFINITIONS.

§60A-1-101. Definitions.

As used in this act:

(a) “Administer” means the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

(1) A practitioner (or, in his or her presence, by his or her authorized agent); or

(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) “Analogue” means a substance that, in relation to a controlled substance, has a substantially similar chemical structure.

(d) “Bureau” means the “Bureau of Narcotics and Dangerous Drugs, United States Department of Justice” or its successor agency.

(e) “Controlled substance” means a drug, substance or immediate precursor in Schedules I through V of article two of this chapter.

(f) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) “Imitation controlled substance” means: (1) A controlled substance which is falsely represented to be a different controlled substance; (2) a drug or substance which is not a controlled substance but which is falsely represented to be a controlled substance; or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.

(h) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2) a counterfeit substance; or (3) an imitation controlled substance.

(i) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(j) “Dispenser” means a practitioner who dispenses.

(k) “Distribute” means to deliver, other than by administering or dispensing, a controlled substance, a counterfeit substance or an imitation controlled substance.

(l) “Distributor” means a person who distributes.

(m) “Drug” means: (1) Substances recognized as drugs in the official “United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary”, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in ~~clause~~ subdivision (1), (2) or (3) of this ~~subdivision~~ subdivision. It does not include devices or their components, parts or accessories.

(n) “Immediate derivative” means a substance which ~~the “West Virginia Board of Pharmacy” has found to be and by rule designates as being~~ is the principal compound or any analogue of the parent compound manufactured from a known controlled substance primarily for use and which has equal or similar pharmacologic activity as the parent compound which is necessary to prevent, curtail or limit manufacture.

(o) “Immediate precursor” means a substance which ~~the “West Virginia Board of Pharmacy” (hereinafter in this act referred to as the State Board of Pharmacy) has found to be and by rule designates as being~~ is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(p) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(2) By a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(q) “Marijuana” means all parts of the plant “*Cannabis sativa L.*”, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, immediate derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, immediate derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(r) “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate.

(2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subdivision, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, immediate derivative or preparation of coca leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(s) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(t) “Opium poppy” means the plant of the species “*Papaver somniferum* L.”, except its seeds.

(u) “Person” means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(v) “Placebo” means an inert medicament or preparation administered or dispensed for its psychological effect, to satisfy a patient or research subject or to act as a control in experimental series.

(w) “Poppy straw” means all parts, except the seeds, of the opium poppy after mowing.

(x) “Practitioner” means:

(1) A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute,

dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(y) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(z) “State”, when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

(aa) “Ultimate user” means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Opiates*. – Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (for purposes of subdivision (34) of this subsection only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(propanilido) piperidine);

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-piperidinyl]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(13) Betameprodine;

(14) Betamethadol;

- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxidine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (32) Levomoramide;
- (33) Levophenacymorphan;

(34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-piperidynyl]-N-phenylpropanamide);

(36) Morpheridine;

(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(38) Noracymethadol;

(39) Norlevorphanol;

(40) Normethadone;

(41) Norpipanone;

(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidynyl] propanamide);

(43) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(44) Phenadoxone;

(45) Phenampromide;

(46) Phenomorphan;

(47) Phenoperidine;

(48) Piritramide;

(49) Proheptazine;

(50) Properidine;

(51) Propiram;

(52) Racemoramide;

(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(54) Tilidine;

(55) Trimeperidine.

(c) *Opium derivatives*. – Unless specifically excepted or unless listed in another schedule, any of the following opium immediate derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except HCl Salt);

- (11) Heroin;
- (12) Hydromorphenol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) *Hallucinogenic substances.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term “isomer” includes the optical, position and geometric isomers):

- (1) Alpha-ethyltryptamine; some trade or other names: tryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;

(2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo- 2,5-DMA;

(3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;

(4) 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

(5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3, 4-methylenedioxy-amphetamine;

~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; and “STP”;

~~(9)~~ (10) 3,4-methylenedioxy amphetamine;

~~(10)~~ (11) 3,4-methylenedioxymethamphetamine (MDMA);

~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also known as – ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as – hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and – hydroxy MDA);

~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (other name: AMT);

~~(14)~~ (17) Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

~~(15)~~ (18) Diethyltryptamine; some trade and other names: N, N-Diethyltryptamine; DET;

~~(16)~~ (19) Dimethyltryptamine; some trade or other names: DMT;

(20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

~~(17)~~ (21) Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

~~(18)~~ (22) Lysergic acid diethylamide;

~~(19)~~ (23) Marijuana Marihuana;

~~(20)~~ (24) Mescaline;

~~(21)~~ (25) Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

~~(22)~~ (26) Peyote; meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether

growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of such plant, its seeds or extracts;

~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;

~~(24)~~ (28) N-methyl-3-piperidyl benzilate;

~~(25)~~ (29) Psilocybin;

~~(26)~~ (30) Psilocyn;

~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

~~(30)~~ (34) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine; TPCP, TCP;

~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.

(36) 4-methylmethcathinone (Mephedrone);

(37) 3,4-methylenedioxypropylvalerone (MDPV);

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(47) 3,4-Methylenedioxy-N-methylcathinone (Methylone);

(48) (2,5-dimethoxy-4-(n)-propyl)thiophenethylamine (2C-T-7, its optical isomers, salts and salts of isomers;

(49) 5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT);

(50) Alpha-methyltryptamine (other name: AMT):(51) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT):~~(32)~~ (52) Synthetic Cannabinoids as follows:

~~(a)~~ (A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and homologues};

~~(b)~~ (B) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8 homolog};

~~(c)~~ (C) [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};

~~(d)~~ (D) (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) {also known as HU-211};

~~(e)~~ (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};

~~(f)~~ (F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};

~~(g)~~ (G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};

~~(h)~~ (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};

~~(i)~~ (I) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};

~~(j)~~ (J) 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};

~~(k)~~ (K) 2-((1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};

~~(l)~~ (L) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-122};

~~(m)~~ (M) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-398};

~~(n)~~ (N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};

~~(o)~~ (O) 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl)-2-(2-methoxyphenyl) ethanone {also known as RCS-8}; ~~and~~

(P) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(Q) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and

(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).

~~(Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered).~~

(53) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances, including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

(A) CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-YL)phenol);

(B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,10A-tetrahydrobenzo[C]chromen-1-OL];

(C) HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-YL)-6A,7,10,10A-tetrahydrobenzo [C]chromen-1-OL);

(D) JWH-018, 1-pentyl-3-(1-naphthoyl)indole;

(E) JWH-019, 1-hexyl-3-(1-naphthoyl)indole;

(F) JWH-073, 1-butyl-3-(1-naphthoyl)indole;

(G) JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)-Naphthalen-1-ylmethanone;

(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.

(54) Synthetic cannabinoids including any material, compound, mixture or preparation that is not listed as a controlled substance in Schedule I through V, is not a federal Food and Drug Administration approved drug or used within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted, whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

(A) Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(i) DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.

(ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.

(iii) DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.

(B) Naphthoylindoles or any compound containing a 3-(-1-Naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(i) JWH 015;

(ii) JWH 018;

(iii) JWH 019;

(iv) JWH 073;

(v) JWH 081;

(vi) JWH 122;

(vii) JWH 200;

(viii) JWH 210;

(ix) JWH 398;

(x) AM 2201;

(xi) WIN 55,212.

(55) Naphylmethyloindoles or any compound containing a 1-indol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

(56) Naphthoylpyrroles or any compound containing a 3-(1-Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

(57) Naphthylmethyloindenes or any compound containing a Naphthylideneindene structure with substitution at the 3- Position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

(58) Phenylacetylindoles or any compound containing a 3-Phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) RCS-8, SR-18 OR BTM-8;

(B) JWH 250;

(C) JWH 203;

(D) JWH 251;

(E) JWH 302.

(59) Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the

5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

(A) CP 47,497 and its homologues and analogs;

(B) Cannabicyclohexanol;

(C) CP 55,940.

(60) Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) AM 694;

(B) Pravadoline WIN 48,098;

(C) RCS 4;

(D) AM 679.

(61) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-naphthalenymethanone. This shall include WIN 55,212-2.

(62) Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.

(63) Adamantoylindoles or any compound containing a 3-(-1-Adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM1248.

(64) Tetramethylcyclopropylindoles or any compound containing A 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

(65) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

(66) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

(e) *Depressants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone;
- (2) Methaqualone.

(f) *Stimulants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Aminorex; some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

(2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(3) Fenethylamine;

(4) Methcathinone, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers; some other names: (2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropylvalerone and/or mephedrone; 3,4-methylenedioxypropylvalerone (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432;

(5) (+-) cis-4-methylaminorex; ((+)-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(6) N-ethylamphetamine;

(7) N,N-dimethylamphetamine; also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(8) Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and salts of isomers.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.

(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thénylfentanyl), its optical isomers, salts and salts of isomers.

(8) (3) N-benzylpiperazine, also known as BZP.

(h) The following controlled substances are included in Schedule I:

(1) Synthetic Cathinones or any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2- Aminopropan-1-one by substitution at the 1-position with Monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with Alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.

(B) By substitution at the 3-position with an acyclic alkyl substituent.

(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

(D) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

(2) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research.

§60A-2-206. Schedule II.

(a) Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

(b) *Substances, vegetable origin or chemical synthesis.* – Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextroprhan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts, but including the following:

- (A) Raw opium;
- (B) Opium extracts;
- (C) Opium fluid;
- (D) Powdered opium;
- (E) Granulated opium;
- (F) Tincture of opium;
- (G) Codeine;
- (H) Dihydroetorphine;
- ~~(H)~~ (I) Ethylmorphine;
- ~~(I)~~ (J) Etorphine hydrochloride;
- ~~(J)~~ (K) Hydrocodone;
- ~~(K)~~ (L) Hydromorphone;
- ~~(L)~~ (M) Metopon;

~~(M)~~ (N) Morphine;

(O) Oripavine;

~~(N)~~ (P) Oxycodone;

~~(O)~~ (Q) Oxymorphone; and

~~(P)~~ (R) Thebaine;

(2) Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine;

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) *Opiates*. – Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol; some other names:
levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
4-diphenyl butane;
- (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
1-diphenylpropane-carboxylic acid;

(18) Pethidine; (meperidine);

(19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(22) Phenazocine;

(23) Piminodine;

(24) Racemethorphan;

(25) Racemorphan;

(26) Remifentanil;

(27) Sufentanil; and

(28) Tapentadol.

(d) *Stimulants*. – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers and salts of its isomers;

(3) Methylphenidate;

(4) Phenmetrazine and its salts: and

(5) Lisdexamfetamine.

(e) *Depressants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine;

(5) Secobarbital.

(f) *Hallucinogenic substances:*

Nabilone: [Another name for nabilone: (+-)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

(g) *Immediate precursors.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(A) Phenylacetone;

(B) Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine; and

(B) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl:

4-anilino-N-phenethyl-4-piperidine (ANPP).

§60A-2-208. Schedule III.

(a) Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

(b) *Stimulants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under 21 C.F.R. §1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(6) Hydrocodone.

(c) *Depressants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

(A) Amobarbital;

(B) Secobarbital;

(C) Pentobarbital; or any salt of pentobarbital and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(A) Amobarbital;

(B) Secobarbital;

(C) Pentobarbital; or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

(4) Aprobarbital;

(5) Butabarbital (secbutabarbital);

(6) Butalbital (including, but not limited to, Fioricet):

(7) Butobarbital (butethal):

~~(4)~~ (8) Chlorhexadol;

(9) Embutramide;

(10) Gamma Hydroxybutyric Acid preparations;

(11) Ketamine, its salts, isomers and salts of isomers [Some other names for ketamine: (+-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];

~~(5)~~ (12) Lysergic acid;

~~(6)~~ (13) Lysergic acid amide;

~~(7)~~ (14) Methyprylon;

~~(8)~~ (15) Sulfondiethylmethane;

~~(9)~~ (16) Sulfonethylmethane;

~~(10)~~ (17) Sulfonmethane;

(18) Thiamylal;

(19) Thiopental;

~~(11)~~ (20) Tiletamine and zolazepam or any salt of tiletamine and zolazepam; some trade or other names for a tiletamine-zolazepam combination product: Telazol; some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade or other names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3, 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon; and

~~(12) Human growth hormones or anabolic steroids:~~

~~Ketamine, its salts, isomers and salts of isomers, including ketamine hydrochloride.~~

(21) Vinbarbital.

(d) Nalorphine.

(e) *Narcotic drugs.* – Unless specifically excepted or unless listed in another schedule any:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

~~(1) (A)~~ Not more than 1.8 grams of codeine per 100 milliliters and not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

~~(2) (B)~~ Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(3)~~ Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

~~(4)~~ Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(5) (C)~~ Not more than 1.8 grams of dihydrocodeine per 100 milliliters and not more than 90 milligrams per dosage unit, with one

or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(6)~~ (D) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(7)~~ (E) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(8)~~ (F) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(2) Any material, compound, mixture or preparation containing buprenorphine or its salts (including, but not limited to, Suboxone).

(f) *Anabolic steroids.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of anabolic steroids, including its salts, isomers and salts of isomers whenever the existence of the salts of isomers is possible within the specific chemical designation.

(g) Human growth hormones.

~~(g)~~ (h) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product. (Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or (-)-delta-9-(trans)-tetrahydrocannabinol).

§60A-2-210. Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Narcotic drugs.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(c) *Depressants.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam;

(2) Barbital;

(3) Bromazepam;

(4) Camazepam;

(5) Carisoprodol;

(6) Chloral betaine;

(7) Chloral hydrate;

(8) Chlordiazepoxide;

(9) Clobazam;

(10) Clonazepam;

(11) Clorazepate;

(12) Clotiazepam;

(13) Cloxazolam;

(14) Delorazepam;

(15) Diazepam;

(16) Dichloralphenazone;

~~(16)~~ (17) Estazolam;

~~(17)~~ (18) Ethchlorvynol;

~~(18)~~ (19) Ethinamate;

~~(19)~~ (20) Ethyl loflazepate;

~~(20)~~ (21) Fludiazepam;

~~(21)~~ (22) Flunitrazepam;

~~(22)~~ (23) Flurazepam;

(24) Fospropofol;

~~(23)~~ (25) Halazepam;

~~(24)~~ (26) Haloxazolam;

- ~~(25)~~ (27) Ketazolam;
- ~~(26)~~ (28) Loprazolam;
- ~~(27)~~ (29) Lorazepam;
- ~~(28)~~ (30) Lormetazepam;
- ~~(29)~~ (31) Mebutamate;
- ~~(30)~~ (32) Medazepam;
- ~~(31)~~ (33) Meprobamate;
- ~~(32)~~ (34) Methohexital;
- ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- ~~(34)~~ (36) Midazolam;
- ~~(35)~~ (37) Nimetazepam;
- ~~(36)~~ (38) Nitrazepam;
- ~~(37)~~ (39) Nordiazepam;
- ~~(38)~~ (40) Oxazepam;
- ~~(39)~~ (41) Oxazolam;
- ~~(40)~~ (42) Paraldehyde;
- ~~(41)~~ (43) Petrichloral;
- ~~(42)~~ (44) Phenobarbital;
- ~~(43)~~ (45) Pinazepam;

- ~~(44)~~ (46) Prazepam;
- ~~(45)~~ (47) Quazepam;
- ~~(46)~~ (48) Temazepam;
- ~~(47)~~ (49) Tetrazepam;
- ~~(48)~~ (50) Triazolam;
- (51) Zaleplon;
- ~~(49)~~ (52) Zolpidem;
- (53) Zopiclone.

(d) *Fenfluramine*: Any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible: Fenfluramine and Dexfenfluramine.

(e) *Stimulants*. – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Mazindol;

(6) Mefenorex;

(7) Modafinil;

~~(7)~~ (8) Pemoline (including organometallic complexes and chelates thereof);

~~(8)~~ (9) Phentermine;

~~(9)~~ (10) Pipradrol;

(11) Sibutramine;

~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) *Other substances.* – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Pentazocine;

(2) Butorphanol;

(3) Tramadol hydrochloride.

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrites are controlled substances and no product containing these compounds as a significant component shall be possessed, bought or sold other than pursuant to a bona fide prescription or for industrial or manufacturing purposes.

§60A-2-212. Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

~~(b) Narcotic drugs.~~ – Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs and their salts, as set forth below:

~~(1) Buprenorphine.~~ ~~(c) (b)~~ Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(d) (c)~~ *Stimulants.* – Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Pyrovalerone.

(e) (d) Any compound, mixture or preparation containing as its single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers except products which are for pediatric use primarily intended for administration to children under the age of twelve: *Provided*, That neither the offenses set forth in section four hundred one, article four of this chapter, nor the penalties therein, shall be applicable to ephedrine, pseudoephedrine or phenylpropanolamine which shall be subject to the provisions of article ten of this chapter.

(e) *Depressants.* – Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) Ezogabine [N-[2-amino-4-94-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];

(2) Lacosamide [(R)-2-acetoamido- N -benzyl-3-methoxy-propionamide];

(3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

**ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION
AND DISPENSING OF CONTROLLED
SUBSTANCES.**

§60A-3-308. Prescriptions.

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the lawful prescription of a practitioner.

(b) In emergency situations, as defined by rule of the said appropriate department, board or agency, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly

to writing and filed by the pharmacy. Prescription shall be retained in conformity with the requirements of section three hundred six of this article. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under appropriate state or federal statute, shall not be dispensed without a lawful prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner.

(d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medicinal purpose: Provided, That buprenorphine shall be dispensed only by prescription pursuant to subsections (a), (b) and (c) of this section: *Provided, however,* That the controlled substances included in subsection (e), section two hundred twelve, article two of this chapter shall be dispensed, sold or distributed only by a physician, in a pharmacy by a pharmacist or pharmacy technician, or health care professional.

(2) If the substance described in subsection (e), section two hundred twelve, article two of this chapter is dispensed, sold or distributed in a pharmacy:

(A) The substance shall be dispensed, sold or distributed only by a pharmacist or a pharmacy technician; and

(B) Any person purchasing, receiving or otherwise acquiring any such substance shall produce a photographic identification issued by a state or federal governmental entity reflecting his or her date of birth.

~~(e) Notwithstanding any provision of this code to the contrary, on or after September 1, 2012, any practitioner or entity prescribing or~~

~~dispensing a combination of buprenorphine and naloxone to treat opioid addiction shall only prescribe or dispense said product in the form of sublingual film unless the sublingual film is clinically contraindicated. If the prescriber or dispenser determines that sublingual film is contraindicated he or she shall document the reasons for not dispensing sublingual film in the patient's file or chart.~~

The bill (Eng. Com. Sub. for H. B. No. 4208), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4217, Relating to Medicaid reports to the Legislature.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-22. Medicaid managed care reporting.

(a) Beginning January 1, 2016, and annually thereafter, the Bureau for Medical Services shall submit an annual report by May of that year to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Health and Human Resources Accountability that includes, but is not limited to, the following information for all managed care organizations:

(1) The name and geographic service area of each managed care organization that has contracted with the bureau.

(2) The total number of health care providers in each managed care organization broken down by provider type and specialty and by each geographic service area.

(3) The monthly average and total of the number of members enrolled in each organization broken down by eligibility group.

(4) The percentage of clean claims paid each provider type within thirty calendar days and the average number of days to pay all claims for each managed care organization.

(5) The number of claims denied or pended by each managed care organization.

(6) The number and dollar value of all claims paid to non-network providers by claim type for each managed care organization.

(7) The number of members choosing the managed care organization and the number of members auto-enrolled into each managed care organization, broken down by managed care organization.

(8) The amount of the average per member per month payment and total payments paid to each managed care organization.

(9) A comparison of nationally recognized health outcomes measures as required by the contracts the managed care organizations have with the bureau.

(10) A copy of the member and provider satisfaction survey report for each managed care organization.

(11) A copy of the annual audited financial statements for each managed care organization.

(12) A brief factual narrative of any sanctions levied by the department against a managed care network.

(13) The number of members, broken down by each managed care organization, filing a grievance or appeal and the total number and percentage of grievances or appeals that reversed or otherwise resolved a decision in favor of the member.

(14) The number of members receiving unduplicated outpatient emergency services and urgent care services, broken down by managed care organization.

(15) The number of total inpatient Medicaid days broken down by managed care organization and aggregated by facility type.

(16) The following information concerning pharmacy benefits broken down by each managed care organization and by month:

(A) Total number of prescription claims;

(B) Total number of prescription claims denied;

(C) Average adjudication time for prescription claims;

(D) Total number of prescription claims adjudicated within thirty days;

(E) Total number of prescription claims adjudicated within ninety days;

(F) Total number of prescription claims adjudicated after thirty days; and

(G) Total number of prescription claims adjudicated after ninety days.

(17) The total number of authorizations by service.

(18) Any other metric or measure which the Bureau for Medical Services deems appropriate for inclusion in the report.

(b) The report required in subsection (a) of this section shall also include information regarding fee-for-service providers that is comparable to that required in subsection (a) of this section for managed care organizations.

(c) The report required in subsection (a) of this section shall also include for each of the five most recent fiscal years, annual cost information for both managed care organizations and fee-for-service providers of the Medicaid program expressed in terms of:

(1) Aggregate dollars expended by both managed care organizations and fee-for-service providers of the Medicaid programs per fiscal years; and

(2) Annual rate of cost inflation from prior fiscal year for both managed care organizations and fee-for-service providers of the Medicaid program.

§9-5-23. Bureau for Medical Services information.

(a) The Bureau for Medical Services shall publish all informational bulletins, health plan advisories, and guidance published by the department concerning the Medicaid program on the department's website.

(b) The bureau shall publish all Medicaid state plan amendments and any related correspondence within twenty-four hours of receipt of the correspondence submission to the Centers for Medicare and Medicaid Services.

(c) The bureau shall publish all formal responses by the Centers for Medicare and Medicaid Services regarding any state plan amendment on the department's website within twenty-four hours of receipt of the correspondence.

On motion of Senator Stollings, the following amendments to the Health and Human Resources committee amendment to the bill

(Eng. Com. Sub. for H. B. No. 4217) were reported by the Clerk, considered simultaneously, and adopted:

On page three, section twenty-two, subsection (a), after subdivision (18), by inserting the following:

(19) For those managed care plans that are accredited by a national accreditation organization they shall report their most recent annual quality ranking for their Medicaid plans offered in West Virginia.

(20) The medical loss ratio and the administrative cost of each managed care organization and the amount of money refunded to the state if the contract contains a medical loss ratio.;

And,

On page four, section twenty-two, subsection (b), after the word “organizations”, by changing the period to a colon and inserting the following proviso: *Provided*, That any report regarding Medicaid fee for service should be designed to determine the medical and pharmacy costs for those benefits similar to ones provided by the managed care organizations and the data shall be reflective of the population served.

The question being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 4217), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4242, Increasing gross weight limitations on certain roads in Brooke County.

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. 4245, Relating to anticipated retirement dates of certain health care professionals.

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. 4254, Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency.

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. 4268, Relating to the administration of veterans' assistance.

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:

CHAPTER 9A. VETERANS' ASSISTANCE.

ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.

§9A-1-2. Veterans' Council; administration of department.

(a) There is continued the "Veterans' Council" consisting of nine members who must be citizens and residents of this state and who have served in and been honorably discharged or separated under honorable conditions from the Armed Forces of the United States and whose service was within a time of war as defined by the laws of the United States. ~~either Public Law No. 2—73rd Congress, or Public Law No. 346—78th Congress, and amendments thereto.~~

(b) Where feasible, two members of the council shall be veterans of either World War II or the Korean Conflict, at least two members of the council shall be veterans of the Vietnam era, at least one member shall be a veteran of the first Gulf War and at least one member shall be a veteran of the Afghanistan or Iraqi Conflicts. The members of the veterans' council shall be selected with special reference to their ability and fitness to effectuate the purposes of this article. If an eligible veteran is not available or cannot be selected, a veteran who is a citizen and resident of this state, who served in and was honorably discharged or separated under honorable conditions from the Armed Forces of the United States and who served during any time of war or peace may be selected.

(c) ~~▲ The~~ The secretary and such ~~veterans' affairs~~ officers, assistants and employees as the secretary considers advisable, shall administer the West Virginia Department of Veterans' Assistance.

§9A-1-4. Duties and functions of Veterans' Council; appointment of secretary; honoring academic achievement at military academies.

(a) It is the duty and function of The Veterans' Council to advise the secretary on the general administrative policies of the department, to select, at their first meeting in each fiscal year commencing on July 1, a chairperson to serve one year, to advise the secretary on rules as may be necessary, to advise the Governor and the Legislature with respect to legislation affecting the interests of veterans, their widows, widowers, dependents and orphans and to make annual reports to the Governor respecting the service of the department. The secretary has the same eligibility and qualifications prescribed for members of the Veterans' Council. The secretary ex officio shall maintain all records of the Veterans' Council.

(b) The Veterans' Council may annually honor each West Virginian graduating from the U. S. Military Academy, the U. S. Naval Academy, the U. S. Air Force Academy and the U. S. Coast Guard Academy with the highest grade point average by bestowing upon him or her the West Augusta Award. The award shall be in a

design and form established by the council and include the famous Revolutionary War phrase from which the award's name is derived: "Once again our brethren from West Augusta have answered the call to duty." The council shall coordinate the manner of recognition of the recipient at graduation ceremonies with each academy.

§9A-1-5. Compensation to and expenses of Secretary and Veterans' Council members; meetings of Veterans' Council.

(a) The ~~director~~ secretary shall receive an annual salary as provided in section two-a, article seven, chapter six of this code and necessary traveling expenses incident to the performance of his or her duties. ~~The salaries of the veterans' affairs officers, assistants and employees shall be fixed by the Veterans' Council.~~

(b) The members of the Veterans' Council shall receive no salary, but each member shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. The requisition for such expenses and traveling expenses shall be accompanied by a sworn and itemized statement, which shall be filed with the Auditor and permanently preserved as a public record.

(c) The Veterans' Council shall ~~hold its initial meeting on the call of the Governor, and thereafter shall meet on the call of its chairman, except as otherwise provided. With the exception of the first three meetings of the Veterans' Council, none of which shall be of a duration longer than two weeks each, for organizational purposes, the~~

(d) ~~The~~ The Veterans' Council shall meet not more than once every two months at such times as may be determined by and upon the call of the chairman for a period of not more than two days, unless there should be an emergency requiring a special meeting or for a longer period and so declared and called by the Governor or by the chairman with the approval of the Governor.

(e) A majority of the members of the Veterans' Council in office shall constitute a quorum for the conduct of official business.

§9A-1-6. Oaths.

The members of the Veterans' Council, the ~~director~~ secretary and the ~~veterans' affairs~~ officers of the department shall take and subscribe to the oath prescribed by article four, section five of the state Constitution before entering on their duties. Their oaths shall be filed with the Secretary of State.

§9A-1-8. Offices.

(a) The offices of the ~~director~~ secretary shall be located at the state capitol or other place provided in the capital city. The ~~director~~ secretary shall keep his or her offices open at all reasonable times for the transaction of business.

(b) The offices and meeting place of the Veterans' Council shall be in the offices of the ~~director~~ secretary: *Provided*, That the Veterans' Council with the approval of the Governor may hold meetings at other places but not outside of this state, except in the District of Columbia.

§9A-1-9. Duties of department.

The ~~division~~ department of veterans' affairs of West Virginia assistance shall:

(1) Assist veterans, their widows, widowers, dependents and orphans within the state, in properly presenting their claims before the United States Veterans' Administration, its administrator, or any federal agency, the State of West Virginia, or any of the several states of the United States, when the claims arise out of service with the armed forces of the United States as defined in section one of this article;

(2) Contact all veterans' organizations in this state through their duly elected or appointive officers to effectuate the purposes of this

article and aid in the efficiency of the operations of the ~~division~~ department;

(3) Render all possible and proper advice, assistance and counsel to veterans, their families, and their widows, dependents and orphans, within the state, and furnish them information on compensation, allowances, pensions, insurance, rehabilitation, hospitalization, education, vocational training, or refresher or retraining courses in education or training, employment, loans or aid for the purchase, acquisition or construction of homes, farms, farm equipment and business property, preference in the purchase of property and preference in employment, as provided or may be provided by any federal act, any federal agency, this state or other states;

(4) Make careful inquiry into all claims presented for payment out of the State Treasury from any appropriation made for the benefit of veterans, their widows, widowers, dependents and orphans.

§9A-1-10. Powers and duties of secretary.

The ~~director~~ secretary is the executive and administrative head of the ~~division~~ department and has the power and duty, subject to the provisions of section four of this article, to:

(a) Supervise and put into effect the purposes and provisions of this article and the rules for the government of the ~~division~~ department;

(b) Prescribe methods pertaining to investigations and reinvestigations of all claims and to the rights and interests of all veterans, their widows, widowers, dependents and orphans;

(c) Prescribe uniform methods of keeping all records and case records of the veterans, their widows, widowers, dependents and orphans;

(d) Sign and execute, in the name of the state by West Virginia ~~Division~~ Department of Veterans' Affairs ~~and by and with the consent of the Veterans' Council, Assistance,~~ any contract or agreement with the federal government or its agencies, other states, subdivisions of this state, corporations, associations, partnerships or individuals;

(e) Supervise the fiscal affairs and responsibilities of the ~~division~~ department;

(f) Organize the ~~division~~ department to comply with the requirements of this article and with the standards required by any federal act or any federal agency;

(g) Establish any regional or area offices throughout the state that are necessary to promote efficiency and economy in administration;

(h) Make reports that comply with the requirements of any federal act or federal agency and the provisions of this article;

(i) Cooperate with the federal and state governments for the more effective attainment of the purposes of this article;

(j) Keep a complete and accurate record of all proceedings; record and file all contracts and agreements and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office and the ~~division~~ department;

(k) Prepare for the Veterans' Council the annual reports to the Governor of the condition, operation and functioning of the ~~division~~ department;

(l) Exercise any other powers necessary and proper to standardize the work; to expedite the service and business; to assure fair consideration of the rights and interests and claims of veterans, their widows, widowers, dependents and orphans; to provide resources

for a program which will promote a greater outreach to veterans and which will advise them of the benefits and services that are available; and to promote the efficiency of the ~~division~~ department;

(m) Invoke any legal, equitable or special remedies for the enforcement of his or her orders or the provisions of this article;

(n) Appoint the ~~veterans' affairs~~ officers and heads of divisions of the ~~division~~ department, and of regional or area offices, and employ assistants and employees, including case managers and counselors, that are necessary for the efficient operation of the ~~division~~ department;

(o) Provide resources and assistance in the development of an Internet website which is to be used to inform veterans of programs and services available to them through the ~~division~~ department and the state and federal governments;

(p) Delegate to all or any of his or her appointees, assistants or employees all powers and duties vested in the ~~director~~ secretary, except the power to sign and execute contracts and agreements: ~~but the director~~ Provided, That the secretary shall be responsible for the acts of his or her appointees, assistants and employees; ~~and~~

(q) ~~Provide volunteers who will drive or transport Award grants, in his or her discretion, subject to available appropriations, to provide for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans' affairs Assistance offices; and who shall be paid an expense per diem of seventy-five dollars.~~

(r) Enter into an agreement with the Commissioner of the Department of Agriculture to transfer without consideration all or part of the approximately seventeen acres of the Department of Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing facility.

§9A-1-11. Establishment of veterans facilities support fund; authorized expenditures.

(a) There is ~~hereby created~~ continued in the State Treasury a special revenue fund to be designated and known as the Veterans Facilities Support Fund which shall be administered by the secretary.

(b) All interest or other returns earned on the investment of the moneys in the fund shall be credited to the fund.

(c) Funds paid into the account shall be derived from the following sources: (1) Any gift, grant, bequest, endowed fund or donation which may be received by any veterans facility created by statute from any governmental entity or unit or any person, firm, foundation or corporation; and (2) All interest or other return on investment accruing to the fund.

(d) Moneys in the fund are to be used for the operational costs of any veterans facility created by statute, the acquisition, design, construction, equipping, furnishing, including, without limitation, the payment of debt service on bonds issued to finance the foregoing and/or as otherwise designated or specified by the donor.

(e) Any balance, including accrued interest or other earnings, in this special fund at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the fund.

(f) Funds from the Veterans Facility Support Fund for operational costs of any veterans' facility as defined in this section will be distributed by appropriation of the Legislature.

(g) Funds from the Veterans Facility Support Fund for the acquisition, design, construction, equipping, furnishing, including, without limitation, the payment of debt service on bonds issued to finance the veterans nursing home shall be transferred to the Veterans Nursing Home Building Fund upon written request of the ~~director of the division of Veterans Affairs to the Investment~~

~~Management Board and the state Treasurer in accordance with the provisions of this section: secretary.~~

§9A-1-12. Legal assistance.

The Attorney General of the state and his or her assistants, and the prosecuting attorneys of the various counties, shall render to the Veterans' Council or ~~director without additional compensation;~~ secretary, such legal services as may be required in the discharge of the provisions of this article.

The bill (Eng. Com. Sub. for H. B. No. 4268), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4278, Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

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 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-15. Certificate of authorization requirements for medical and podiatry corporations.

(a) *Unlawful acts.* – It is unlawful for any corporation to practice or offer to practice medicine and surgery or podiatry in this state without a certificate of authorization issued by the board designating the corporation as an authorized medical or podiatry corporation.

(b) *Certificate of authorization for in-state medical or podiatry corporation.* – One or more physicians licensed to practice medicine and surgery in this state under this article, or one or more physicians licensed under this article and one or more physicians licensed under article fourteen of this chapter, or one or more podiatrists licensed to practice podiatry in this state may receive a certificate of authorization from the board to be designated a medical or podiatry corporation by:

(1) Filing a written application with the board on a form prescribed by the board;

(2) Furnishing satisfactory proof to the board that each shareholder of the proposed medical or podiatry corporation is a licensed physician or podiatrist pursuant to this article or article fourteen of this chapter; and

(3) Submitting applicable fees which are not refundable.

(c) *Certificate of authorization for out-of-state medical or podiatry corporation.* – A medical or podiatry corporation formed outside of this state for the purpose of engaging in the practice of medicine and surgery or the practice of podiatry may receive a certificate of authorization from the board to be designated a foreign medical or podiatry corporation by:

(1) Filing a written application with the board on a form prescribed by the board;

(2) Furnishing satisfactory proof to the board that the medical or podiatry corporation has received a certificate of authorization or similar authorization from the appropriate authorities as a medical or podiatry corporation, or professional corporation in its state of incorporation and is currently in good standing with that authority;

(3) Furnishing satisfactory proof to the board that at least one shareholder of the proposed medical or podiatry corporation is a

licensed physician or podiatrist pursuant to this article and is designated as the corporate representative for all communications with the board regarding the designation and continuing authorization of the corporation as a foreign medical or podiatry corporation;

(4) Furnishing satisfactory proof to the board that all of the medical or podiatry corporation's shareholders are licensed physicians or podiatrists in one or more states and submitting a complete list of the shareholders, including each shareholder's name, their state or states of licensure and their license number(s); and

(5) Submitting applicable fees which are not refundable.

(d) *Notice of certificate of authorization to Secretary of State* – When the board issues a certificate of authorization to a medical or podiatry corporation, then the board shall notify the Secretary of State that a certificate of authorization has been issued. When the Secretary of State receives a notification from the board, he or she shall attach that certificate of authorization to the corporation application and, upon compliance by the corporation with the pertinent provisions of this code, shall notify the incorporators that the medical or podiatry corporation, through licensed physicians or licensed podiatrists, may engage in the practice of medicine and surgery or the practice of podiatry in West Virginia.

(e) *Authorized practice of medical or podiatry corporation* – An authorized medical corporation may only practice medicine and surgery through individual physicians licensed to practice medicine and surgery in this state. An authorized podiatry corporation may only practice podiatry through individual podiatrists licensed to practice podiatry in this state. Physicians or podiatrists may be employees rather than shareholders of a medical or podiatry corporation, and nothing herein requires a license for or other legal authorization of, any individual employed by a medical or podiatry corporation to perform services for which no license or other legal authorization is otherwise required.

(f) *Renewal of certificate of authorization* – A medical or podiatry corporation holding a certificate of authorization shall register biennially, on or before the expiration date on its certificate of authorization, on a form prescribed by the board, and pay a biennial fee. If a medical or podiatry corporation does not timely renew its certificate of authorization, then its certificate of authorization automatically expires.

(g) *Renewal for expired certificate of authorization* – A medical or podiatry corporation whose certificate of authorization has expired may reapply for a certificate of authorization by submitting a new application and application fee in conformity with subsection (b) or (c) of this section.

(h) *Ceasing operation – In-state medical or podiatry corporation.* – A medical or podiatry corporation formed in this state and holding a certificate of authorization shall cease to engage in the practice of medicine, surgery or podiatry when notified by the board that:

(1) One of its shareholders is no longer a duly licensed physician or podiatrist in this state; or

(2) The shares of the medical or podiatry corporation have been sold or transferred to a person who is not a licensed physician or podiatrist in this state. The personal representative of a deceased shareholder shall have a period, not to exceed twelve months from the date of the shareholder's death, to transfer the shares. Nothing herein affects the existence of the medical or podiatry corporation or its right to continue to operate for all lawful purposes other than the practice of medicine and surgery or the practice of podiatry.

(i) *Ceasing operation – Out-of-state medical or podiatry corporation.* – A medical or podiatry corporation formed outside of this state and holding a certificate of authorization shall immediately cease to engage in the practice of medicine, surgery or podiatry in this state if:

(1) The corporate shareholders no longer include at least one shareholder who is licensed to practice as a physician or podiatrist in this state;

(2) The corporation is notified that one of its shareholders is no longer a licensed physician or podiatrist; or

(3) The shares of the medical or podiatry corporation have been sold or transferred to a person who is not a licensed physician or podiatrist. The personal representative of a deceased shareholder shall have a period, not to exceed twelve months from the date of the shareholder's death, to transfer the shares. In order to maintain its certificate of authorization to practice medicine, surgery or podiatry during the twelve month period, the medical or podiatry corporation shall, at all times, have at least one shareholder who is a licensed physician or podiatrist in this state. Nothing herein affects the existence of the medical or podiatry corporation or its right to continue to operate for all lawful purposes other than the practice of medicine, surgery or podiatry.

(j) *Notice to Secretary of State* – Within thirty days of the expiration, revocation or suspension of a certificate of authorization by the board, the board shall submit written notice to the Secretary of State.

(k) *Unlawful acts.* – It is unlawful for any corporation to practice or offer to practice medicine and surgery or podiatry after its certificate of authorization has expired or been revoked, or if suspended, during the term of the suspension.

(l) *Application of section* – Nothing in this section is meant or intended to change in any way the rights, duties, privileges, responsibilities and liabilities incident to the physician-patient or podiatrist-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient or podiatrist-patient relationship.

(m) *Court evidence* – A certificate of authorization issued by the board to a corporation to practice medicine and surgery or podiatry in this state that has not expired, been revoked or suspended is admissible in evidence in all courts of this state and is prima facie evidence of the facts stated therein.

(n) *Penalties* – Any officer, shareholder or employee of a medical or podiatry corporation who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 per violation.

The bill (Eng. Com. Sub. for H. B. No. 4278), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4283, Raising the minimum wage.

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:

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

ARTICLE 5C. MINIMUM WAGE AND MAXIMUM HOURS STANDARDS FOR EMPLOYEES.

§21-5C-1. Definitions.

As used in this article:

(a) “Commissioner” means the Commissioner of Labor or his or her duly authorized representatives.

(b) “Wage and hour director” means the wage and hour director appointed by the Commissioner of Labor as chief of the wage and hour division.

(c) “Wage” means compensation due an employee by reason of his or her employment.

(d) “Employ” means to hire or permit to work.

(e) “Employer” includes the State of West Virginia, its agencies, departments and all its political subdivisions, any individual, partnership, association, public or private corporation, or any person or group of persons acting directly or indirectly in the interest of any employer in relation to an employee; and who employs during any calendar week six or more employees as herein defined in any one separate, distinct and permanent location or business establishment: ~~Provided, That the term “employer” shall not include any individual, partnership, association, corporation, person or group of persons or similar unit if eighty percent of the persons employed by him are subject to any federal act relating to minimum wage, maximum hours and overtime compensation.~~

(f) “Employee” includes any individual employed by an employer but shall not include: (1) Any individual employed by the United States; (2) any individual engaged in the activities of an educational, charitable, religious, fraternal or nonprofit organization where the employer-employee relationship does not in fact exist, or where the services rendered to such organizations are on a voluntary basis; (3) newsboys, shoeshine boys, golf caddies, pinboys and pin chasers in bowling lanes; (4) traveling salesmen and outside salesmen; (5) services performed by an individual in the employ of his or her parent, son, daughter or spouse; (6) any individual employed in a bona fide professional, executive or administrative capacity; (7) any person whose employment is for the purpose of on-the-job training; (8) any person having a physical or mental handicap so severe as to prevent his or her employment or employment training in any training or employment facility other than a nonprofit sheltered workshop; (9) any individual employed in a boys or girls summer camp; (10) any person sixty-two years of age or over who receives old-age or survivors benefits from the social security administration; (11) any individual employed in agriculture as the word agriculture

is defined in the Fair Labor Standards Act of 1938, as amended; (12) any individual employed as a fire fighter by the state or agency thereof; (13) ushers in theaters; (14) any individual employed on a part-time basis who is a student in any recognized school or college; (15) any individual employed by a local or interurban motorbus carrier; (16) so far as the maximum hours and overtime compensation provisions of this article are concerned, any salesman, parts man or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, farm implements, aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; (17) any employee with respect to whom the United States Department of Transportation has statutory authority to establish qualifications and maximum hours of service; (18) any person employed on a per diem basis by the Senate, the House of Delegates, or the Joint Committee on Government and Finance of the Legislature of West Virginia, other employees of the Senate or House of Delegates designated by the presiding officer thereof and additional employees of the Joint Committee on Government and Finance designated by such joint committee; or (19) any person employed as a seasonal employee of a commercial whitewater outfitter where the seasonal employee works less than seven months in any one calendar year and, in such case, only for the limited purpose of exempting the seasonal employee from the maximum wage provisions of section three of this article.

(g) “Workweek” means a regularly recurring period of one hundred sixty-eight hours in the form of seven consecutive twenty-four hour periods, need not coincide with the calendar week and may begin any day of the calendar week and any hour of the day.

(h) “Hours worked”, in determining for the purposes of sections two and three of this article, the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday, time spent in walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such

employee is employed to perform and activities which are preliminary to or postliminary to said principal activity or activities, subject to such exceptions as the commissioner may by rules and regulations define.

§21-5C-2. Minimum wages.

(a) *Minimum wage:*

(1) After June 30, 2006, every employer shall pay to each of his or her employees wages at a rate not less than \$5.85 per hour.

(2) After June 30, 2007, every employer shall pay to each of his or her employees wages at a rate not less than \$6.55 per hour.

(3) After June 30, 2008, every employer shall pay to each of his or her employees wages at a rate not less than \$7.25 per hour.

(4) After January 1, 2015, every employer shall pay to each of his or her employees wages at a rate not less than \$7.50 per hour.

(5) After January 1, 2016, every employer shall pay to each of his or her employees wages at a rate not less than \$8.00 per hour.

(6) After January 1, 2017, every employer shall pay to each of his or her employees wages at a rate not less than \$8.75 per hour.

~~(4) At such time as~~ (7) When the federal minimum hourly wage as prescribed by 29 U. S. C. §206(a)(1) is equal to or greater than the wage rate prescribed in ~~subdivision (3)~~ the applicable provision of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U. S. C. §206(a)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U. S. C. §206(a)(1) and does not include

other wage rates, or conditions, exclusions or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(b) *Training wage:*

(1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary, an employer may pay an employee first hired after ~~June 30, 2006~~ January 1, 2015, a subminimum training wage not less than ~~\$5.15~~ \$6.40 per hour.

(2) An employer may not pay the subminimum training wage set forth in subdivision (1) of this subsection to any individual:

(i) Who has attained or attains while an employee of the employer, the age of twenty years; or

(ii) For a cumulative period of not more than ninety days per employee: *Provided*, That if any business has not been in operation for more than ninety days at the time the employer hired the employee, the employer may pay the employee the subminimum training wage set forth in subdivision (1) of this subsection for an additional period not to exceed ninety days.

(3) ~~At such time as~~ When the federal subminimum training wage as prescribed by 29 U. S. C. §206(g)(1) is equal to or greater than the wage rate prescribed in subdivision (1) of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U. S. C. §206(g)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U. S. C. §206(g)(1) and does not include other wage rates, or conditions,

exclusions, or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(c) Notwithstanding any provision or definition to the contrary, the wages established pursuant to this section ~~shall be~~ are applicable to all individuals employed by the State of West Virginia, its agencies and departments, regardless if ~~such~~ the employee or employer are subject to any federal act relating to minimum wage: *Provided*, That at no time ~~shall~~ may the minimum wage established pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U. S. C. §206(a)(1).

§21-5C-4. Credits.

In determining whether an employer is paying an employee wages and overtime compensation as provided in sections two and three of this article, there shall be provided in accordance with the regulations which shall be promulgated by the commissioner a credit to the employer of twenty seventy percent of the hourly rate of the amount paid an employee customarily receiving gratuities and a reasonable credit for board and lodging furnished to an employee. The commissioner shall promulgate regulations relating to maximum allowances to employers for room and board furnished to employees: *Provided*, That the employer shall be required to furnish to the commissioner upon request, documentary evidence that the employee is receiving at least twenty seventy percent of the minimum wage in gratuities or is receiving room and lodging in accordance with the rules and regulations promulgated by the commissioner.

On motion of Senator Blair, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4283) was next reported by the Clerk:

On page seven, section two, after subsection (c), by adding a new subsection, designated subsection (d), to read as follows:

(d) No person compensated in an amount less than or equal to ten percent greater than the minimum wage shall be required, as a condition of membership in any labor organization as defined in section two, article one-a of this chapter, or as a condition to receive any benefit of membership therein, to remit to said labor organization, its agent or designee, any sum of money or any thing of value.

Following discussion,

The question being on the adoption of Senator Blair's amendment to the Finance committee amendment to the bill, the same was put.

The result of the voice vote being inconclusive, Senator Blair demanded a division of the vote.

A standing vote being taken, there were ten "yeas" and twenty-two "nays".

Whereupon, the President declared Senator Blair's amendment to the Finance committee amendment to the bill rejected.

On motion of Senator Blair, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4283) was next reported by the Clerk:

On page seven, section two, after subsection (c), by adding a new subsection, designated subsection (d), to read as follows:

(d) No person shall have any wages withheld from their compensation which will be remitted to a labor organization, its agent or designee, in consideration for their membership therein, unless: (1) The person shall have consented to the withholding, in writing, notwithstanding any provision of a labor agreement to the contrary; (2) any withholding so made be clearly itemized on a statement provided by the employer to the employee, and that said statement clearly list the amount withheld during the period of time

covered by the statement, and the amount withheld in the aggregate for the given calendar year.

Thereafter, at the request of Senator Blair, and by unanimous consent, Senator Blair's amendment to the Finance committee amendment to the bill was withdrawn.

The question now being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 4283), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) ~~There is hereby created the~~ The West Virginia Ethics Commission consisting of twelve members, no more than seven of

~~whom shall be members of the same political party. is continued.~~
The members of the commission shall be appointed by the Governor with the advice and consent of the Senate. ~~Within thirty days of the effective date of this section, the Governor shall make the initial appointments to the commission.~~

(b) No person may be appointed to the commission or continue to serve as a member of the commission who ~~holds:~~

(1) ~~Holds~~ elected or appointed office under the government of the United States, the State of West Virginia or any of its political subdivisions; ~~or who is~~

(2) ~~Is~~ a candidate for any of those offices who is employed as a registered lobbyist, ~~or who is~~ political office;

(3) ~~Is~~ otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; ~~A member may contribute to a political campaign, but no member shall hold or~~

(4) ~~Holds~~ any political party office or ~~participate~~ participates in a campaign relating to a referendum or other ballot issue: Provided, That a member may contribute to a political campaign.

(b) ~~At least two members of the commission shall have served as a member of the West Virginia Legislature; at least two members of the commission shall have been employed in a full-time elected or appointed office in state government; at least one member shall have served as an elected official in a county or municipal government or on a county school board; at least one member shall have been employed full-time as a county or municipal officer or employee; and at least two members shall have served part time as a member or director of a state, county or municipal board, commission or public service district and at least four members shall be selected from the public at large. No more than four members of the commission shall reside in the same congressional district.~~

~~(c) Of the initial appointments made to the commission, two shall be for a term ending one year after the effective date of this section, two for a term ending two years after the effective date of this section, two for a term ending three years after the effective date of this section, three for a term ending four years after the effective date of this section and three shall be for terms ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of his or her appointment until the end of the term for which he or she was appointed or until his or her successor qualifies for office. When a vacancy occurs as a result of death, resignation or removal in the membership of this commission, it shall be filled by appointment within thirty days of the vacancy for the unexpired portion of the term in the same manner as original appointments.~~

(c) Commencing July 1, 2014, the Ethics Commission shall consist of the following seven members, appointed with staggered terms:

(1) One member who served as a member of the West Virginia Legislature;

(2) One member who served as an elected or appointed county official;

(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member who was employed as a registered lobbyist;

(6) One member representing the agricultural community; and

(7) One citizen member.

(d) Any commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. No more than four members of the commission shall be of the same political party.

(e) After the initial staggered terms, the term of office for a commission member is five years. No member shall serve more than two consecutive full or partial terms. and no No person may be reappointed to the commission until at least two years have elapsed after the completion of a the second successive consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than sixty days.

(g) Each member must be a resident of this state during the appointment term.

(h) Four members of the commission constitutes a quorum.

~~(d)~~ (i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office or a violation of this chapter, after written notice and opportunity for reply.

~~(e)~~ (k) The commission, as appointed on July 1, 2014, shall meet ~~within thirty days of the initial appointments to the commission before August 1, 2014,~~ at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a ~~chairman~~ chairperson is elected. At its ~~the~~ first meeting, the commission shall elect a ~~chairman~~ chairperson and ~~any~~ other officers as are necessary. The commission shall within ninety days after its ~~the~~ first meeting adopt rules for its procedures. The

commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

~~(f) Seven members of the commission shall constitute a quorum; except that when the commission is sitting as a hearing board pursuant to section four of this article, then five members shall constitute a quorum. Except as may be otherwise provided in this article, a majority of the total membership shall be necessary to act at all times.~~

~~(g)~~ (l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties: *Provided*, That to be eligible for compensation and expense reimbursement, the member must participate in a meeting or adjudicatory session: *Provided, however*, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.

~~(h)~~ (m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions: *Provided*, That no counsel shall both advise the commission and act in a representative capacity in any proceeding.

~~(i)~~ (n) The commission may delegate authority to the ~~chairman~~ chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission shall not delegate the power to hold hearings and

determine violations to the ~~chairman~~ chairperson or the executive director.

(j) (o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality; or ~~they~~

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(k) (p) Meetings of the commission shall be upon the call of the ~~chair~~ chairperson and may be conducted by telephonic or other electronic conferencing means: *Provided*, That telephone or other electronic conferencing, and voting are not permitted when the commission is acting as a hearing board under ~~section four~~ of this article, or when the Probable Cause Review Board meets to receive an oral response as authorized ~~under subsection (d), section four~~ of this article. Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.

The bill (Eng. Com. Sub. for H. B. No. 4298), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4312, Creating a certification for emergency medical technician-industrial.

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

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

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

That the Code of West Virginia, 1931, be amended by adding thereto a new section, designated § 16-4C-6c; and that § 22A-10-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6c. Certification requirements for emergency medical technician-industrial.

(a) Commencing July 1, 2014, an applicant for certification as an emergency medical technician-industrial shall:

(1) Be at least eighteen years old;

(2) Apply on a form prescribed by the Commissioner;

(3) Pay the application fee;

(4) Possess a valid cardiopulmonary resuscitation (CPR) certification;

(5) Successfully complete an emergency medical technician-industrial education program authorized by the Commissioner in consultation with the Board of Miner Training, Education and Certification; and

(6) Successfully complete emergency medical technician-industrial cognitive and skills examinations authorized by the Commissioner in consultation with the Board of Miner Training, Education and Certification.

(b) The emergency medical technician-industrial certification is valid for three years.

(c) A certified emergency medical technician-industrial is only authorized to practice during his or her regular employment on industrial property. For the purposes of this section, “industrial property” means property being used for production, extraction or manufacturing activities.

(d) To be recertified as an emergency medical technician-industrial, a certificate holder shall:

(1) Apply on a form prescribed by the commissioner;

(2) Pay the application fee;

(3) Possess a valid cardiopulmonary resuscitation (CPR) certification;

(4) Successfully complete one of the following:

(A) A one-time thirty-two hour emergency medical technician-industrial recertification course authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification; or

(B) Three annual eight-hour retraining and testing programs authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification; and

(5) Successfully complete emergency medical technician-industrial cognitive and skills recertification examinations authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification.

(e) Commencing July 1, 2014, the certification for emergency medical technician-miner, also known as emergency medical technician-mining, shall be known as the certification for emergency

medical technician-industrial, and the certification is valid until the original expiration date, at which time the person may recertify as an emergency medical technician-industrial pursuant to this section.

(f) The education program, training, courses, and cognitive and skills examinations required for certification and recertification as an emergency medical technician-miner, also known as emergency medical technician-mining, in existence on January 1, 2014, shall remain in effect for the certification and recertification of emergency medical technician-industrial until they are changed by legislative rule by the commissioner in consultation with the Board of Miner Training, Education and Certification.

(g) The administration of the emergency medical technician-industrial certification and recertification program by the commissioner shall be done in consultation with the Board of Miner Training, Education and Certification.

(h) The commissioner shall propose rules for legislative approval, pursuant to the provisions of article three, chapter twenty-nine-a of this code, in consultation with the Board of Miner Training, Education and Certification, and may propose emergency rules, to:

(1) Establish emergency medical technician-industrial certification and recertification courses and examinations;

(2) Authorize providers to administer the certification and recertification courses and examinations, including mine training personnel, independent trainers, community and technical colleges, and Regional Educational Service Agencies (RESA): *Provided*, That the mine training personnel and independent trainers must have a valid cardiopulmonary resuscitation (CPR) certification and must be an approved MSHA or OSHA certified instructor;

(3) Establish a fee schedule: *Provided*, That the application fee may not exceed ten dollars and there shall be no fee for a certificate; and

(4) Implement the provisions of this section.

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 10. EMERGENCY MEDICAL PERSONNEL.

§22A-10-1. Emergency personnel in coal mines.

(a) Emergency medical services personnel must be employed on each shift at every mine that:

- (1) Employs more than ten employees; and
- (2) Has more than eight persons present on the shift.

(b) The emergency medical services personnel must be employed at their regular duties at a central location or, when more than one person is required pursuant to the provisions of subsection ~~(b)~~ (d) of this section, at a location which provides for convenient, quick response to an emergency. The emergency medical services personnel must have available to them at all times such equipment prescribed by the Director of the Office of Miners' Health, Safety and Training, in consultation with the Commissioner of the Bureau ~~of~~ for Public Health.

~~(b) After July 1, 2000, emergency~~ (c) "Emergency medical services personnel" means any person certified by the Commissioner of the Bureau ~~of~~ for Public Health, or authorities recognized and approved by the commissioner, to provide emergency medical services as authorized in article four-c, chapter sixteen of this code, ~~and~~ including emergency medical ~~technician-mining~~ technician-industrial.

(d) At least one emergency medical services personnel shall be employed at a mine for every fifty employees or any part thereof who are engaged at any time, in the extraction, production or preparation of coal.

~~(c) A training course designed specifically for certification of emergency medical technician-mining, shall be developed at the earliest practicable time by the commissioner of the bureau of public health in consultation with the board of miner training, education and certification. The training course for initial certification as an emergency medical technician-mining shall not be less than sixty hours, which shall include, but is not limited to, basic life support skills and emergency room observation or other equivalent practical exposure to emergencies as prescribed by the commissioner of the bureau of public health.~~

~~(d) The maintenance of a valid emergency medical technician-mining certificate may be accomplished without taking a three-year recertification examination: *Provided*, That the emergency medical technician-mining personnel completes an eight-hour annual retraining and testing program prescribed by the commissioner of the bureau of public health in consultation with the board of miner training, education and certification.~~

(e) Commencing July 1, 2014, the certification for emergency medical technician-miner, also known as emergency medical technician-mining, shall be known as the certification for emergency medical technician-industrial, and the certification is valid until the original expiration date, at which time the person may recertify as an emergency medical technician-industrial pursuant to section six-c, article four-c, chapter sixteen of this code.

(f) A person wanting to be certified or recertified as an emergency medical technician-industrial must comply with the provisions of section six-c, article four-c, chapter sixteen of this code.

The bill (Eng. Com. Sub. for H. B. No. 4312), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4318, Continuing education of veterans mental health.

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 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE
BOARDS OF EXAMINATION OR REGISTRATION
REFERRED TO IN CHAPTER.**

§30-1-7a. Continuing education.

(a) Each board referred to in this chapter shall establish continuing education requirements as a prerequisite to license renewal. Each board shall develop continuing education criteria appropriate to its discipline, which shall include, but not be limited to, course content, course approval, hours required and reporting periods.

(b) Notwithstanding any other provision of this code or the provision of any rule to the contrary, each person issued a license to practice medicine and surgery or a license to practice podiatry or licensed as a physician assistant by the West Virginia Board of Medicine, each person issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each person issued a license to practice optometry by the West Virginia Board of Optometry, each person licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to practice registered professional nursing or licensed as an advanced nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses, each person licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical Nurses and each person licensed to practice medicine and surgery as an osteopathic physician and surgeon or licensed or certified as an osteopathic physician assistant by the West Virginia

Board of Osteopathy shall complete drug diversion training and best practice prescribing of controlled substances training, as the trainings are established by his or her respective licensing board, if that person prescribes, administers, or dispenses a controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-a of this code.

(1) Notwithstanding any other provision of this code or the provision of any rule to the contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners, the West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia Board of Examiners for Registered Professional Nurses, the West Virginia State Board of Examiners for Licensed Practical Nurses and the West Virginia Board of Osteopathy shall establish continuing education requirements and criteria appropriate to their respective discipline on the subject of drug diversion training and best practice prescribing of controlled substances training for each person issued a license or certificate by their respective board who prescribes, administers or dispenses a controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-a of this code, and shall develop a certification form pursuant to subdivision (b) (2) of this section.

(2) Each person who receives his or her initial license or certificate from any of the boards set forth in subsection (b) shall complete the continuing education requirements set forth in subsection (b) within one year of receiving his or her initial license from that board and each person licensed or certified by any of the boards set forth in subsection (b) who has held his or her license or certificate for longer than one year shall complete the continuing education requirements set forth in subsection (b) as a prerequisite to each license renewal: *Provided*, That a person subject to subsection (b) may waive the continuing education requirements for license renewal set forth in subsection (b) if he or she completes and submits to his or her licensing board a certification form developed by his or her licensing board attesting that he or she has not prescribed, administered, or dispensed a controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-a of this code, during the entire applicable reporting period.

(c) Notwithstanding any other provision of this code or the provision of any rule to the contrary, each person licensed to practice registered professional nursing or licensed as an advanced nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses, each person licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical Nurses, each person issued a license to practice midwifery as a nurse-midwife by the West Virginia Board of Examiners for Registered Professional Nurses, each person issued a license to practice chiropractic by the West Virginia Board of Chiropractic, each person licensed to practice psychology by the Board of Examiners of Psychologists, each person licensed to practice social work by the West Virginia Board of Social Work, and each person licensed to practice professional counseling by the West Virginia Board of Examiners in Counseling, shall complete two hours of continuing education for each reporting period on mental health conditions common to veterans and family members of veterans, as the continuing education is established or approved by his or her respective licensing board. The two hours shall be part of the total hours of continuing education required by each board and not two additional hours.

(1) Notwithstanding any other provision of this code or the provision of any rule to the contrary, on or before July 1, 2015, the boards referred to in this subsection shall establish continuing education requirements and criteria and approve continuing education coursework appropriate to their respective discipline on the subject of mental health conditions common to veterans and family members of veterans, in cooperation with the Secretary of the Department of Veterans Assistance. The continuing education shall include training on inquiring about whether the patients are veterans or family members of veterans, and screening for conditions such as post-traumatic stress disorder, risk of suicide, depression and grief, and prevention of suicide.

(2) On or after July 1, 2017, each person licensed by any of the boards set forth in this subsection shall complete the continuing

education described herein as a prerequisite to his or her next license renewal.

The bill (Eng. Com. Sub. for H. B. No. 4318), as amended, was then ordered to third reading.

Eng. House Bill No. 4332, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

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. 4373, Relating to driver education programs.

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. 4410, Redefining auctioneer exceptions.

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

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

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

That §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §19-2C-3a, §19-2C-3b and §19-2C-9a, all to read as follows:

ARTICLE 2C. AUCTIONEERS.**§19-2C-1. Definitions.**

For the purposes of this article:

(a) ~~The term “auctioneer”~~ “Auctioneer” means ~~and includes~~ a person who sells goods or real estate at public auction for another on commission or for other compensation. The term “auctioneer” does not include:

(1) Persons conducting sales at auctions conducted by or under the direction of any public authority or pursuant to any judicial order or direction or to any sale required by law to be at auction;

(2) ~~the~~ The owner of any real or personal property when personally sold at auction by ~~such the~~ owner and ~~such the~~ owner has not personally conducted an auction within the previous twelve-month period;

(3) ~~persons~~ Persons conducting sales pursuant to a deed of trust; ~~or other security agreement;~~

(4) ~~fiduciaries~~ Fiduciaries of estates when selling real or personal property of ~~such the~~ estate;

(5) ~~persons~~ Persons conducting sales on behalf of charitable, religious, fraternal or other nonprofit organizations; and

(6) ~~persons~~ Persons properly licensed pursuant to the provisions of article ~~twelve forty~~, chapter ~~forty-seven~~ thirty of this code when conducting an auction, any portion of which contains any leasehold or any estate in land whether corporeal or incorporeal, freehold or nonfreehold, when ~~such the~~ person is retained to conduct an auction by a receiver or trustee in bankruptcy, a fiduciary acting under the authority of a deed of trust or will, or a fiduciary of a decedent's estate: *Provided*, That nothing contained in this article exempts persons conducting sales at public markets from the provisions of

article two-a of this chapter, where the sale is confined solely to livestock, poultry and other agriculture and horticulture products.

~~(b) The term “public auction” means any public sale of real or personal property when offers or bids are made by prospective purchasers and the property sold to the highest bidder.~~

~~(c) The term “commissioner”~~ (b) “Commissioner” means the Commissioner of Agriculture of West Virginia.

~~(d) The term “department”~~ (c) “Department” means the West Virginia Department of Agriculture.

(d) “Escrow account” means a separate custodial or trust fund account maintained by the auctioneer.

(e) “Public auction” means any public sale of real or personal property when offers or bids are made by prospective purchasers and the property sold to the highest bidder.

§19-2C-3. Procedure for license; Department of Agriculture as statutory agent for licensees.

~~Any person who wishes to conduct an auction as~~

(a) An applicant for an auctioneer may apply for a license shall:

(1) Apply on forms prescribed by the commissioner; and containing such information as the commissioner may require by a legislative rule promulgated in accordance with article three, chapter twenty-nine-a of this code. A

(2) Pay a nonreturnable application fee of \$50 shall accompany each application as well as and a license fee; and of \$50. All fees collected under this article shall be paid into a special revenue fund in the State Treasury to be used by the Department of Agriculture for the expressed purpose of administering and enforcing this article and for providing continuing education for auctioneers: *Provided,*

~~That for the fiscal year ending June 30, 1997, fees collected under this article shall be paid into the state fund, general revenue.~~

~~In addition to the payment of fees, an applicant shall file with his or her application~~

~~(3) File a bond as required in section four of by this article.~~

(b) The commissioner shall, within thirty days after the receipt of an application, notify the applicant of his or her eligibility to be examined at the next regularly scheduled examination, as well as the date of the examination.

~~In the event (c) If the license is denied, the commissioner shall refund the license fee submitted with the application to the applicant.~~
~~Licenses issued~~

(d) ~~All licenses~~ expire on December 31 of each year. ~~but are renewable~~ A license may be renewed upon the payment of the annual license renewal fee within sixty days of the expiration date. Renewals received more than sixty days after the expiration date are subject to a late renewal fee of \$25 in addition to the annual renewal fee. ~~The commissioner shall not renew licenses which have~~

(e) A license that has been expired for more than two years and cannot be renewed until the auctioneer or apprentice auctioneer ~~shall take~~ takes the written and oral examination, ~~and pay~~ pays the examination fee ~~in order to renew his or her license.~~ ~~The commissioner shall not renew a license unless the applicant and~~ and complies with the other requirements of this article.

(f) Where an auctioneer or apprentice auctioneer requires a duplicate or replacement license or a license reflecting a change in information, the auctioneer or apprentice auctioneer shall submit a the fee of \$5 with the request.

(g) The state Department of Agriculture is the agent for the purpose of service of process on ~~any~~ a licensed auctioneer for any

action occasioned by the performance of the duties of the auctioneer. Every licensed auctioneer, by virtue of his or her application for a license, shall be considered to have consented to the statutory agency.

§19-2C-3a. Rulemaking.

(a) The commissioner shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to:

(1) Establish the license requirements for auctioneers and apprentice auctioneers, including the bond requirements;

(2) Set a fee schedule;

(3) Establish the renewal and expiration requirements for licenses;

(4) Establish the continuing education requirements for licensees;

(5) Establish waiver of examination requirements for apprentice auctioneers;

(6) Permit consent agreements or negotiated settlements for the civil penalties; and

(7) Implement the provisions of this article.

(b) The fees in effect on January 1, 2014, shall remain in effect until modified by legislative rule.

§19-2C-3b. Special revenue fund.

All fees collected under this article shall be paid into a special revenue fund in the State Treasury to be used by the Department of Agriculture for the purpose of administering and enforcing this article, and providing continuing education for auctioneers.

§19-2C-5. Requirements for auctioneer license; duties of licensee.

~~(1) Each (a) A~~ person seeking a an auctioneer license hereunder after the effective date of this section shall submit satisfactory evidence to the commissioner showing that he or she:

~~(a) That he or she has (1) Has~~ successfully completed the written and oral examinations ~~provided for in~~ required by this article;

~~(b) That he or she has (2) Has~~ a good reputation;

~~(c) That he or she is (3) Is~~ of trustworthy character;

~~(d) That he or she has (4) Has~~ met the apprenticeship requirements set forth in this article, if applicable;

~~(e) That he or she is (5) Is~~ a citizen of the United States; and

~~(f) That he or she has (6) Has~~ a general knowledge of the auctioneering profession and the principles involved in conducting an auction.

~~(2) The commissioner shall promulgate such reasonable rules and regulations as he or she considers necessary to carry out the intent and the administration and enforcement of this article, which said rules and regulations shall be promulgated in accordance with the applicable provisions of chapter twenty-nine-a of this code:~~

~~(3) Each (b) A~~ licensee shall promptly:

~~(1) Promptly~~ produce for inspection ~~such his or her~~ license at all sales conducted by or participated in by ~~such the~~ licensee when requested to do so by any person; and ~~shall keep~~

~~(2) Keep~~ complete and accurate records of all transactions engaged in for a period of ~~six months, which records~~ three years.

(c) For the purposes of this section, the term “record” includes, but is not limited to:

(1) Copies of signed contracts, including the names of buyers and their addresses;

(2) Clerk sheets showing items sold, including buyers numbers or names, and the selling prices; and

(3) Final settlement papers.

(d) The records of the auctioneer shall be open to inspection by the commissioner or his or her authorized representative.

§19-2C-5a. Examinations of applicants; excuse for illness.

(a) Examinations shall be held in April and October of each year, at a time and place to be designated by the commissioner or his or her authorized representative.

~~Any~~ (b) An individual auctioneer applicant may take the examination for auctioneer or apprentice auctioneer at the regularly scheduled time and place.

(c) The apprentice auctioneer’s examination shall consist of a written examination.

(d) The auctioneer’s examination ~~will~~ shall consist of both a written and oral examination. The passing grade for any written or oral examination shall be seventy percent out of one hundred percent. The oral portion will be scored by the commissioner or his or her authorized representative.

(e) If the applicant fails either the written or oral portion of the examination, no license will be issued and he or she ~~shall~~ may not be administered the examination again until the next regularly scheduled examination date.

(f) A person who ~~is qualified for a auctioneer's~~ has an auctioneer license as provided for in this article is considered to be a professional in his or her trade. ~~One~~

(g) Only one notice ~~only~~ of the examination ~~shall will~~ be mailed or emailed to the applicant at the address given on the application. If the applicant fails to appear for such an examination, except as provided herein in this subsection, a new application and a new fee shall be required. No fee ~~shall will~~ be returned, except when the applicant fails to take the examination because of illness evidenced by a doctor's certificate sent to the commissioner. If excused because of illness, the applicant shall be admitted to the next scheduled examination without paying an additional fee. No applicant ~~shall may~~ be excused from taking the scheduled examination for any reason other than illness, unless in the judgment of the commissioner the applicant would suffer undue hardship by not being excused.

(h) An examination fee ~~of \$50, in addition to~~ and any other fees required by this article, shall be collected from each person taking such an examination. If the applicant has previously paid the examination fee and successfully completed the apprentice auctioneer's examination, no additional examination fee will be required to take the auctioneer's examination. ~~as provided for in this article~~

(i) If the commissioner determines that an applicant does not qualify for a license, he or she shall ~~so~~ notify the applicant by certified mail. The notice shall state ~~the~~:

(1) The reason for the refusal to grant a license; and ~~the~~

(2) The applicant's right to appeal the commissioner's decision within twenty days of receipt of the notice.

(j) An examination ~~shall is~~ not ~~be~~ required for the renewal of any a license, unless such the license has been revoked or suspended, or

~~has expired. in which case the applicant may be required, by~~ If the license was revoked or suspended, then the commissioner may require a person to take and pass any a written or oral examination. ~~required by the department~~ In cases where If a license has been expired for more than two years and was not ~~been~~ revoked or suspended, then the applicant is required to take and pass any written and oral examinations required by the ~~department~~ The commissioner is hereby authorized to promulgate as he or she considers necessary for the renewal of auctioneer licenses, including, but not limited to, requirements for continuing education of auctioneers. commissioner.

§19-2C-6. Requirements for apprentice auctioneer license.

~~The Department of Agriculture may grant apprentice auctioneer's licenses to those persons considered qualified by the commissioner. Every applicant for~~

~~(a) A person seeking an apprentice auctioneer's auctioneer license must take and pass a written examination relating to the skills and knowledge and statutes and regulations governing auctioneers. Every applicant shall furnish to the commissioner, on forms provided by the department~~ commissioner, satisfactory proof of the following that he or she:

~~(a) That he or she has~~ (1) Has a good reputation;

~~(b) That he or she is~~ (2) Is a trustworthy character; and

~~(c) That he or she is~~ (3) Is a citizen of the United States; and

(4) Has taken and passed a written examination relating to the skills and knowledge of the statutes and rules governing auctioneers.

~~Any~~ (b) An apprentice auctioneer may take the examination to become an auctioneer after servicing completing one of the following:

(1) Serving a two-year apprenticeship under a licensed auctioneer; *Provided*, ~~That if the apprentice auctioneer has attended or~~

(2) Attending a nationally accredited graduate school of auctioneering, approved by the commissioner, ~~he or she shall serve and serving~~ an apprenticeship of ~~only~~ six months.

(c) Before an apprentice auctioneer may take the auctioneer's examination, the apprentice auctioneer shall conduct at least six auction sales under the direct supervision of the sponsoring auctioneer. The commissioner may waive the requirements of this section, on an individual basis, upon the presentation of written evidence that the applicant has educational training or exceptional experience in the auctioneering profession and that the applicant has been unable to obtain sponsorship by a licensed auctioneer: *Provided, however*, ~~That the commissioner shall promulgate rules and regulations setting forth educational and experience qualifications which would entitle an individual to a waiver of the provisions of this section: *Provided further*, That the commissioner shall may not waive apprenticeship requirements for any an applicant without the concurrence of the board of review.~~

(d) When any an apprentice auctioneer is discharged or terminates his or her employment with an auctioneer for any reason, the auctioneer shall immediately provide written notification to the commissioner. No discharged or terminated apprentice auctioneer ~~shall may~~ thereafter perform any acts under the authority of his or her license until ~~such the~~ apprentice auctioneer receives a new license bearing the name and address of his or her new employer. No more than one license ~~shall may~~ be issued to any an apprentice auctioneer for the same period of time. ~~The fee for the transfer of the license of an apprentice auctioneer to a new employer auctioneer is \$15.~~

~~The fee for the annual renewal of the apprentice auctioneer's license is \$50. Bond requirements for an apprentice auctioneer shall~~

~~be established by reasonable rules and regulations promulgated by the commissioner, and both the annual renewal fee and the bond must be filed with the Department of Agriculture: *Provided*, That the bond required by this section shall not be less than \$5,000.~~

~~(e) The department shall~~ commissioner may not issue an apprentice auctioneer's auctioneer license until bond has been filed. ~~in accordance with this article~~ All apprentice auctioneer licenses expire on December 31 of each year, but are renewable upon the payment of the annual fee.

(f) A person cannot be licensed as an apprentice auctioneer for more than three years without applying for an auctioneer license. Should an apprentice auctioneer allow the three year limit to lapse, then the apprentice auctioneer shall be required to take the apprentice examination and meet all the requirements of this article.

§19-2C-6b. Duties and responsibilities of an apprentice auctioneer and a sponsoring auctioneer.

~~An~~ (a) A licensed apprentice auctioneer shall only conduct or assist in auctions under the direct supervision of his or her sponsoring auctioneer. A licensed apprentice auctioneer may not enter into a contract to conduct an auction, unless the contract is cosigned by his or her sponsoring auctioneer.

(b) The sponsoring auctioneer is responsible for the:

(1) The actions of an apprentice auctioneer ~~It is his responsibility to ensure adherence to this and all applicable sections of state law; *Provided*, That if the~~ and

(2) Training the apprentice auctioneer in all aspects of practical business functions and duties related to the auctioneering profession.

(c) Should an apprentice auctioneer fail to pass both the written and oral examinations to become a fully licensed auctioneer in two consecutive testing sessions, the sponsorship will be terminated.

The apprentice auctioneer will be permitted one additional opportunity to pass the oral and written auctioneer examinations only after serving another six-month apprenticeship under a different sponsoring auctioneer.

(d) A sponsoring auctioneer relieved of his or her sponsorship will not be considered for another sponsorship unless he or she provides a written affidavit to the commissioner that he or she fully understands the responsibilities of a sponsoring auctioneer and gives the details as to what additional training will be provided to a new apprentice auctioneer. If the commissioner or his or her representative approves the presented plan, then an auctioneer may be permitted to sponsor a new apprentice auctioneer.

(e) If an apprentice auctioneer conducts ~~actions~~ an auction without the consent of his ~~sponsor~~ or her sponsoring auctioneer, then only the apprentice auctioneer is subject to the penalties set forth in ~~section eight~~ of this article.

§19-2C-8. Penalties.

(a) *Criminal penalties.* – Any person, firm, association or corporation violating ~~any of the provisions~~ a provision of this article or of the rules, and ~~regulations adopted pursuant to the provisions thereof shall be~~ is guilty of a misdemeanor, and upon conviction, ~~thereof shall be~~ is fined not less than ~~\$50~~ \$250 nor more than ~~\$200~~ \$500 for the first offense, and not less than ~~\$400~~ \$500 nor more than \$1,000 for the second and subsequent offenses. Magistrates have concurrent jurisdiction with circuit courts to enforce the provisions of this article.

(b) *Civil penalties.* – ~~(1)~~ Any person violating a provision of this article or ~~any rule or regulation adopted hereunder~~ the rules, may be assessed a civil penalty by the commissioner. In determining the amount of ~~any~~ the civil penalty, the commissioner shall give due consideration to the history of previous violations ~~of~~ by the person, the seriousness of the violation, and the demonstrated good faith of

the person charged in attempting to achieve compliance with this article before and after written notification of the violation. ~~(2) the~~ The commissioner may assess a penalty of not more than \$200 for each first offense, and not more than \$1,000 for a second and subsequent offense. ~~and (3) the~~ The civil penalty is payable to the State of West Virginia and is collectible in any manner ~~now or hereafter~~ provided for collection of debt. If any person liable to pay the civil penalty neglects or refuses to pay the ~~same~~ penalty, the amount of the civil penalty, together with interest at ten percent, is a lien in favor of the State of West Virginia upon the property, both real and personal, of ~~such a~~ the person after the same has been entered and docketed to record in the county where ~~such~~ the property is situated. The clerk of the county, upon receipt of the certified copy of ~~such~~ the lien, shall enter ~~same~~ it to record without requiring the payment of costs as a condition precedent to recording.

~~(c) Notwithstanding any other provision of law to the contrary, the commissioner may promulgate and adopt rules which permit consent agreements or negotiated settlements for the civil penalties assessed as a result of violation of the provisions of this article.~~

~~(d)~~ (c) No state court may allow for the recovery of damages for any administrative action taken if the court finds that there was probable cause for such action.

§19-2C-9. Written contracts.

(a) No person ~~shall~~ may act as an auctioneer on the sale at public auction of any goods, wares, merchandise or of any other property, real or personal, until he or she has entered into a written contract in duplicate with the owner or consignor of the property to be sold. ~~containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction.~~ No apprentice auctioneer ~~shall~~ may be authorized to enter into a contract without the written consent of his or her sponsoring auctioneer. All contracts shall be in the name of and on behalf of the sponsoring auctioneer.

~~The commissioner may require by rule the following (a) That written contracts~~

(b) The written contract shall:

(1) State the terms and conditions upon which the auctioneer receives or accepts the property for sale at auction;

(2) Be between the auctioneer and the seller; be

(3) Be made in duplicate;

~~(b) That the original contract is to be~~

(4) Be retained by the auctioneer for a period of ~~six months~~ three years from the date of final settlement;

~~(c) That one copy of the contract is to be~~

(5) Be furnished to each person that entered into the contract;

~~(d) That~~ (6) State that an apprentice auctioneer may not contract directly with a client but only through his or her sponsoring auctioneer;

~~(e) That~~ (7) State that an apprentice auctioneer may not engage in a sale with an auctioneer by whom he or she is not sponsored without first obtaining the written consent of his or her sponsoring auctioneer; ~~and~~

~~(f) That on all contracts between an auctioneer and a seller there shall be~~

(8) Have a prominent statement indicating that the auctioneer is licensed by the Department of Agriculture and is bonded in favor of the State of West Virginia; and

(9) Include the following information:

(A) The name, address and phone number of the owner of the property to be sold or the consignor;

(B) The date of the auction or a termination date of the contract;

(C) The terms and conditions of the auction;

(D) The location of the auction;

(E) The date the owner or consignor is to be paid;

(F) A statement establishing the responsibility for bad checks, debts and unpaid auction items;

(G) A detailed list of all fees to be charged by the auctioneer, including commissions, rentals, advertising and labor;

(H) A statement of the auctioneer's policy regarding absentee bidding;

(I) A statement above the owner's signature line: "I have read and accept the terms of the contract"; and

(J) A statement indicating that an explanation of settlement of the auction, or settlement sheet, will be provided to the owner or consignor at the end of the auction.

§19-2C-9a. Escrow accounts.

Each auctioneer shall maintain an escrow account and deposit all moneys from each sale from an auction in the escrow account within twenty-four hours of the completion of the sale or on the first business day following the sale, unless the owner or consignor was paid in cash directly at the end of the sale.

The bill (Eng. Com. Sub. for H. B. No. 4410), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.

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 15. SOLID WASTE MANAGEMENT ACT.

§22-15-8. Limit on the size of solid waste facilities; rulemaking.

(a) On and after October 1, 1991, it is unlawful to operate any commercial solid waste facility that handles between ten thousand and thirty thousand tons of solid waste per month, except as provided in section nine of this article and sections twenty-six, twenty-seven and twenty-eight, articles four and four-a, chapter twenty-two-c of this code.

(b) Except as provided in section nine of this article, the maximum quantity of solid waste which may lawfully be received or disposed of at any commercial solid waste facility is thirty thousand tons per month.

(c) The ~~director~~ secretary shall, within the limits contained in this article, place a limit on the amount of solid waste received or disposed of per month in commercial solid waste facilities. The ~~director~~ secretary shall consider at a minimum the following criteria in determining a commercial solid waste facility's monthly tonnage limit:

(1) The proximity and potential impact of the solid waste facility upon groundwater, surface water and potable water;

(2) The projected life and design capacity of the solid waste facility;

(3) The available air space, lined acreage, equipment type and size, adequate personnel and wastewater treatment capabilities; and

(4) Other factors related to the environmentally safe and efficient disposal of solid waste.

(d) Within the limits established in this article, the ~~director~~ secretary shall determine the amount of sewage sludge which may be safely treated, stored, processed, composted, dumped or placed in a solid waste facility.

(e) The ~~director~~ secretary shall promulgate emergency rules and propose for legislative promulgation, legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code, to effectuate the requirements of this section. When developing the rules, the ~~director~~ secretary shall consider at a minimum the potential impact of the treatment, storage, processing, composting, dumping or placing sewage sludge at a solid waste facility:

(1) On the groundwater, surface waters and potable waters in the area;

(2) On the air quality in the area;

(3) On the projected life and design capacity of the solid waste facility;

(4) On the available air space, lined acreage, equipment type and size, personnel and wastewater treatment capabilities;

(5) The facility's ability to adequately develop markets and market the product which results from the proper treatment of sewage sludge; and

(6) Other factors related to the environmentally safe and efficient treatment, storage, processing, composting, dumping or placing of sewage sludge at a solid waste facility.

(f) Sewage sludge disposed of at a landfill must contain at least twenty percent solid by weight. This requirement may be met by adding or blending sand, sawdust, lime, leaves, soil or other materials that have been approved by the ~~director~~ secretary prior to disposal. Alternative sewage sludge disposal methods can be utilized upon obtaining written approval from the ~~director~~ secretary. No facility may accept for land filling in any month sewage sludge in excess of twenty-five percent of the total tons of solid waste accepted at the facility for land filling in the preceding month.

(g) Notwithstanding any other provision of this code to the contrary, a commercial solid waste facility that is not located in a karst region as determined by the West Virginia Geologic and Economic Survey may lawfully receive drill cuttings and drilling waste generated from horizontal well sites above the monthly tonnage limits of the commercial solid waste facility under the following conditions and limitations:

(1) (A) The drill cuttings and associated drilling waste are placed in a separate cell dedicated solely to the disposal of drill cuttings and drilling waste; and

(B) The separate cell dedicated to drill cuttings and associated drilling waste is constructed pursuant to the standards set out in this article and legislative rules promulgated thereunder; and

(C) The facility has obtained any certificate of need, or amended certificate of need, authorizing such separate cell as may be required by the Public Service Commission in accordance with section one-c, article two, chapter twenty-four of this code.

(2) The secretary may only allow those solid waste facilities that applied by December 31, 2013, for a permit modification to

construct a separate cell for drill cuttings and associated drilling waste, to accept drill cuttings and associated drilling waste at its commercial solid waste facility without counting the deposited drill cuttings and associated drilling waste towards the landfill's permitted monthly tonnage limits, until September 30, 2014.

(3) No solid waste facility may exclude or refuse to take municipal solid waste in the quantity up to and including its permitted tonnage limit while the facility is allowed to lawfully receive drill cuttings or drilling waste above its permitted tonnage limits.

(h) Any solid waste facility taking drill cuttings and drilling waste must install radiation monitors by January 1, 2015. The secretary shall promulgate emergency and legislative rules to establish limits for unique toxins associated with drill cuttings and drilling waste including, but not limited to, heavy metals, petroleum-related chemicals, (benzene, toluene, xylene, barium, chlorides, radium and radon and establish the procedures the facility must follow if that limit is exceeded: *Provided*, That said rules shall establish and set forth a procedure to provide that any detected radiation readings above any established radiation limits will require that the solid waste landfill immediately cease accepting all affected drill cuttings and drilling waste until the secretary has inspected said landfill and certified pursuant to established rules and regulations that radiation levels have returned to below the established radiation limits. Any truck load of drill cuttings or drilling waste which exceeds the radiation reading limits shall not be allowed to enter the landfill until inspected and approved by the Department of Environmental Protection.

(i) The total amount of waste received at a commercial solid waste landfill with one or more operating cells on its property may not exceed the total volume of its permitted capacity for that facility in any month, and the quantities of drill cuttings and drilling waste received at that facility shall be counted and applied toward the facility's established tonnage cap.

(j) On or before January 1, 2015, the secretary shall submit an investigation and report to the Joint Legislative Oversight Commission on Water Resources and the Legislature's Joint Committee on Government and Finance which examines: (1) The hazardous characteristics of leachate collected from solid waste facilities receiving drill cuttings and drilling waste, including, but not limited to, the presence of heavy metals, petroleum-related chemicals (benzene, toluene, xylene, etc.) barium, chlorides, radium and radon; (2) the potential negative impacts on the surface water or groundwater resources of this state associated with the collection, treatment and disposal of leachate from such landfills; and (3) the technical and economic feasibility and benefits of establishing additional and/or separate disposal locations which are funded, constructed, owned and/or operated by the oil and gas industry.

§22-15-11. Solid waste assessment fee; penalties.

(a) *Imposition.* – A solid waste assessment fee is hereby imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of one dollar and seventy-five cents per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment and records.* – The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not such person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the tax commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the tax commissioner on or before the fifteenth day of the month next succeeding the month in which the fee accrued. Upon remittance of

the fee, the operator is required to file returns on forms and in the manner as prescribed by the tax commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until remitted to the tax commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by article ten, chapter eleven of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the tax commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the tax commissioner, in a separate account, in trust for and payable to the tax commissioner and to keep the amount of such fees in such account until remitted to the tax commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the tax commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any

additions to tax, penalties and interest imposed by article ten, chapter eleven of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in such form as the tax commissioner may require in accordance with the rules of the tax commissioner.

(c) *Regulated motor carriers.* – The fee imposed by this section and section twenty-two, article five, chapter seven of this code is considered a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter twenty-four-a of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within fourteen days, reflect the cost of said fee in said motor carrier’s rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* – For purposes of this section, the term “solid waste disposal facility” means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste disposal facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* – The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility

if the facility is used exclusively to dispose of waste originally produced by such person in such person's regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the ~~director~~ secretary is exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of thirty percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* – Notwithstanding section three, article ten, chapter eleven of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in article ten, chapter eleven of this code shall apply to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* – Notwithstanding section two, article nine, chapter eleven of this code, sections three through seventeen, article nine, chapter eleven of this code shall apply to the fee imposed by this section with like effect as if said sections were applicable only to the fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* – The net proceeds of the fee collected by the tax commissioner pursuant to this section shall be

deposited at least monthly in an account designated by the ~~director~~ secretary. The ~~director~~ secretary shall allocate twenty-five cents for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected and shall deposit the total amount so allocated into the "Solid Waste Reclamation and Environmental Response Fund" to be expended for the purposes hereinafter specified. The first one million dollars of the net proceeds of the fee imposed by this section collected in each fiscal year shall be deposited in the "Solid Waste Enforcement Fund" and expended for the purposes hereinafter specified. The next two hundred fifty thousand dollars of the net proceeds of the fee imposed by this section collected in each fiscal year shall be deposited in the "Solid Waste Management Board Reserve Fund", and expended for the purposes hereinafter specified: *Provided*, That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is adequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the ~~director~~ secretary and the ~~director~~ secretary shall then cause no less than fifty thousand dollars nor more than two hundred fifty thousand dollars to be deposited to the fund: *Provided, however*, That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is inadequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the ~~director~~ secretary and the ~~director~~ secretary shall then cause not less than two hundred fifty thousand dollars nor more than five hundred thousand dollars to be deposited in the fund: *Provided further*, That if a facility owned or operated by the state of West Virginia is denied site approval by a county or regional solid waste authority, and if such denial contributes, in whole or in part, to a default, or drawing upon a reserve fund, on any indebtedness issued or approved by the Solid Waste Management Board, then in that event the Solid Waste Management Board or its fiscal agent may withhold all or any part of any funds which would otherwise be directed to such county or regional authority and shall deposit such withheld funds in the appropriate reserve fund. The ~~director~~ secretary shall allocate the remainder, if any, of said net proceeds among the following three special revenue accounts for the purpose

of maintaining a reasonable balance in each special revenue account, which are hereby continued in the State Treasury:

(1) The “Solid Waste Enforcement Fund” which shall be expended by the ~~director~~ secretary for administration, inspection, enforcement and permitting activities established pursuant to this article;

(2) The “Solid Waste Management Board Reserve Fund” which shall be exclusively dedicated to providing a reserve fund for the issuance and security of solid waste disposal revenue bonds issued by the Solid Waste Management Board pursuant to article three, chapter twenty-two-c of this code;

(3) The “Solid Waste Reclamation and Environmental Response Fund” which may be expended by the ~~director~~ secretary for the purposes of reclamation, cleanup and remedial actions intended to minimize or mitigate damage to the environment, natural resources, public water supplies, water resources and the public health, safety and welfare which may result from open dumps or solid waste not disposed of in a proper or lawful manner.

(i) *Findings.* – In addition to the purposes and legislative findings set forth in section one of this article, the Legislature finds as follows:

(1) In-state and out-of-state locations producing solid waste should bear the responsibility of disposing of said solid waste or compensate other localities for costs associated with accepting such solid waste;

(2) The costs of maintaining and policing the streets and highways of the state and its communities are increased by long distance transportation of large volumes of solid waste; and

(3) Local approved solid waste facilities are being prematurely depleted by solid waste originating from other locations.

(j) The “Gas Field Highway Repair and Horizontal Drilling Waste Study Fund” is hereby created as a special revenue fund in the State Treasury to be administered by West Virginia Division of Highways and to be expended only on the improvement, maintenance, and repair of public roads of three lanes or less located in the wasteshed from which the revenue was received that are identified by the commissioner of highways as having been damaged by trucks and other traffic associated with horizontal well drilling sites or the disposal of waste generated by such sites, and that experience congestion caused, in whole or in part, by such trucks and traffic that interferes with the use of said roads by residents in the vicinity of such roads: *Provided*, That up to \$750,000 from such fund shall be made available to the Department of Environmental Protection from the same fund to offset contracted costs incurred by that Division of Environmental Protection while undertaking the horizontal drilling waste disposal studies mandated by the provisions of subsection (j), section eight of this article. Any balance remaining in the special revenue account at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account and shall be used solely in a manner consistent with this section. The fund shall consist of the fee provided for in subsection (k) of this section.

(k) *Horizontal drilling waste assessment fee.* – An additional solid waste assessment fee is hereby imposed upon the disposal of drill cuttings and drilling waste generated by horizontal well sites in the amount of one dollar per ton, which fee is in addition to all other fees and taxes levied by this section or otherwise and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility: *Provided*, That the horizontal drilling waste assessment fee shall be collected and administered in the same manner as the solid waste assessment fee imposed by this section, but shall be imposed only upon the disposal of drill cuttings and drilling waste generated by horizontal well sites.

On motion of Senator Snyder, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4411) was next reported by the Clerk:

On page three, section eight, subsection (g), after the words “located in a” by inserting the words “county in a”.

Following discussion,

The question being on the adoption of Senator Snyder’s amendment to the Government Organization committee amendment to the bill, the same was put and prevailed.

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. 4411), as amended, was then ordered to third reading.

Eng. House Bill No. 4431, Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license.

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

Eng. House Bill No. 4454, Relating to the sale of alcoholic beverages on Sundays by private licensees.

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

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

Eng. Com. Sub. for House Bill No. 4455, Relating to the sale of wine and alcoholic liquors by licensed wineries, farm wineries, distilleries and mini-distilleries.

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 three-a, line twenty-two, by striking out the word “eleven” and inserting in lieu thereof the word “ten”.

At the request of Senator Walters, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4455), as amended, was advanced to third reading with the right for further amendments to be considered on that reading.

Eng. House Bill No. 4460, Relating to violating provisions of the civil service law for paid fire departments.

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. 4473, Relating to establishing voting precincts and changing the composition of standard receiving boards.

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. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.

(a) The precinct ~~shall be~~ is the basic territorial election unit. The county commission shall divide each magisterial district of the county into election precincts, shall number the precincts, shall determine and establish the boundaries thereof and shall designate one voting place in each precinct, which place shall be established as nearly as possible at the point most convenient for the voters of the precinct. Each magisterial district shall contain at least one voting precinct and each precinct shall have but one voting place therein.

Each precinct within any urban center shall contain not less than three hundred nor more than one thousand five hundred registered voters. Each precinct in a rural or less thickly settled area shall contain not less than two hundred nor more than seven hundred registered voters, ~~unless upon a written finding by the county commission that establishment of or retention of a precinct of less than two hundred voters would prevent undue hardship to the voters, the Secretary of State determines that such precinct be exempt from the two hundred voter minimum limit.~~ A county commission may permit the establishment or retention of a precinct less than the minimum numbers allowed in this subsection upon making a written finding that to do otherwise would cause undue hardship to the voters. If, at any time the number of registered voters exceeds the maximum number specified, the county commission shall rearrange the precincts within the political division so that the new precincts each contain a number of registered voters within the designated limits: *Provided, That any precincts with polling places that are within a one mile radius of each other on or after July 1, 2014, may be consolidated, at the discretion of the county clerk and county commission into one or more new precincts that contain not more than three thousand registered voters in any urban center, nor more than one thousand five hundred registered voters in a rural or less thickly settled area: Provided, however, That no precincts may be consolidated pursuant to this section if the consolidation would create a geographical barrier or path of travel between voters in a precinct and their proposed new polling place that would create an undue hardship to voters of any current precinct.*

If a county commission fails to rearrange the precincts as required, any qualified voter of the county may apply for a writ of mandamus to compel the performance of this duty: *Provided*, That when in the discretion of the county commission, there is only one place convenient to vote within the precinct and when there are more than seven hundred registered voters within the existing precinct, the county commission may designate two or more precincts with the same geographic boundaries and which have voting places located within the same building. The county commission shall designate alphabetically the voters who ~~will be~~ are eligible to vote in each precinct so created. Each ~~such~~ precinct shall be operated separately and independently with separate voting booths, ballot boxes, election commissioners and clerks, and whenever possible, in separate rooms. No two of ~~such~~ the precincts may use the same counting board.

(b) In order to facilitate the conduct of local and special elections and the use of election registration records therein, precinct boundaries shall be established to coincide with the boundaries of any municipality of the county and with the wards or other geographical districts of the municipality except in instances where found by the county commission to be wholly impracticable so to do. Governing bodies of all municipalities shall provide accurate and current maps of their boundaries to the clerk of any county commission of a county in which any portion of the municipality is located.

(c) To facilitate the federal and state redistricting process, precinct boundaries ~~must~~ shall be comprised of intersecting geographic physical features or municipal boundaries recognized by the U. S. Census Bureau. For purposes of this subsection, geographic physical features include streets, roads, streams, creeks, rivers, railroad tracks and mountain ridge lines. The county commission of every county ~~must~~ shall modify precinct boundaries to follow geographic physical features or municipal boundaries and submit changes to the ~~West Virginia office of Legislative Services~~ Joint Committee on Government and Finance by June 30, 2007, and

by June 30, every ten calendar years thereafter. The county commission ~~must~~ shall also submit precinct boundary details to the U.S. Census Bureau upon request.

~~The West Virginia office of Legislative Services shall be available for consultation with the county commission regarding the precinct modification process: *Provided*, That nothing in this subsection removes or limits the ultimate responsibility of the county commission to modify precinct boundaries to follow geographic physical features.~~

~~(d) The provisions of this section are subject to the provisions of section twenty-eight, article four of this chapter relating to the number of voters in precincts in which voting machines are used.~~

~~(e)~~ (d) The county commission shall keep available at all times during business hours in the courthouse at a place convenient for public inspection a map or maps of the county and municipalities with the current boundaries of all precincts.

§3-1-29. Boards of election officials; definitions, composition of boards, determination of number and type.

(a) For the purpose of this article:

(1) The term “standard receiving board” means those election officials charged with conducting the process of voting within a precinct and consists of no less than five persons, ~~including one team of poll clerks, one team of election commissioners for the ballot box and one additional election commissioner: *Provided*, That if a municipal election is held at a time when there is no county or state election, the standard receiving board is to consist of four persons, including one team of poll clerks and one team of election commissioners for the ballot box; to be comprised as follows:~~

~~(2) The term “expanded receiving board” means a standard receiving board as defined in subdivision (1) of this subsection and one additional team of poll clerks;~~

(A) Each precinct shall have at least one team of poll clerks, one team of election commissioners for the ballot box and one additional election commissioner.

(B) At the discretion of the county clerk and county commission, any county may add additional teams of poll clerks and commissioners to any precinct, as necessary to fairly and efficiently conduct an election;

~~(3)~~ (2) The term “counting board” means those election officials charged with counting the ballots at the precinct in counties using paper ballots and includes one team of poll clerks, one team of election commissioners and one additional commissioner;

~~(4)~~ (3) The term “team of poll clerks” or “team of election commissioners” means two persons appointed by opposite political parties to perform the specific functions of the office: *Provided*, That no team of poll clerks or team of election commissioners may consist of two persons with the same registered political party affiliation or two persons registered with no political party affiliation; and

~~(5)~~ (4) The term “election official trainee” means an individual who is sixteen or seventeen years of age who meets the requirements of subdivisions (2), (3), (4), (5) and (6), subsection (a), section twenty-eight of this article.

~~(b) The composition of boards of election officials shall be~~ Has follows:

~~(1) In any primary, general or special election other than a presidential primary or presidential general election, each election precinct is to have one standard receiving board;~~

~~(2) In presidential primary and presidential general elections, each election precinct is to have one receiving board as follows:~~

~~(A) For precincts of less than five hundred registered voters, one standard receiving board; and~~

~~(B) For precincts of more than five hundred registered voters, one standard receiving board or, at the discretion of the county commission, one expanded receiving board.~~

~~(3) In any election conducted using paper ballots, counting boards may be allowed or required as follows:~~

~~(A) For any state, county or municipal special election, a counting board may be allowed at the discretion of the county commission;~~

~~(B) In a statewide primary or general election, one counting board is required for any precinct of more than four hundred registered voters and one counting board may be allowed, at the discretion of the county commission, for any precinct of at least two hundred but no more than four hundred registered voters; and~~

~~(C) In a municipal primary or general election, one counting board may be allowed, at the discretion of the municipal governing body, for any precinct of more than two hundred registered voters.~~

~~(c) (b) For each primary and general election in the county, the county commission shall designate the number and type of election boards for the various precincts according to the provisions of this section. At least eighty-four days before each primary and general election the county commission shall notify the county executive committees of the two major political parties in writing of the number of nominations which may be made for poll clerks and election commissioners.~~

~~(d) (c) For each municipal election the held at a time when there is no county or state election:~~

~~(1) The governing body of the municipality shall perform the duties of the county commission as provided in this section; and~~

(2) The standard receiving board may, at the discretion of the official charged with the administration of election, consist of as few as four persons, including one team of poll clerks and one team of election commissioners for the ballot box.

The bill (Eng. Com. Sub. for H. B. No. 4473), as amended, was then ordered to third reading.

Eng. House Bill No. 4529, Relating to the sale of wine.

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

At the request of Senator Walters, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 4538, Relating to the Board of Dentistry.

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

Eng. House Bill No. 4549, Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.

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 §11-16-3 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 §11-16-17a; and that §11-16-20 and §11-16-21 of said code be amended and reenacted, all to read as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

For the purpose of this article, except where the context clearly requires differently:

(1) “Brand” means a nonintoxicating beer product manufactured, brewed, mixed, concocted, blended, bottled or otherwise produced, or imported or transhipped by a brewer or manufacturer, the labels of which have been registered and approved by the commissioner that is being offered for sale or sold in West Virginia by a distributor who has been appointed in a valid franchise agreement or a valid amendment thereto.

(~~1~~) (2) “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. Brewer or manufacturer may be used interchangeably throughout this article. A brewer may obtain only one brewer’s license for its nonintoxicating beer or nonintoxicating craft beer.

(~~2~~) (3) “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~~) (4) “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) (5) “Commissioner” means the West Virginia Alcohol Beverage Control Commissioner.

(5) (6) “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.

(7) “Franchise agreement” means the written agreement between a brewer and a distributor that is identical as to terms and conditions between the brewer and all its distributors, which agreement has been approved by the commissioner. The franchise agreement binds the parties so that a distributor, appointed by a brewer, may distribute all of the brewer’s nonintoxicating beer products, brands or family of brands imported and offered for sale in West Virginia, including, but not limited to, existing brands, line extensions and new brands all in the brewer’s assigned territory for the distributor. All brands and line extensions being imported or offered for sale in West Virginia must be listed by the brewer in the franchise agreement or a written amendment to the franchise agreement. A franchise agreement may be amended by mutual written agreement of the parties as approved by the commissioner with identical terms and conditions for a brewer and all of its distributors. Any approved amendment to the franchise agreement becomes a part of the franchise agreement. A brewer and a distributor may mutually agree in writing to cancel a franchise agreement. A distributor terminated by a brewer as provided in this article and the promulgated rules no longer has a valid franchise agreement. If a brewer has reached an

agreement to cancel a distributor or has terminated a distributor, then a brewer may appoint a successor distributor who accedes to all the rights of the cancelled or terminated distributor.

(8) “Franchise distributor network” means the distributors who have entered into a binding written franchise agreement, identical as to terms and conditions, to distribute nonintoxicating beer products, brands and line extensions in an assigned territory for a brewer. A brewer may only have one franchise distributor network: *Provided*, That a brewer that has acquired the manufacturing, bottling or other production rights for the sale of nonintoxicating beer at wholesale from a selling brewer as specified in subdivision (2), subsection (a), section twenty-one of this article shall continue to maintain and be bound by the selling brewer’s separate franchise distributor’s network for any of its existing brands, line extensions and new brands.

~~(6)~~ (9) “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)~~ (10) “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.

(11) “Line extension” means any nonintoxicating beer product that is an extension of brand or family of brands that is labeled, branded, advertised, marketed, promoted or offered for sale with the intent or purpose of being manufactured, imported, associated, contracted, affiliated or otherwise related to a brewer’s existing brand through the use of a brewer, its subsidiaries, parent entities, contracted entities, affiliated entities or other related entities’. In determining whether a nonintoxicating beer product is a line extension, the commissioner may consider, but is not limited to, the

following factors: name or partial name; trade name or partial trade name; logos; copyrights; trademarks or trade design; product codes; advertising promotion or pricing.

(8) (12) “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. The word “liquor” as used in chapter sixty of this code does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures or preparations included within this definition.

(9) (13) “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.

(10) (14) “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) subdivision (1), subsection (a), section eighteen of this article, and is approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

(11) (15) “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.

~~(12)~~ (16) “Original container” means the container used by the brewer at the place of manufacturing, bottling or otherwise producing nonintoxicating beer for sale at wholesale.

~~(13)~~ (17) “Person” means and includes an individual, firm, partnership, limited partnership, limited liability company, association or corporation.

~~(14)~~ (18) “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.

~~(15)~~ (19) “Retailer” means any person selling, serving, or otherwise dispensing nonintoxicating beer and all products regulated by this article, including, but not limited to, malt coolers at his or her established and licensed place of business.

~~(16)~~ (20) “Tax Commissioner” means the Tax Commissioner of the State of West Virginia or the commissioner’s designee.

§11-16-17a. Commissioner to investigate, review and approve or deny franchise agreements, labels, brands and line extensions.

(a) The commissioner shall investigate and review:

(1) All franchise agreements and any amendments to a franchise agreement to verify compliance with this article and the promulgated rules.

(2) The registration of all container labels for brands manufactured, imported or sold in West Virginia.

(3) The registration of all brands and line extensions with the commissioner that are the subject of a franchise agreement or an amendment to a franchise agreement.

(4) The appointment of all brands or line extensions to a distributor in a brewer's established franchise distributor network and to that distributor's assigned territory from the brewer.

(5) The appointment of all brands or line extensions acquired by a brewer as either an acquiring brewer, successor brewer and also any successor entities of a brewer, as specified in subdivision (3), subsection (a), section twenty-one of this article, to the distributor in the selling brewer's established franchise distributor network and to that distributor's assigned territory.

(b) The commissioner's investigation and review under subsection (a) of this section may include, but is not limited to: the brewer, its subsidiaries, parent entities, contracted entities, affiliated entities, associated entities or any other related entities, the brewer's corporate structure, the nature of the relatedness of various entities, ownership, trade names or partial trade names, logos, copyrights, trademarks or trade design, product codes, marketing and advertising, promotion or pricing.

(c) The commissioner may approve or deny any item listed in subsection (a) of this section as determined by the commissioner in accordance with this article, the promulgated rules as the facts and circumstances dictate.

(d) Any brewer adversely affected by a denial as specified in subdivision (3) or (4), subsection (a) of this section, may request, in writing, a final written determination from the commissioner.

(e) Upon receipt of final determination as provided in subsection (d), a brewer may request an administrative hearing by filing a written petition and as otherwise required per section twenty-four of this article and the rules promulgated by the commissioner. Upon filing a written petition, the brewer shall file a \$1,000 hearing deposit, via certified check or money order, to cover the costs of the hearing. Such certified check or money order shall be made payable to the commissioner. In any such hearing held by the request of a

brewer, the burden of proof is on the brewer and the standard of review for the administrative hearing is by a preponderance of the evidence.

§11-16-20. Unlawful acts of brewers or manufacturers; criminal penalties.

(a) It ~~shall be~~ is unlawful:

(1) For any brewer or manufacturer, or any other person, firm or corporation engaging in the business of selling nonintoxicating beer, ale or other malt beverage or cooler to a distributor or wholesaler, to discriminate in price, allowance, rebate, refund, commission, discount or service between distributors or wholesalers licensed in West Virginia. "Discriminate", as used in this section, shall mean granting of more favorable prices, allowances, rebates, refunds, commissions, discounts or services to one West Virginia distributor or wholesaler than to another.

(2) For any brewer or manufacturer, or any other person, firm or corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to a distributor or wholesaler, to sell or deliver nonintoxicating beer, ale or other malt beverage or malt cooler to any licensed distributor or wholesaler unless and until such brewer, manufacturer, person, firm or corporation, as the case may be, shall have filed the brewery or dock price of such beer, ale or other malt beverage or malt cooler, by brands and container sizes, with the commissioner. The pricing submitted to the commissioner shall also be submitted contemporaneously to the licensed distributor or wholesaler. No price schedule shall be put into effect until ~~fourteen~~ thirty ~~ninety~~ days after receipt of same by the commissioner and shall be submitted on or before the following quarterly dates of January 1, April 1, July 1 and October 1 of the calendar year to be effective: *Provided,* That any price ~~reductions~~ shall remain in effect not less than ~~thirty~~ ninety days.

(3) For any brewer or manufacturer, resident brewer or any other person, firm or corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to a distributor or wholesaler to sell, offer for sale or transport to West Virginia any nonintoxicating beer, ale or other malt beverage or malt cooler unless it has first registered its labels and assigned to the appropriate distributor per an equitable franchise agreement, all as approved by the commissioner.

(4) For any brewer or manufacturer, or any other person, firm or corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to provide, furnish, transport or sell its nonintoxicating beer products, brands and line extensions to any person or distributor other than the appointed distributor per the franchise agreement and established in the franchise distributor network in the territory assigned to that appointed distributor.

(5) For any brewer or manufacturer, or any other person, firm or corporation engaged in the business of selling nonintoxicating beer, ale or other malt beverage or malt cooler to provide, furnish, transport or sell its nonintoxicating beer products, brands and line extensions that have been denied by the commissioner.

(6) For any resident brewer that chooses to utilize a franchise agreement and a franchise distributor network, either in addition to or in conjunction with its limited quantity of nonintoxicating beer for self-distribution, to violate this section and the resident brewer is subject to the sanctions in subsections (b) and (c) of this section.

(b) The violation of any provision of this section by any brewer or manufacturer shall constitute grounds for the forfeiture of the bond furnished by such brewer or manufacturer in accordance with the provisions of section twelve of this article.

(c) The violation of this section by any brewer or manufacturer is grounds for sanctions as determined by the commissioner in

accordance with sections twenty-three and twenty-four of this article and the rules promulgated by the commissioner.

(d) Any resident brewer that chooses to utilize a franchise agreement and a franchise distributor network, either in addition to or in conjunction with its limited quantity of nonintoxicating beer for self-distribution, shall be treated as a brewer under this article and the applicable promulgated rules.

§11-16-21. Requirements as to franchise agreements between brewers and distributors; transfer of franchise by distributor; franchise distributor network; notice thereof to brewer; arbitration of disputes as to such transfer; violations and penalties; limitation of section.

(a) On and after July 1, 1971, it shall be unlawful for any brewer to transfer or deliver to a distributor any nonintoxicating beer, ale or other malt beverage or malt cooler without first having entered into an equitable franchise agreement with such distributor, which franchise agreement and any amendments to that agreement shall be in writing, shall be identical as to terms and conditions with all other franchise agreements and any amendments between such brewer and its other distributors in this state in its approved franchise distributor network, all as approved by the commissioner and which shall contain a provision in substance or effect as follows:

(1) The brewer recognizes that the distributor is free to manage his or her business in the manner the distributor deems best and that this prerogative vests in the distributor, subject to the provisions of this article, the exclusive right: ~~to~~ (A) To establish his or her selling prices; (B) ~~to select~~ have the distribution rights to the brands and line extensions of nonintoxicating beer products that are bound by franchise agreements specifying a distributor's assigned territory and that are assigned to a franchise distributor network, and, further, that the distributor may determine which brands and line extensions of nonintoxicating beer products he or she wishes to handle; and (C) to determine the efforts and resources which the distributor will exert to develop and promote the sale of the brewer's nonintoxicating beer

products handled by the distributor. However, since the ~~brewer does not expect that its products~~ brewer's nonintoxicating beer products, brands and line extensions shall only be handled by the distributor with a franchise agreement for a certain territory in West Virginia as a part of the brewer's overall franchise distributor network in West Virginia and will not be sold by others other distributors in the territory, ~~assigned to the distributor~~, the brewer is dependent upon the appointed distributor alone for the sale of such products in ~~said~~ the assigned territory. Consequently, the brewer expects that the distributor will price competitively the nonintoxicating beer products handled by the distributor, devote reasonable effort and resources to the sale of such products and maintain a satisfactory sales level.

(2) The franchise agreement binds the parties so that a distributor, appointed by a brewer, may distribute all of the brewer's nonintoxicating beer products, brands or family of brands imported and offered for sale in West Virginia, including, but not limited to: existing brands, line extensions and new brands in the brewer's assigned territory for the distributor. All brands and line extensions being imported or offered for sale in West Virginia must be listed by the brewer in the franchise agreement or a written amendment to the franchise agreement. A franchise agreement may be amended by mutual written agreement of the parties as approved by the commissioner with identical terms and conditions for a brewer and all of its distributors. Any approved amendment to the franchise agreement becomes a part of the franchise agreement.

~~(2)~~ (3) Whenever the manufacturing, bottling or other production rights for the sale of nonintoxicating beer at wholesale of any brewer is acquired by another brewer, the franchised distributor and franchise distributor network of the selling brewer shall be entitled to continue distributing the selling brewer's nonintoxicating beer products as authorized in the franchised distributor's existing franchise agreement and the acquiring brewer shall market all the selling brewer's nonintoxicating beer products through said franchised distributor and franchise distributor network as though the acquiring brewer had made the franchise agreement and the

acquiring brewer may terminate said franchise agreement only in accordance with subdivision (2), subsection (b) of this section: *Provided*, That the acquiring brewer may distribute any of its other nonintoxicating beer products through its duly authorized franchises and franchise distributor network in accordance with all other provisions of this section. Further, this subdivision shall apply to the brewer, successor brewers and also any successor entities of a brewer who shall be bound by the existing franchise agreement and the franchise distributor network, unless all the parties mutually agree, in writing, to change or cancel the existing franchise agreement and franchise distributor network or unless the brewer terminates a distributor as provided in this article and the promulgated rules.

(b) It shall also be unlawful:

(1) For any brewer, ~~or brewpub~~ resident brewer or distributor, or any officer, agent or representative of any brewer, ~~or brewpub~~ resident brewer or distributor, to coerce or persuade or attempt to coerce or persuade any person licensed to sell, distribute or job nonintoxicating beer, ale or other malt beverage or malt cooler at wholesale or retail, to enter into any contracts or agreements, whether written or oral, or to take any other action which will violate or tend to violate any provision of this article or any of the rules, regulations, standards, requirements or orders of the commissioner promulgated as provided in this section;

(2) For any brewer, ~~or brewpub~~ resident brewer or distributor, or any officer, agent or representative of any brewer, ~~or brewpub~~ resident brewer or distributor, to cancel, terminate or rescind without due regard for the equities of such brewer, ~~or brewpub~~ resident brewer or distributor and without just cause, any franchise agreement, whether oral or written, and in the case of an oral franchise agreement, whether the same was entered into on or before June 11, 1971, and in the case of a franchise agreement in writing, whether the same was entered into on, before or subsequent to July 1, 1971. The cancellation, termination or rescission of any such

franchise agreement shall not become effective for at least ninety days after written notice of such cancellation, termination or rescission has been served on the affected party and the Commissioner by certified mail, return receipt requested: *Provided*, That said ninety-day period and said notice of cancellation, termination or rescission shall not apply if such cancellation, termination or rescission is agreed to in writing by both the brewer and the distributor involved. ~~or~~

(c) In the event a distributor desires to sell or transfer his or her franchise and assigned territory in the brewer or resident brewer's franchise distributor network, such distributor shall give to the brewer, or ~~brewpub~~ resident brewer at least sixty days' notice in writing of such impending sale or transfer and the identity of the person, firm or corporation to whom such sale or transfer is to be made and such other information as the brewer or resident brewer may reasonably request. Such notice shall be made upon forms and contain such additional information as the Commissioner by rule or regulation shall prescribe. A copy of such notice shall be forwarded to the commissioner. The brewer or ~~brewpub~~ resident brewer shall be given sixty days to approve or disapprove of such sale or transfer. If the brewer or ~~brewpub~~ resident brewer neither approves nor disapproves thereof within sixty days of the date of receipt of such notice, the sale or transfer of such franchise shall be deemed to be approved by such brewer or resident brewer. In the event the brewer or ~~brewpub~~ resident brewer shall disapprove of the sale or transfer to the prospective franchisee, transferee or purchaser, such brewer or ~~brewpub~~ resident brewer shall give notice to the distributor of that fact in writing, setting forth the reason or reasons for such disapproval. The approval shall not be unreasonably withheld by the brewer or ~~brewpub~~ resident brewer. The fact that the prospective franchisee, transferee or purchaser has not had prior experience in the nonintoxicating beer business or beer business shall not be deemed sufficient reason in and of itself for a valid disapproval of the proposed sale or transfer, but may be considered in conjunction with other adverse factors in supporting the position of the brewer or ~~brewpub~~ resident brewer. Nor may the brewer or ~~brewpub~~

resident brewer impose requirements upon the prospective franchisee, transferee or purchaser which are more stringent or restrictive than those currently demanded of or imposed upon the brewer's brewer or brewpub's resident brewers or other distributors in the State of West Virginia. A copy of such notice of disapproval shall likewise be forwarded to the commissioner and to the prospective franchisee, transferee or purchaser. In the event the issue be not resolved within twenty days from the date of such disapproval, either the brewer, brewpub resident brewer, distributor or prospective franchisee, transferee or purchaser shall notify the other parties of his or her demand for arbitration and shall likewise notify the commissioner thereof. A dispute or disagreement shall thereupon be submitted to arbitration in the county in which the distributor's principal place of business is located by a board of three arbitrators, which request for arbitration shall name one arbitrator. The party receiving such notice shall within ten days thereafter by notice to the party demanding arbitration name the second arbitrator or, failing to do so, the second arbitrator shall be appointed by the chief judge of the circuit court of the county in which the distributor's principal place of business is located on request of the party requesting arbitration in the first instance. The two arbitrators so appointed shall name the third or, failing to do so within ten days after appointment of the second arbitrator, the third arbitrator may be appointed by said chief judge upon request of either party. The arbitrators so appointed shall promptly hear and determine and the questions submitted pursuant to the procedures established by the American Arbitration Association and shall render their decision with all reasonable speed and dispatch but in no event later than twenty days after the conclusion of evidence. Said decision shall include findings of fact and conclusions of law and shall be based upon the justice and equity of the matter. Each party shall be given notice of such decision. If the decision of the arbitrators be in favor of or in approval of the proposed sale or transfer, the brewer or brewpub resident brewer shall forthwith agree to the same and shall immediately transfer the franchise to the proposed franchisee, transferee or purchaser unless notice of intent to appeal such decision is given the arbitrators and all other parties within ten days

of notification of such decision. If any such party deems himself or herself aggrieved thereby, such party shall have a right to bring an appropriate action in circuit court. Any and all notices given pursuant to this subsection shall be given to all parties by certified or registered mail, return receipt requested.

(d) The violation of any provision of this section by any brewer or ~~brewpub~~ resident brewer shall constitute grounds for the forfeiture of the bond furnished by such brewer or ~~brewpub~~ resident brewer in accordance with the provisions of section twelve of this article and shall also constitute grounds for sanctions in accordance with sections twenty-three and twenty-four of this article. Moreover, any circuit court of the county in which a distributor's principal place of business is located shall have the jurisdiction and power to enjoin the cancellation, termination or rescission of any franchise agreement between a brewer or ~~brewpub~~ resident brewer and such distributor and, in granting an injunction to a distributor, the court shall provide that the brewer or ~~brewpub~~ resident brewer so enjoined shall not supply the customers or territory of the distributor while the injunction is in effect.

The bill (Eng. H. B. No. 4549), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4552, Relating to the court of claims.

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 seven, section thirteen-a, line sixty-five, after the word "misdemeanors" by striking out the coma and the word "or" and inserting in lieu thereof the word "and";

And,

On page fifteen, section twenty-eight, lines ten and eleven, by striking out the words “in any other court of this state” and inserting in lieu thereof the words “are not subject to judicial review”.

The bill (Eng. Com. Sub. for H. B. No. 4552), as amended, was then ordered to 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 recessed until 6 p.m. today.

Night Session

Upon expiration of the recess, the Senate reconvened and proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill No. 4210, Juvenile sentencing reform.

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

The end of today’s first reading calendar having been reached, the Senate returned to the consideration of

Eng. House Bill No. 4256, Amending the annual salary schedule for members of the state police.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Wednesday, March 5, 2014, for amendments to be received on third reading, 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, and with the right for amendments to be considered on third reading remaining in effect.

Action as to Engrossed House Bill No. 4256 having been concluded, the Senate proceeded to the consideration of

Eng. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

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

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 resolution was withdrawn.

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

By striking out everything after the resolving section and inserting in lieu thereof the following:

ARTICLE X. TAXATION AND FINANCE.

§12. Nonprofit youth organization revenue exemption.

Notwithstanding any provision of this Constitution to the contrary, real property in this state which is owned by a non-profit organization that has as its primary purpose the development of youth through adventure, educational or recreational activities for young people and others, which property contains facilities built at a cost of not less than \$100,000,000 and which property is capable of supporting additional activities within the region and the State of West Virginia is exempt from ad valorem property taxation whether or not such property is used for the nonprofit organization's primary purpose or to generate

revenue for the benefit of the nonprofit organization subject to any requirements, limitations and conditions as may be prescribed by general law: *Provided*, That the tax exemption authorized by the provisions of this section shall not become effective until the Legislature adopts enabling legislation authorizing the exemption's implementation and concurrently prescribing requirements, limitations and conditions for the use of the tax exempt facility that protect local and regionally located businesses from use of the tax exempt facility in a manner that causes unfair competition and unreasonable loss of revenue to those businesses.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment No. 1" and designated as the "Nonprofit Youth Organization Tax Exemption Support Amendment" and the purpose of the proposed amendment is summarized as follows: "To amend the State Constitution to exempt certain nonprofit youth organizations from ad valorem property taxation on property owned by the organization which is leased or used to support the organization." This tax exemption does not take effect until the Legislature enacts laws that protect local and regional businesses from unfair competition and unreasonable loss of revenue from business competition by the facility utilizing this tax exemption.

The resolution (Eng. H. J. R. No. 108), as amended, was then ordered to third reading.

Action as to Engrossed House Joint Resolution No. 108 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill No. 4039, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

On second reading, coming up in deferred 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 nine, section four, after line six, by inserting the following:

On page thirty-two, by striking out the words “10.2.p. One roster: thirty-five dollars (\$35); Roster subscription fee:;” and inserting in lieu thereof the following:

“10.2.q. One roster: thirty-five dollars (\$35); 10.2.r. Roster subscription fee: fifty dollars (\$50);”;

And,

By relettering the remaining subdivisions;

On page sixteen, section seven, line five, after the word “authorized” by striking out the period and adding the following: with the following amendment:

On page three, section 7, by striking out all of subsection 7.3.;

And,

On page seventeen, section eight, line twenty, after the word “authorized” by striking out the period and adding the following: with the following amendment:

§16-16-9. Poultry Exemptions.

9.1. A poultry producer who otherwise meets the requirements of the exemption for poultry producers that slaughter or process 20,000 or fewer birds per calendar year under the federal Poultry Products Inspection Act, 21 U. S. C. 464(c)(3), may not keep a poultry flock of more than 3,000 birds at any one time.

The bill (Eng. Com. Sub. for H. B. No. 4039), as amended, was then ordered to third reading.

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. Com. Sub. for House Bill No. 4363, Creating an informal dispute resolution process available to behavioral health providers.

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 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 on yesterday, Wednesday, March 5, 2014, it adopted the Health and Human Resources committee amendment, as amended, to the bill (*shown in the Senate Journal of that day, pages 1507 to 1511, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Health and Human Resources committee amendment to the bill, as amended.

Thereafter, on motion of Senator Palumbo, the following amendments to the Health and Human Resources committee amendment to the bill, as amended, were reported by the Clerk, considered simultaneously, and adopted:

On page one, section twelve, line fourteen, by striking out the word “consists” and inserting in lieu thereof the word “consist”;

On page four, section twelve, line thirteen, after the word “or” by inserting the word “the”;

And,

On page five, section twelve, line thirteen, by striking out the word “The” and inserting in lieu thereof the words “Under the following circumstances, the”.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as just amended, the same was put and prevailed.

The bill, as just amended, was again ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4363) 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, Fitzsimmons, Green, D. Hall, 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: None.

Absent: Barnes and Facemire—2.

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. 4363) 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 Palumbo, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill No. 4552, Relating to the court of claims.

Having been read a second time and amended in earlier proceedings today.

On motion of Senator Palumbo, the Senate reconsidered the vote by which in earlier proceedings today it adopted the Judiciary committee amendments to the bill (*shown in the Senate Journal of today, pages 1757 and 1758*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Judiciary committee amendments to the bill.

At the request of Senator Palumbo, as chair of the Committee on the Judiciary, and by unanimous consent, the Judiciary committee amendments to the bill were withdrawn.

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

On page fifteen, section twenty-eight, lines ten and eleven, by striking out the words “any other court of this state” and inserting in lieu thereof the words “are not subject to judicial review”.

The bill (Eng. Com. Sub. for H. B. No. 4552), as just amended, was then ordered to third reading.

At the request of Senator Unger, and by unanimous consent, the Senate 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. 72, Requesting DOH name bridge on Rt. 16, War, McDowell County, “Army SFC Anthony Barton PTSD Awareness Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 72 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 24-16-13.39 (24A107) on Route 16 in War, McDowell County, West Virginia, the “U. S. Army SFC Anthony Barton Memorial Bridge”.

Whereas, Anthony Barton was born in Bluefield, West Virginia, on April 25, 1980; and

Whereas, Anthony Barton graduated from Big Creek High School in War, West Virginia, where he was co-valedictorian of the class of 1998 and excelled in football and wrestling. He subsequently received an organizational leadership degree from Mountain State University; and

Whereas, SFC Anthony Barton served in the West Virginia Army National Guard from December, 2001 until his death in 2012; and

Whereas, SFC Anthony Barton served fourteen months in Iraq with the West Virginia Army National Guard as a military police officer during Operation Iraqi Freedom; and

Whereas, SFC Anthony Barton was a highly decorated soldier who received numerous awards and medals for his service, including the Meritorious Service Medal (Posthumous), Army Commendation Medal with Oak Leaf Cluster, Army Achievement Medal, Army Reserve Component Achievement Medal, Army Good Conduct

Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with M Device, NCO Professional Development Ribbon with Numeral 2, Army Service Ribbon, Combat Action Badge, Meritorious Unit Citation, Joint Meritorious Unit Award, West Virginia Emergency Service Ribbon with 2 Oak Leaf Clusters, West Virginia State Service Ribbon with 2 Oak Leaf Clusters, West Virginia Service Ribbon and Shoulder Sleeve Insignia for Wartime Service — 101st Airborne and 15th MP Brigade; and

Whereas, SFC Anthony Barton also served the state's citizenry on many occasions as a member of the West Virginia National Guard when he assisted during severe flooding, major snowstorms and other state emergencies; and

Whereas, SFC Anthony Barton was a certified police officer who graduated from the West Virginia State Police Academy, and he served as a McDowell County deputy sheriff and as a police officer with the Town of War while serving in the West Virginia National Guard; and

Whereas, SFC Anthony Barton also enjoyed riding his Harley and playing guitar, and he was actively involved in the New Testament Christian Church where he played guitar; and

Whereas, SFC Anthony Barton suffered from post traumatic stress disorder (PTSD) resulting from the highly stressful conditions of his deployment in Iraq; and

Whereas, Sadly, SFC Anthony Barton lost his battle with PTSD on December 26, 2012; and

Whereas, SFC Anthony Barton is survived by his spouse, Jessica Barton; children, James Tanner Beckett and Jared Ray Barton; parents, Donald and Mary Barton; sister, Tara Adkins, and her husband, Matthew; grandparents, Clinton and Delores Tyree; four

nephews, Michael Anthony and Andrew Reid Adkins, Declan Patrick O’Neil and Bodhi Jasper Hines; and numerous aunts and uncles and other family and friends; and

Whereas, It is only fitting that we honor the life of SFC Anthony Barton by naming this bridge in his memory as a lasting tribute to his dedicated service and sacrifice on behalf of his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-16-13.39 (24A107) on Route 16 in War, McDowell County, West Virginia, the “U. S. Army SFC Anthony Barton Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SFC Anthony Barton 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 the family of Anthony Barton.

And,

Senate Concurrent Resolution No. 73, Requesting DOH name bridge in Beckley “Arland W. Hatcher Memorial Bridge”.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution No. 73 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 41-77-42.30 (41A226), carrying northbound traffic on U. S. I-77 over the West Virginia Route 16 Connector, at the South Beckley exit of the West

Virginia Turnpike in Raleigh County, West Virginia, the “U. S. Army PFC Arland W. Hatcher Memorial Bridge”.

Whereas, Arland W. Hatcher was born in Fitzpatrick, Raleigh County, West Virginia, February 2, 1924; and

Whereas, Arland W. Hatcher married Rachael Walker in Beckley, West Virginia, November 5, 1942, and the couple raised five children; and

Whereas, Arland W. Hatcher entered the United States Army and served in the 37th Infantry as a combat military policeman during World War II; and

Whereas, Arland W. Hatcher’s duties included service at New Caledonia, Guadalcanal, Bougainville, Luzon the Philippines and Japan; and

Whereas, Arland W. Hatcher’s military duties at one time included protecting General Douglas MacArthur and the General’s home in the Philippines; and

Whereas, Following the war, Arland W. Hatcher worked in Ohio and enjoyed such hobbies as working with wood, camping and golfing; and

Whereas, Arland W. Hatcher died April 7, 2005; and

Whereas, It is fitting that an enduring structure commemorate Arland W. Hatcher’s service to his country during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-77-42.30 (41A226), carrying northbound traffic on U. S. I-77 over the West Virginia Route 16 Connector, at the South Beckley exit of the West Virginia Turnpike in Raleigh

County, West Virginia, the “U. S. Army PFC Arland W. Hatcher 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 containing bold and prominent letters proclaiming the bridge to be the “U. S. Army PFC Arland W. Hatcher 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Robert D. Beach,
Chair.

At the request of Senator Beach, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. Nos. 72 and 73) 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 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. 2477, Permitting certain auxiliary lighting on motorcycles.

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. 2477) 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. 2757, Private cause of action for the humane destruction of a dog.

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. 2757) 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. 3011, Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.

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. 3011) 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 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. 4002, Relating to the computation of local share for public school support purposes.

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 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 Education.

At the request of Senator Plymale, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4002) 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: 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)—32.

The nays were: None.

Absent: Barnes and Facemire—2.

The bill 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 clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill No. 432.

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4002) 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, Fitzsimmons, Green, D. Hall, 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: None.

Absent: Barnes and Facemire—2.

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. 4002) 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. 4002—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-2, §18-9A-2a and §18-9A-11 of said code, all relating to calculating local share; changing the deadline for Tax Commissioner to report the total assessed values to the State Board of Education; delaying use of assessment ratio study

for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; creating assumption that all property in a county is assessed at sixty percent for the purpose of determining whether to use the sales ratio analysis in the calculation of local share when a valid sales ratio analysis cannot be obtained due to a lack of arm's-length sales of property in a county; allowing Tax Commissioner to waive the use of the sales ratio analysis for calculating local share upon a showing by the assessor of that county that the preliminary sales ratio for the next succeeding year would meet the minimum ratio; delaying the increase in the percent of local levy rate for county boards of education used for calculating local share until the second consecutive year, and consecutive years thereafter, that assessments are below sixty percent of market value including the ten percent variance; clarifying language pertaining to the amount that assumed assessed values is to be added to for the purpose of calculating local share; and requiring the state to use the most recent projections or estimations that may be available from the Tax Department for any estimation or preliminary computations of local share required prior to the report to the state board by the Tax Commissioner.

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, Fitzsimmons, Green, D. Hall, 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: None.

Absent: Barnes and Facemire—2.

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. 4002) takes effect from passage.

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

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. 4139, Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

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. 4139) 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. 4204, Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.

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. 4204) 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. 4220, Relating to waiver of jury trial in claims arising from consumer transactions.

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. 4220) 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 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. 4228, Repealing or removing certain portions of education-related statutes that have expired.

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. Com. Sub. for H. B. No. 4228) 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. 4316, Creating the student data accessibility, transparency and accountability act.

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. Com. Sub. for H. B. No. 4316) 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 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. 4333, Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund.

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 requested unanimous consent that the bill (Eng. Com. Sub. for H. B. No. 4333) contained in the preceding report from the Committee on Finance be taken up for immediate consideration.

Which consent was not granted, Senator Snyder objecting.

Senator Prezioso then moved that the bill be taken up for immediate consideration.

Following discussion,

The question being on the adoption of Senator Prezioso's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for House Bill No. 4333 was then read a first time and ordered to second reading.

Thereafter, at the request of Senator Wells, and by unanimous consent, the remarks by Senators Snyder, Prezioso and McCabe regarding the adoption of Senator Prezioso's aforestated motion were ordered printed in the Appendix to the Journal.

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. 4343, West Virginia Project Launchpad 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.

At the request of Senator Prezioso, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 4343) 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. House Bill No. 4346, Establishing separate standards of performance for carbon dioxide emissions.

With an amendment from the Committee on Energy, Industry and Mining pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Energy, Industry and Mining to which the bill was first referred.

Respectfully submitted,

Corey Palumbo,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the bill (Eng. H. B. No. 4346) 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. 4347, Relating to affirmative defenses against mechanics' liens.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 5, 2014;

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. Com. Sub. for House Bill No. 4349, Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order.

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. 4349) 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. 4360, Relating to consumer credit protection.

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. 4360) 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. 4432, Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 3, 2014;

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. Com. Sub. for House Bill No. 4480, Relating to investment of the Acid Mine Drainage Fund.

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. 4480) 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. 4560, Relating to reimbursement for copies of medical records.

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. 4560) 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. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

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 the Judiciary on March 4, 2014;

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. House Bill No. 4601, Relating to fiscal management and regulation of publicly-owned utilities.

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. 4601) 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 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. 4608, Defining dyslexia and dyscalculia.

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. 4608) 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 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. 9, The “Army S/SGT Raymond Lawrence Berry Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 20, The “Army Corporal William Eugene Shank Memorial Bridge”.

Com. Sub. for House Concurrent Resolution No. 39, Army LTC Robert “Bob” Marslender Bridge.

Com. Sub. for House Concurrent Resolution No. 44, Carnie L. Spratt Memorial Bridge.

Com. Sub. for House Concurrent Resolution No. 47, Army SFC Michael Joe “Joey” Marushia Memorial Bridge.

Com. Sub. for House Concurrent Resolution No. 48, Corporal Tracy Thurman Walls Memorial Bridge.

Com. Sub. for House Concurrent Resolution No. 63, Army SPC Gary Wayne Hudnall Memorial Bridge.

Com. Sub. for House Concurrent Resolution No. 74, Deputy Roger Lee Treadway Memorial Bridge.

And,

Com. Sub. for House Concurrent Resolution No. 107, “William Dakota “Kody” Faine 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 Beach, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. Nos. 9, 20, 39, 44, 47, 48, 63, 74 and 107) 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. 17, The “Captain Isaac Alt West Virginia Militia Memorial Bridge”.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 28, William S. (Bill) Croaff Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 34, Marine Private Rudy Varney Bridge - Purple Heart Recipient.

And has amended same.

House Concurrent Resolution No. 49, Army PFC Lilborn Dillon Memorial Road.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 52, Kenneth A. Chapman Sr. Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 60, Lester W. ‘Cappy’ Burnside, Jr. Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 64, SSG Earl F. (Fred) Brown Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 65, Army SP4 Harold “Skip” Grouser Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution No. 66, Quentin H. Wickline Memorial Bridge.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution No. 71, Army Private William C. Bias 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.

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

House Concurrent Resolution No. 25, Urging the West Virginia Governor's Office and the Senate and House Finance Committees to include sufficient funds in the budget to eliminate the wait list for the Aged and Disabled Waiver program.

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

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolution (H. C. R. No. 25) contained in the preceding report from the Committee on Health and Human Resources 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.

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

House Concurrent Resolution No. 57, Providing for the licensing of adult day health centers that implement a hybrid model of care.

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 Government Organization.

Respectfully submitted,

Ron Stollings,
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 resolution contained in the foregoing report from the Committee on Health and Human Resources.

At the request of Senator Stollings, unanimous consent being granted, the resolution (H. C. R. No. 57) 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.

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

House Concurrent Resolution No. 58, Requesting a study on the growing needs for in-home care and personal services for West Virginia's aging population.

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,

Ron Stollings,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

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

House Concurrent Resolution No. 59, Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care.

And has amended same.

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

Respectfully submitted,

Ron Stollings,
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

House Concurrent Resolution No. 68, Requesting the Joint Committee on Government and Finance to undertake a study of the development of a high speed commuter rail system in West Virginia.

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 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. 105, Urging Congress to pass the Safe Freight Act.

And has amended same.

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

Respectfully submitted,

Robert D. Beach,
Chair.

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 Senate amendments to the House of Delegates amendments to, and the passage as amended, with its House of Delegates amended title, of

Eng. Com. Sub. for Senate Bill No. 58, Relating to basis for voidable marriages and annulments.

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. 209, Allowing special needs students to participate in graduation ceremonies.

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 §18-20-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**§18-20-1. Establishment of special programs and teaching services for exceptional children; modified diploma graduation.**

(a) In accordance with the following provisions, county boards of education throughout the state shall establish and maintain for all exceptional children between five and twenty-one years of age special educational programs, including, but not limited to, special schools or classes, regular classroom programs, home-teaching or visiting-teacher services for any type or classification as the state board shall approve. Special educational programs shall continue to be provided to those children who are at least twenty-one years of age and enrolled in the above-mentioned special education program prior to September 1, 1991, until they reach twenty-three years of age. Provisions shall be made for educating exceptional children (including the handicapped and the gifted) who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions within the regular classroom in order to educate them in accordance with their capacities, limitations and needs: *Provided*, That for the school year beginning on July 1, 1990, provisions shall be made for educating exceptional children, including the handicapped, the gifted in grades one through eight, the pupils enrolled on July 1, 1989, in the gifted program in grades nine through twelve and the exceptional gifted in grades nine through twelve. The term "exceptional gifted" means those students in grades nine through twelve identified as gifted and at least one of the following: Behavior disorder, specific learning disabilities, psychological adjustment disorder, underachieving or economically disadvantaged. Exceptional gifted children shall be referred for identification pursuant to recommendation by a school psychologist, school counselor, principal, teacher, parent or by self-referral, at which time the placement process, including development of an individualized education program, and attendant due process rights, shall commence. Exceptional gifted children, for purposes of

calculating adjusted enrollment pursuant to section two, article nine-a of this chapter, shall not exceed one percent of net enrollment in grades nine through twelve. Nothing herein shall be construed to limit the number of students identified as exceptional gifted and who receive appropriate services. Each county board of education is mandated to provide gifted education to its students according to guidelines promulgated by the state board and consistent with the provisions of this chapter. Upon the recommendation of a principal, counselor, teacher and parent, a student who does not meet the gifted eligibility criteria may participate in any school program deemed appropriate for the student provided that classroom space is available. In addition, county boards of education may establish and maintain other educational services for exceptional children as the State Superintendent of Schools may approve.

(b) County boards of education shall establish and maintain these special educational programs, including, but not limited to, special schools classes, regular class programs, home-teaching and visiting-teacher services. The special education programs shall include home-teaching or visiting-teacher services for children who are homebound due to injury or who for any other reason as certified by a licensed physician are homebound for a period that has lasted or will last more than three weeks. ~~Provided, however, That pupils receiving such homebound or visiting-teacher services shall not be included when computing adjusted enrollment as defined in section two, article nine-a, chapter eighteen of this code.~~ The state board shall adopt rules to advance and accomplish this program and to assure that all exceptional children in the state, including children in mental health facilities, residential institutions and private schools, will receive an education in accordance with the mandates of state and federal laws: *Provided*, That commencing with the school year beginning on July 1, 1991, all exceptional children in the state in foster care and correctional facilities will receive an education in accordance with the mandates of state and federal laws.

(c) Each county board of education shall adopt a policy that allows a student with disabilities whose individualized education program provides for a modified diploma to participate in the

graduation ceremony of his or her same grade classmates if requested in writing by his or her parent or legal guardian. The county board shall also permit the student to continue receiving his or her special education services after the graduation ceremony. The county board may not terminate, deny or declare the student ineligible for post-graduation ceremony special education services due to his or her participation in the graduation ceremony.;

And,

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

Eng. Senate Bill No. 209—A Bill to amend and reenact §18-20-1 of the Code of West Virginia, 1931, as amended, relating to special programs and services for exceptional children; requiring county boards to allow students with disabilities whose individualized education plan provides for a modified diploma to participate in graduation ceremony with same grade classmates; permitting continued special education services; and prohibiting county boards from denying continuing special education services to the student due to participation in graduation ceremony.

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

Engrossed Senate Bill No. 209, 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 209) 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 209) 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 July 1, 2014, of

Eng. Com. Sub. for Senate Bill No. 322, Providing state compensate officials, officers and employees every two weeks with certain exceptions.

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. 378,
Relating to special speed limitations as to waste service vehicles.

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. 408, Relating to parole.

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. 457, Requiring programs for temporarily detained inmates in regional jails.

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.**

§31-20-5h. Programs for inmates committed to prison.

(a) 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 and Correctional Facility 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.

(b) In addition to subsection (a) of this section, the Division of Corrections shall make available, to each inmate in the custody of the commissioner who is detained in a regional jail facility awaiting transfer to a Division of Corrections facility, those programs and courses, as are determined by an inmate's risk and needs assessment mandated by section thirteen, article twelve, chapter sixty-two of this code, necessary to prepare the inmate for parole. Such programming and courses shall be provided by the Division of Corrections personnel or the commissioner's designees.

(c) The Regional Jail and Correctional Facility Authority shall provide the necessary facilities and equipment to effectuate this section or, upon the agreement of the Regional Jail and Correctional Facility Authority and the commissioner, other facilities may be utilized.

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

Engrossed Senate Bill No. 457, 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 457) 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. 483, Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

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 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-6. Appointment of institutional presidents; evaluation.

(a) *Appointment of institutional presidents.* – Appointment of presidents of the state institutions of higher education shall be made as follows:

(1) The initial contract term for a president of a state institution of higher education may not exceed two years. At the end of the initial contract period, and subject to the provisions of subsection (c) of this section, the governing board may offer the president a contract of longer duration, but not to exceed five years.

~~(A) The provisions relating to initial contract periods do not affect the terms of a current contract for any person holding a multiyear contract and serving as president of a state institution of higher education or division of a state institution of higher education delivering community and technical education on June 30, 2008.~~

~~(B) At the end of the current contract period and thereafter, the governing board shall make presidential appointments in accordance with the provisions of this section.~~

~~(2) The person who is president, provost or divisional administrative head of the community and technical college on June 30, 2008, becomes the president of the institution on the effective date of this section.~~

~~(3) (2) The president of a state institution of higher education serves at the will and pleasure of the appointing governing board.~~

~~(4) (3) Subject to the approval of the commission, the governing board of the institution appoints a president for Bluefield State College, Concord University, Fairmont State University, Glenville State College, Marshall University, Shepherd University, West Liberty State College University, West Virginia School of Osteopathic Medicine, West Virginia State University and West Virginia University.~~

~~(5) (4) Subject to the approval of the council, the governing board of the community and technical college appoints a president for Blue Ridge Community and Technical College, ~~the Community and Technical College at West Virginia University Institute of Technology~~ BridgeValley Community and Technical College, Eastern West Virginia Community and Technical College, ~~Marshall Mountwest~~ Mountwest Community and Technical College, New River Community and Technical College, Pierpont Community and Technical College, Southern West Virginia Community and Technical College, West Virginia Northern Community and Technical College ~~West Virginia State Community and Technical College~~ and West Virginia University at Parkersburg.~~

(b) *Other appointments.* – The ~~institutional~~ president of West Virginia University appoints a ~~provost~~ campus president to be the administrative head of ~~the~~ Potomac ~~campus~~ State College of West Virginia University and a ~~provost~~ campus president to be the administrative head of West Virginia University Institute of Technology.

(c) *Evaluation of presidents.* –

(1) The appointing governing board shall conduct written performance evaluations of the institution's president. Evaluations shall be done at the end of the initial ~~two-year~~ contract period and in every third year of employment as president thereafter, recognizing unique characteristics of the institution and using institutional personnel, boards of advisors as appropriate, staff of the appropriate governing board and persons knowledgeable in higher education matters who are not otherwise employed by a governing board. A part of the evaluation shall be a determination of the success of the institution in meeting the requirements of its institutional compact and in achieving the goals, objectives and priorities established in articles one and one-d of this chapter.

(2) After reviewing the evaluations, the governing board of ~~governors~~ shall make a determination by majority vote of its members on continuing employment and the compensation level for the president in accordance with ~~the provisions~~ of subsection (a) of this section.

(d) The legislative rules of the commission and council ~~each shall propose a rule for legislative approval promulgated~~ in accordance with ~~the provisions~~ of section six, article one of this chapter and article three-a, chapter twenty-nine-a of this code ~~by September 1, 2008 to which are in effect on January 1, 2014, continue in effect unless amended or repealed.~~ The rules provide guidance for the ~~institutional~~ governing boards in filling vacancies in the office of president in accordance with ~~the provisions~~ of this chapter ~~The rule and~~ and shall include, but ~~is~~ are not limited to, clarifying the powers,

duties and roles of the governing boards, ~~the~~ commission, ~~the~~ council and ~~the~~ chancellors in the presidential appointment process.

~~(e) The Legislature finds that an emergency exists and, therefore, the commission and the council each shall file a rule to implement the provisions of this section as an emergency rule by September 1, 2008, pursuant to the provisions of article three-a, chapter twenty-nine-a of this code. The emergency rule may not be implemented without prior approval of the Legislative Oversight Commission on Education Accountability;~~

And,

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

Eng. Senate Bill No. 483—A Bill to amend and reenact §18B-1B-6 of the Code of West Virginia, 1931, as amended, relating to renaming the administrative heads of Potomac State College of West Virginia University and West Virginia University Institute of Technology; and updating obsolete provisions.

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

Engrossed Senate Bill No. 483, 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 483) 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 483) 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. 603, Relating to testing for presence of methane in underground mines.

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. UNDERGROUND MINES.

§22A-2-43. Actions to detect and respond to excess methane.

The following actions are required to detect and respond to excess methane. Subsections (a) through (f) of this section pertain to methane testing with hand-held devices:

(a) *Hand-held testing required.* – In any mine, no electrical equipment or permissible diesel-powered equipment may be brought in by the last open crosscut until a qualified person tests for methane. If one percent or more methane is present, the equipment may not be taken into the area until the methane concentration is reduced to less than one percent. Thereafter, subsequent methane examinations shall be made at least every twenty minutes while any electrical or diesel-powered equipment is present and energized.

(b) *Location of tests.* – Tests for methane concentrations under this section shall be made at least twelve inches from the roof, face, ribs and floor.

(c) *Working places and intake air courses.* –

(1) When one percent or more methane is present in a working place or an intake air course, including an air course in which a belt conveyor is located or in an area where mechanized mining equipment is being installed or removed:

(A) Except intrinsically safe atmospheric monitoring systems (AMS), electrically powered equipment in the affected area shall be de-energized and other mechanized equipment shall be shut off.

(B) Changes or adjustments shall be made at once to the ventilation system to reduce the concentration of methane to less than one percent.

(C) No other work shall be permitted in the affected area until the methane concentration is less than one percent.

(2) When one and five-tenths percent or more methane is present in a working place or an intake air course, including an air course in which a belt conveyor is located or in an area where mechanized mining equipment is being installed or removed:

(A) Except for the mine foreman, assistant mine foreman or individuals authorized by the mine foreman or assistant mine foreman, all individuals shall be withdrawn from the affected area. If a federal or state mine inspector is present in the area of the mine where one and five-tenths percent or more of methane is detected, the federal or state mine inspector and the miners' representative, if any, may remain in the area with the mine foreman, assistant mine foreman or other individuals authorized by the mine foreman or assistant mine foreman.

(B) Except for intrinsically safe AMS, electrically powered equipment in the affected area shall be disconnected at the power source.

(d) *Return air split.* –

(1) When one percent or more methane is present in a return air split between the last working place on a working section and where that split of air meets another split of air or the location at which the split is used to ventilate seals or worked-out areas, changes or adjustments shall be made at once to the ventilation system to reduce the concentration of methane in the return air to less than one percent.

(2) When one and five-tenths percent or more methane is present in a return air split between the last working place on a working

section and where that split of air meets another split of air or the location where the split is used to ventilate seals or worked-out areas, except for the mine foreman, assistant mine foreman or individuals authorized by the mine or assistant mine foreman, all individuals shall be withdrawn from the affected area. If a federal or state mine inspector is present in the area of the mine where one and five-tenths percent or more of methane is detected, the federal or state mine inspector and the miners' representative, if any, may remain in the area with the mine foreman, assistant mine foreman or other individuals authorized by the mine foreman or assistant mine foreman.

(3) Other than intrinsically safe AMS, equipment in the affected area shall be de-energized, electric power shall be disconnected at the power source and other mechanized equipment shall be shut off.

(4) No other work shall be permitted in the affected area until the methane concentration in the return air is less than one percent.

(e) *Return air split alternative.* –

(1) The provisions of this paragraph may apply if:

(A) The quantity of air in the split ventilating the active workings is at least twenty-seven thousand cubic feet per minute in the last open crosscut or the quantity specified in the approved ventilation plan, whichever is greater.

(B) The methane content of the air in the split is continuously monitored during mining operations by an AMS that gives a visual and audible signal on the working section when the methane in the return air reaches one and five-tenths percent and the methane content is monitored as specified in the approved ventilation plan.

(C) Rock dust is continuously applied with a mechanical duster to the return air course during coal production at a location in the air course immediately outby the most inby monitoring point.

(2) When one and five-tenths percent or more methane is present in a return air split between a point in the return opposite the section loading point and where that split of air meets another split of air or where the split of air is used to ventilate seals or worked-out areas:

(A) Changes or adjustments shall be made at once to the ventilation system to reduce the concentration of methane in the return air below one and five-tenths percent.

(B) Except for the mine foreman, assistant mine foreman or individuals authorized by the mine foreman or assistant mine foreman, all individuals shall be withdrawn from the affected area. If a federal or state mine inspector is present in the area of the mine where one and five-tenths percent or more of methane is detected, the federal or state mine inspector and the miners' representative, if any, may remain in the area with the mine foreman, assistant mine foreman or other individuals authorized by the mine foreman or assistant mine foreman.

(C) Except for intrinsically safe AMS, equipment in the affected area shall be de-energized, electric power shall be disconnected at the power source and other mechanized equipment shall be shut off.

(D) No other work shall be permitted in the affected area until the methane concentration in the return air is less than one and five-tenths percent.

(f) *Bleeders and other return air courses.* –

The concentration of methane in a bleeder split of air immediately before the air in the split joins another split of air, or in a return air course other than as described in subsections (d) and (e) of this section, shall not exceed two percent.

(g) *Machine-mounted methane monitors.* –

(1) Approved methane monitors shall be installed and maintained on all face cutting machines, continuous miners, longwall face equipment and other mechanized equipment used to extract coal or load coal within the working place.

(2) The sensing device for methane monitors on longwall shearing machines shall be installed at the return air end of the longwall face. An additional sensing device also shall be installed on the longwall shearing machine, downwind and as close to the cutting head as practicable. An alternative location or locations for the sensing device required on the longwall shearing machine may be approved in the ventilation plan.

(3) The sensing devices of methane monitors shall be installed as close to the working face as practicable.

(4) Methane monitors shall be maintained in permissible and proper operating condition and shall be calibrated with a known air-methane mixture at least once every fifteen days and a record of the calibration shall be recorded with ink or indelible pencil by the person performing the calibration in a book prescribed by the director and maintained on the surface. Calibration records shall be retained for inspection for at least one year from the date of the test. To assure that methane monitors are properly maintained and calibrated, the operator shall use persons properly trained in the maintenance, calibration and permissibility of methane monitors to calibrate and maintain the devices.

(h) Automatic de-energization of ~~extraction apparatus~~ electrical equipment or shut down of diesel equipment. –

When the methane concentration at any machine-mounted methane monitor reaches one percent, the monitor shall give a warning signal. The warning signal device of the methane monitor shall be visible to a person operating the equipment on which the monitor is mounted. The methane monitor shall automatically de-energize ~~the extraction apparatus on the machine on which it is~~

~~mounted, but not the machine as a whole to facilitate proper mining procedures~~ electric equipment or shut down diesel-powered equipment on which it is mounted when:

(1) The methane concentration at any machine-mounted methane monitor reaches one and ~~twenty-five one hundredths~~ five-tenths percent; for a sustained period or

(2) The monitor is not operating properly.

The ~~machine's extraction apparatus~~ machine may not again be started in that place until the methane concentration measured by the methane monitor is less than one percent.

~~(i) Compliance schedule for machine refit.=~~

~~Within one hundred twenty days of the effective date of the amendments to this section, the Board of Coal Mine Health and Safety shall promulgate legislative rules pursuant to article three, chapter twenty-nine-a of this code establishing calibration procedures, defining the term "sustained period" for purposes of implementing this section, and establishing a compliance schedule setting forth the time frame in which all new and existing face cutting machines, continuous miners, longwall face equipment and other mechanized equipment used to extract coal or load coal within the working place shall be refitted with methane monitors. Enforcement of subsections (g) and (h) of this section shall not commence until after the time frame is established by rule.;~~

And,

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

Eng. Com. Sub. for Senate Bill No. 603—A Bill to amend and reenact §22A-2-43 of the Code of West Virginia, 1931, as amended, relating to testing for the presence of methane in underground mines; requiring automatic de-energization or shut down of

equipment when a machine-mounted methane monitor indicates a methane concentration of one and five-tenths percent; and removing the requirement that the Board of Coal Mine Health and Safety promulgate a legislative rule defining the term “sustained period”.

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

Engrossed Committee Substitute for Senate Bill No. 603, 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, Fitzsimmons, D. Hall, 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: None.

Absent: Barnes, Facemire and Green—3.

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. 603) 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 amendment to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 4067, 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, as amended by the House of Delegates, passage as amended with its Senate amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill No. 4175, West Virginia Small Business Emergency 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 Senate amendments to the bill were reported by the Clerk:

On page two, section eight, subsection (c), after the words “through this program” by changing the period to a colon and inserting the following proviso: *Provided*, That the authorization also identify an appropriate source of funding for the loans.;

On page three, section eight, subsection (e), before the words “The principal” by inserting the following: The source of principal for any loan provided under this section shall be from funds appropriated to the Civil Contingent Fund or from any other appropriation designated for or applicable to the purpose of providing state of emergency loans to small businesses.;

On page three, section eight, subsection (e), by striking out “\$15,000” and inserting in lieu thereof “\$20,000”;

On page three, section eight, subsection (f), after the word “state.” by inserting the following: Payments of principal shall be credited back to the source of funding, or if the source of funding has expired, to the general revenue fund of the state.;

On page three, section eight, subsection (g), after the words “terms of the written agreement” by inserting the words “and any costs to the state for the collection”;

On page four, section eight, subsection (h), after the words “the applicant” by inserting the words “required security”;

And,

On page four, section eight, subsection (i), by striking out the words “Legislature’s joint committee” and inserting in lieu thereof the words “Joint Committee on Government and Finance”.

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

Engrossed Committee Substitute for House Bill No. 4175, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Chafin, Cookman, Edgell, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—26.

The nays were: Blair, Carmichael, Cole, M. Hall and Sypolt—5.

Absent: Barnes, Facemire and Green—3.

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. 4175) passed with its Senate amended title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, Cann, Chafin, Cookman, Edgell, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Laird,

McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—26.

The nays were: Blair, Carmichael, Cole, M. Hall and Sypolt—5.

Absent: Barnes, Facemire and Green—3.

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. 4175) 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, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 4304, Providing rules for motor vehicles passing bicycles on roadways.

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. 4402, Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

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. 4618, Establishing transformative system of support for early literacy.

On motion of Senator Unger, a leave of absence for the day was granted Senator Facemire.

Pending announcement of majority and minority party caucuses,

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 7, 2014, at 11 a.m.

FRIDAY, MARCH 7, 2014

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Bob McKinney, Retired United Methodist Clergy serving McDowell County, Welch, West Virginia.

Pending the reading of the Journal of Thursday, March 6, 2014,

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.

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. 387, Clarifying duly authorized officers have legal custody of their prisoners while in WV.

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

Eng. Senate Bill No. 394, Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.

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. 456, Extending expiration date for health care provider tax 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. Senate Bill No. 558, Finding and declaring certain claims against state.

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. 600, Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

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. 602, Requiring health care providers wear ID badges.

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 bridge on Rt. 2, Cabell County, "U. S. Army

PFC Homer ‘Clyde’ Farley and U. S. Army PFC Max O. Farley 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. 17, Requesting DOH name bridge in Greenbrier County “U. S. Army Sgt. James Lee Holcomb 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. 19, Requesting DOH name bridge in Lincoln County “U. S. Army Sergeant Paul Norman Chapman 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. 20, Recognizing value and importance of state’s innovation industry.

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 Raleigh County “U. S. Army PFC Shelby Dean Stover 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. 27, Urging President and Congress establish provisions to prevent and respond to chemical spills in state and national waters.

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. 44, Requesting DOH name bridge in Marion County “Sheriff Junior Slaughter Memorial Bridge”.

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, to take effect July 1, 2014, of

Eng. Com. Sub. for House Bill No. 4012, Relating to the Revised Uniform Law on Notarial Acts.

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. House Bill No. 4154, Fixing a technical error relating to the motor fuel excise tax.

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. 4236, Sexual assault nurse examination network.

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 Kirkendoll, 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 that that body had agreed to the changed effective date to take effect from passage, of

Eng. Com. Sub. for House Bill No. 4287, Administration of health maintenance tasks.

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. 4302, Relating to elections for public school purposes.

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. 4392, Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.

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. 4393, Creating the Dangerous Wild Animals Act.

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. 4496, Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.

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. House Bill No. 4619, Authorizing innovation school districts.

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 Wells, Beach and Jenkins.

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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 4621—A Bill expiring funds to the balance of the Department of Administration, Board of Risk and Insurance Management, Patient Injury Compensation Fund, fund 2371, fiscal year 2014, organization 0218, in the amount of \$2,000,000 from the Department of Administration, Board of Risk and Insurance Management, Medical Liability Fund, fund 2368, fiscal year 2014, organization 0218 for the fiscal year ending June 30, 2014.

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. 4621) 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. H. B. No. 4621) 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. 4621) 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 adoption as amended, of

Com. Sub. for House Concurrent Resolution No. 36, Army Sergeant Billy E. Vinson 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. 69, U.S. Army Corporal John L. Gibbs 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. 70, U. S. Army Sgt. Matthew D. Hunter 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. 73, U.S. Army Captain David Van Camp 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. 75, Army SPC 4 Marvin Dewayne Canterbury Memorial Highway.

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. 76, Army PFC Richard Lee Lakin 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. 85—Requesting the Joint Committee on Government and Finance to schedule the October, 2014, Legislative Interim Committee meetings in Morgantown.

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. 90—Requesting the West Virginia Department of Education and the School Building Authority to build the needed and long overdue athletic facilities at Tug Valley High School.

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. 94—Designating April 2 as West Virginia Autism Awareness Day.

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. 96—Requesting the Joint Committee on Government and Finance study policies ensuring that licensed athletic trainers are available during practices and games to all interscholastic student athletes in West Virginia.

Referred to the Committee on Education; 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. 100—Requesting the Joint Committee on Government and Finance study ways to improve the efficiency of and find other cost saving measures within the West Virginia Division of Highways to continue its ability to function at top levels in the face of demanding financial circumstances.

Referred to the Committee on Transportation and Infrastructure; 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. 102—Urging the West Virginia Division of Natural Resources to continue indefinitely its regulatory policy of permitting only bow hunting during designated deer hunting seasons in Logan, McDowell, Mingo and Wyoming counties.

Referred to the Committee on Natural Resources.

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. 106—Requesting the Joint Committee on Government and Finance conduct a study concerning the potential implementation of a Deferred Retirement Option Plan for troopers and employees of the West Virginia State Police.

Referred to the Committee on Pensions; 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. 108—Requesting the Joint Committee on Government and Finance authorize a study on repealing unnecessary or obsolete boards, councils, committees, panels, task forces and commissions.

Referred to the Committee on Government Organization; 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. 109—Requesting the Joint Committee on Government and Finance authorize a study on the State Athletic Commission.

Referred to the Committee on Government Organization; 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. 117—Requesting the Joint Committee on Government and Finance authorize a study on continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety.

Referred to the Committee on Government Organization; 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. 118—Requesting the Joint Committee on Government and Finance to study the allocation of behavioral health spending on community-based support services.

Referred to the Committee on Health and Human Resources; 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. 119—Requesting the Joint Committee on Government and Finance to study the authorization of cities and municipalities to provide a private-public financing option for small businesses and commercial property owners in West Virginia to improve energy efficiency and reduce business costs and examine solutions to barriers in energy efficiency upgrades.

Referred to the Committee on Government Organization; and then to the Committee on Rules.

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

House Concurrent Resolution No. 40, Designating “Take Me Home Country Roads” an official state song.

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. 40) 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.

Thereafter, at the request of Senator Sypolt, and by unanimous consent, the remarks by Senator Cole regarding the adoption of House Concurrent Resolution No. 40 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 Stollings, Yost and D. Hall offered the following resolution:

Senate Concurrent Resolution No. 92—Requesting the Joint Committee on Government and Finance instruct the Joint Committee on Health to study the benefits and costs of direct reimbursement rates paid by the Bureau for Medical Services for mental health therapy services that have been provided by Master’s-prepared, independently licensed mental health therapists.

Whereas, Mental health therapy services offered for the prevention, early intervention and treatment of mental health, behavioral health, substance abuse and emotional conditions and disorders are an effective and recognized course of treatment; and

Whereas, It is anticipated that improved access to quality mental health therapy by Master’s-prepared, independently licensed mental health therapists can effectively address, reduce and eliminate many of the most pressing health, social and behavioral problems facing West Virginia; and

Whereas, There are a myriad of conditions and individuals relative to mental and behavioral health which will benefit from Master’s-prepared, independently licensed mental health therapists. These conditions and persons include post-traumatic stress and

traumatic brain injury patients, family dysfunction and dissolution, children in the foster care system, juvenile delinquents, substance abuse, truancy, domestic violence and incarcerated individuals; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to instruct the Joint Committee on Health to study the benefits and costs of direct reimbursement rates paid by the Bureau for Medical Services for mental health therapy services that have been provided by Master's-prepared, independently licensed mental health therapists; and, be it

Further Resolved, That the Joint Committee on Health report to the regular session of the Legislature, 2015, 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 Stollings and Yost offered the following resolution:

Senate Concurrent Resolution No. 93—Requesting the Joint Committee on Government and Finance study the effects of using tanning beds and their relationship with cancer.

Whereas, The Centers for Disease Control states that the use of indoor tanning has been linked with skin cancers, including melanoma, squamous cell carcinoma and cancers of the eye; and

Whereas, The use of a tanning bed exposes users to both UVA and UVB rays, which damage the skin and may lead to cancer; and

Whereas, Using tanning beds also increases the risk of wrinkles and eye damage and changes skin texture; and

Whereas, Further study is requested to ensure that all who use tanning beds understand the risks when making the decision to tan; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the effects of using tanning beds and their relationship with cancer; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters offered the following resolution:

Senate Concurrent Resolution No. 94—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 Joint Committee on Government and Finance is hereby requested to 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 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, 2015, 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 Cann, Boley, Wells, Kessler (Mr. President), Plymale, Stollings, Jenkins and D. Hall offered the following resolution:

Senate Resolution No. 51—Recognizing the Louis A. Johnson VA Medical Center for its commitment to excellence in providing care to our veterans.

Whereas, The Louis A. Johnson VA Medical Center (LAJVAMC), named after Louis A. Johnson, Secretary of Defense for the Truman Administration, is located adjacent to the Veterans Memorial Park and the West Virginia State Nursing Facility in Clarksburg, West Virginia, and was initially dedicated on December 7, 1950, and enhanced with a clinical addition in 1989; and

Whereas, The LAJVAMC is a Level II complexity facility, serving a veteran population of approximately seventy thousand in North Central West Virginia and neighboring counties in Pennsylvania, Ohio and Maryland; and

Whereas, The LAJVAMC provides inpatient services such as acute medicine, surgery, acute psychiatry, Substance Abuse Residential Rehabilitation Treatment Program (SARRTP), PTSD Residential Rehabilitation Program (PRRP), Psychosocial Residential Rehabilitation Treatment Program (PRRTP) and nursing home care; and

Whereas, The LAJVAMC provides outpatient services such as ambulatory surgery, audiology, cardiology, dental, dermatology, diabetes, ENT, gastroenterology, general internal medicine, general surgery, gynecology, hematology/oncology, infectious disease, nephrology, nutrition, occupational therapy, ophthalmology, optometry, pain, physical therapy, podiatry, primary care, prosthetics, behavioral medicine (including substance abuse, telepsychiatry, PTSD, etc.), pulmonology, recreation therapy, rheumatology, social work, speech pathology, urology and vascular surgery; and

Whereas, The LAJVAMC hosts several Programs of Excellence which have received local, state and national recognition including the Community and Rural Healthcare Program, the Women's Healthcare Program, the Tele-Health Program and the Homeless Commission on Accreditation of Rehabilitative Facilities; and

Whereas, From providing the most advanced medical care to providing valet parking upon arrival, the LAJVAMC provides a

standard of care and an attention to detail that is unmatched by most; and

Whereas, The unparalleled dedication and commitment of the staff and management at the LAJVAMC, who strive every day to give veterans the care and attention they have earned, is what makes this VA one of the best in the United States; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Louis A. Johnson VA Medical Center for its commitment to excellence in providing care to our veterans; and, be it

Further Resolved, That the Senate acknowledges and appreciates the staff and management at the Louis A. Johnson VA Medical Center for their dedicated public service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Louis A. Johnson VA Medical Center.

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 resumed business under the sixth order.

Senators Green, D. Hall, Wells, Kessler (Mr. President), Plymale, Stollings, Yost and Jenkins offered the following resolution:

Senate Resolution No. 52—Memorializing the life of Jeffrey S. Taylor, a native of Midway, West Virginia, who gave his life in defense of his country.

Whereas, Jeffrey S. Taylor spent his first eighteen years in Midway, West Virginia, where he graduated from Independence High School in Coal City; and

Whereas, Jeffrey S. Taylor enlisted in the U. S. Navy on June 20, 1994, and completed basic training in Great Lakes, Illinois, in August, 1994. He was also a graduate of Field Medical Service School in Camp Lejeune, North Carolina, and became a Navy SEAL following Underwater Demolition/SEAL Training in Coronado, California; and

Whereas, Jeffrey S. Taylor was also a Basic Airborne and Military Freefall Parachute School graduate, and in addition to SEAL Team Ten, his previous duty stations include the Navy Medical Center, Portsmouth, the 2nd Marine Division, Camp Lejeune, North Carolina, SEAL Team Eight and USS Theodore Roosevelt (CVN 71); and

Whereas, Sadly, Hospital Corpsman First Class Jeffrey S. Taylor died June 28, 2005, while conducting combat operations in Afghanistan. He was killed when the MH-47 Chinook helicopter he was aboard crashed into the rugged mountains of eastern Afghanistan. The helicopter was en route to provide support to troops on the ground when it was shot down by enemy forces. He was assigned to SEAL Team Ten, Virginia Beach; and

Whereas, Hospital Corpsman First Class Jeffrey S. Taylor's military awards include the Bronze Star with Combat "V" for Valor, Purple Heart, Navy Commendation Medal with Combat "V" for Valor, Navy and Marine Corps Achievement Medal, Combat Action Ribbon, Afghanistan Campaign Medal, posthumously, Presidential Unit Citation, Navy Unit Commendation (2), Meritorious Unit Commendation, Navy "E" Ribbon, Good Conduct Ribbon (4), Navy Fleet Marine Force Medal, Armed Forces Expeditionary Medal, National Defense Service Medal (2), Global War on Terrorism Service Medal and Sea Service Deployment Ribbon (3) as well as numerous other personal and command awards; and

Whereas, Hospital Corpsman First Class Jeffrey S. Taylor left behind a host of family and friends to cherish his memory, including his wife Erin (Banghart) Taylor of Virginia Beach; his mother, Gail Bowman of Beckley, West Virginia; brother, Brandon Eston Cox of Wichita; his stepfather, Jim Bowman; four stepbrothers, James Gregory Bowman, Jay Patrick Bowman, Kelly Dale Bowman and Carl Dayton Bowman, all of Beckley; his father, John Taylor, stepmother, Cheryl Gwinn Taylor, and his half-brothers, Justin Alex Taylor and Josh David Taylor, all of Rainelle, West Virginia; his maternal grandmother, Manda Elizabeth Birchfield; and a paternal grandmother, Lucille Taylor Smith; and

Whereas, It is fitting that today we honor the life of Hospital Corpsman First Class Jeffrey S. Taylor, who made the ultimate sacrifice for his country; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Jeffrey S. Taylor, a native of Midway, West Virginia, who gave his life in defense of his country; and, be it

Further Resolved, That the Senate expresses its most sincere condolences to the family of Hospital Corpsman First Class Jeffrey S. Taylor; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Hospital Corpsman First Class Jeffrey S. Taylor.

Which, under the rules, lies over one day.

At the request of Senator Unger, unanimous consent being granted, 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. 95 (originating in the Committee on Health and Human Resources)—Requesting the Legislative Oversight Commission on Health and Human Resources Accountability to study the necessity and improvement of long-term care planning in West Virginia.

Whereas, The baby boomer generation is coming of age to retire and it is important to examine the entire spectrum of long term care which both addresses the current and future plans of West Virginia to care for our senior citizens; and

Whereas, West Virginia seemingly has no long-range plan to deal with this wave of retiring and aging citizens; and

Whereas, The “baby boomer tsunami” is a reality. According to the U. S. Census Bureau, there are more than seventy-seven million boomers in the United States and by 2030, this demographic (born between 1946 and 1964) will represent an estimated twenty percent of the population. This means more than ten thousand baby boomers will turn sixty-five every day for the next sixteen years; and

Whereas, West Virginia’s senior population presents an even greater challenge since West Virginia is second only to Florida in the average age of its population; and

Whereas, This is not only a statewide issue. There are seniors who are awaiting services in certain geographic areas where the availability of services differs simply due to location; and

Whereas, Services provided by county aging programs and their delivery areas are limited by the funding available to meet the needs of the retiring population; and

Whereas, There is a severe need for more resources and placement options for West Virginia's aging population. Some states have Medicaid paid group homes and/or assisted living facilities that West Virginia does not have. There would be a need for specialized adult family care providers, who would specialize in working with often difficult elderly consumers, which West Virginia cannot currently meet; and

Whereas, Our existing infrastructure is already stretched beyond capacity and an aging population is only going to continue to overload an already overburdened system; and

Whereas, West Virginia needs to explore options and develop a long and short-range plan to address the needs of our aging population by addressing such areas as: Continuum of long-term care service strategies, exploration of strategies being employed by other states, technical assistance from the Center for Medicare and Medicaid Services and other Federal agencies, payment formula and fiscal analysis which impact of aging population, provider availability by region and workforce availability by region; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislative Oversight Commission on Health and Human Resources Accountability is hereby requested to study the necessity and improvement of long-term care planning in West Virginia; and, be it

Further Resolved, That the Legislative Oversight Commission on Health and Human Resources Accountability report to the regular session of the Legislature, 2015, 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. 96 (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Health to conduct a study on the cost of emergency transportation and billing practices of air-ambulance companies operating in West Virginia.

Whereas, Families are occasionally faced with the difficult decision of having to hire an air ambulance to transport their loved ones in cases of severe and immediate medical emergencies; and

Whereas, The emotional toll of dealing with a family member whose medical condition is so intense and extreme can cause people to lose sight of anything except caring for their loved one; and

Whereas, In situations where a need arises that requires a loved one to be transported via helicopter to a health care facility where they can receive needed and often life-saving medical attention, the cost of the transport is not the first consideration when making arrangements for the transport; and

Whereas, Air-transportation vendors who are not participants in an insured plan but who transport a plan member or plan member's family member often submit requests for payment well beyond what is felt to be reasonable and necessary; and

Whereas, These bills present a burden to families who, upon receipt, attempt to make arrangements to negotiate the rate but find that once the service has been rendered that the air-transportation company is reluctant to negotiate a reduction in the charge; and

Whereas, Striking a balance between a reimbursement rate that families can afford to pay and a reasonable fee for service that

provides air-transportation operators a respectable profit is a difficult endeavor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Health is hereby requested to conduct a study on the cost of emergency transportation and billing practices of air-ambulance companies operating in West Virginia; and, be it

Further Resolved, That the Joint Committee on Health report to the regular session of the Legislature, 2015, 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.

Respectfully submitted,

Ron Stollings,
Chair.

At the request of Senator Stollings, unanimous consent being granted, the resolutions (S. C. R. Nos. 95 and 96) 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 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. 97 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study the governance of the West Virginia Secondary School Activities Commission.

Whereas, The West Virginia Secondary School Activities Commission is incorporated, with the consent of the State Board of Education, as a nonprofit, nonstock corporation; and

Whereas, The West Virginia Secondary School Activities Commission is composed of the principals, or their representatives, of those secondary schools whose county boards of education have certified in writing to the State Superintendent of Schools that they have elected to delegate the control, supervision and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to the commission; and

Whereas, The West Virginia Secondary School Activities Commission was in existence for fifty-one years before the enactment of West Virginia Code §18-2-25, which allows the county boards of education to delegate the control, supervision and regulation of interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission; and

Whereas, West Virginia Code §18-2-25 has not been amended since 1967; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the governance of the West Virginia Secondary School Activities Commission; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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. 97) 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 85, Requesting Joint Legislative Oversight Commission on State Water Resources study water infrastructure.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Natural Resources; and then to the Committee on Rules.

Senate Concurrent Resolution No. 86, Requesting School Building Authority waive matching requirements and fund needed improvements for School for Deaf and Blind.

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.

Senate Concurrent Resolution No. 87, Requesting Joint Committee on Government and Finance study behavioral health spending on community-based support services.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources; and then to the Committee on Rules.

Senate Resolution No. 43, Memorializing life and public service of James Howard "Buck" Harless.

On unfinished business, coming up in regular order, was reported by the Clerk.

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.

Thereafter, at the request of Senator Miller, and by unanimous consent, the remarks by Senators Chafin, Plymale, McCabe and Kirkendoll regarding the adoption of Senate Resolution No. 43 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.

Com. Sub. for House Concurrent Resolution No. 17, The "Captain Isaac Alt West Virginia Militia Memorial Bridge".

On unfinished business, coming up in regular 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 two, in the Resolved clause, by striking out the words “Captain Isaac Alt West Virginia Militia” and inserting in lieu thereof the words “West Virginia Militia Captain Isaac Alt”;

On page two, in the first Further Resolved clause, by striking out the words “Captain Isaac Alt West Virginia Militia” and inserting in lieu thereof the words “West Virginia Militia Captain Isaac Alt”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 17—Requesting the Division of Highways to name the bridge locally known as the North Mill Creek Bridge on Route 220, Pendleton County, bridge number 36-220-32.32 (36A166), as the “West Virginia Militia Captain Isaac Alt Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 17), 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.

Com. Sub. for House Concurrent Resolution No. 28, William S. Croaff Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “William” by inserting the words “U. S. Army PFC”;

On page two, in the first Further Resolved clause, before the word “William” by inserting the words “U. S. Army PFC”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 28—Requesting the Division of Highways to name bridge number 30-49-0.01 (30A056) on Route 49 in Mingo County, the “U. S. Army PFC William S. (Bill) Croaff Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 28), 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.

Com. Sub. for House Concurrent Resolution No. 34, Marine Private Rudy Varney Bridge, Purple Heart Recipient.

On unfinished business, coming up in regular 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:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, USMC Private Varney served as a Marine in the Vietnam War, receiving a Purple Heart for wounds sustained on April 14, 1968, in the Battle of Khe Sahn; and

Whereas, USMC Private Varney returned to America after the Vietnam War and dedicated his life to serving veterans from Southern West Virginia, establishing and assuming roles of leadership in numerous programs to include the Commander of the local chapter of the Vietnam Veterans of America for over twenty years and has served in leadership positions on numerous other veterans organizations as well; and

Whereas, USMC Private Varney was assigned to the Governor's Council for Veterans Issues across West Virginia; and

Whereas, USMC Private Varney served as a Veterans driver for years transporting countless veterans to and from appointments at the Veterans Administration Hospitals across the state to ensure all veteran issues were addressed; and

Whereas, USMC Private Varney is solely responsible for the survival and success of the Henlawson Veterans Center, working to establish programs and opportunities that have assisted countless veterans over the past three decades; and

Whereas, USMC Private Varney has served on numerous veteran boards, committees and panels established by past governors, elected officials and key veteran leaders to address veterans issues such as homelessness and the creation of veteran graveyards across Southern West Virginia; and

Whereas, USMC Private Varney has worked closely with the Logan Empowerment, Action and Development Community Organization on events such as Operation Santa and Operation Clean Sweep and the Homeless Count to assist those in need, set an example for others to follow and made Logan a better place to live; and

Whereas, It is fitting that an enduring testament be established to recognize this native son who has so ably served his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10-22.06 (23A040) on Route 10 in Logan County, West Virginia, the “USMC Private Rudy Varney 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 containing bold and prominent letters proclaiming the bridge the “USMC Private Rudy Varney Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and Rudy Varney.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 34—Requesting that bridge number 23-10-22.06 (23A040) on Route 10 in Logan County, West Virginia, be named the “USMC Private Rudy Varney Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 34), 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.

House Concurrent Resolution No. 49, Army PFC Lilborn Dillon Memorial Road.

On unfinished business, coming up in regular 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 two, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page two, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 49—Requesting that the 0.2 mile of roadway beginning at the Crawley Creek exit off Route 119/27 at Chapmanville in Logan County, West Virginia, and ending at Route 3 be named the “U. S. Army PFC Lilborn Dillon Memorial Road”.

The question being on the adoption of the resolution (H. C. R. No. 49), 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.

Com. Sub. for House Concurrent Resolution No. 52, Kenneth A. Chapman Sr. Memorial Bridge.

On unfinished business, coming up in regular 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:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, Kenneth A. Chapman was born September 17, 1956, a son of the late Clarence and Pearl Chapman; and

Whereas, Kenneth A. Chapman was raised on Maple Fork Road in Raleigh County along with his ten brothers and two sisters; and

Whereas, Kenneth A. Chapman was a third generation coal miner who followed his father and grandfather into the mines; and

Whereas, Kenneth A. Chapman was tragically killed on April 5, 2010, along with 28 other miners in the Upper Big Branch mine explosion; and

Whereas, Kenneth A. Chapman was a devoted family man who always had a smile on his face, and who enjoyed hunting, fishing and working in his garden; and

Whereas, Kenneth A. Chapman was preceded in death by three brothers, Billy, Robert, and Clarence Chapman, and two sisters-in-law, Carol Chapman and Joyce Chapman; and those left to cherish his loving memory include his wife, Laura Chapman; children by his first marriage, Donna Griffith and husband, Matthew, Vicky Williams and husband, Richard, Kenny Chapman, Jr. and wife, Deniese; a son by his second marriage, Michael Austin Chapman; his other children, Jason McMillion, Carol Massey, and Jubal McMillion and wife, Sarah; brothers and sisters, Charles Chapman and wife, Grace, Glen Chapman and wife, Judy, Dennis Chapman and wife, Gaye, Henry Chapman and wife, Theresia, Larry Chapman and wife, Betty, Linda Frye and husband, Ronnie, Breanda Bailey and husband, Glenn, Jimmy Chapman and wife, Brenda,

Ronnie Chapman and wife, Lisa; and numerous grandchildren, nieces, nephews and extended family; and

Whereas, Kenneth A. Chapman not only loved his family, he loved his job because it was in his blood and he felt like he was making a contribution to “help keep the lights on” for all of us; and

Whereas, It is only fitting that we name this bridge on Maple Fork Road to honor Kenneth A. Chapman, where he lived all his life and is now buried; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-1-24.51 (41A009) on Maple Fork Road where it connects with Cirtsville Road in Raleigh County, the “Kenneth A. Chapman 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 “Kenneth A. Chapman Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to Kenneth A. Chapman’s sister, Breanda Chapman Bailey, and family.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 52—Requesting the Division of Highways to name bridge number 41-1-24.51 (41A009) on Maple Fork Road where it connects with Cirtsville Road in Raleigh County, the “Kenneth A. Chapman Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for 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.

House Concurrent Resolution No. 59, Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, The rate of disability in West Virginia is the highest in the country; and

Whereas, Almost all older adults and people with disabilities who need assistance with activities of daily living want to remain in their homes and communities; and

Whereas, Providing services and supports to both people with disabilities and people who are aging in their homes and communities is generally much less expensive than nursing home care; and

Whereas, The population of older adults and people with disabilities in West Virginia is over 800,000 and is expected to continue to increase and is projected to increase; and

Whereas, The increasing population of older adults and people with disabilities will demand the availability of more services and

supports to enable people to remain in their own homes and communities; and

Whereas, To successfully address the surging population of older adults and people with disabilities who have significant needs for long-term services and supports, the state must develop methods to encourage and support families to assist their disabled relatives and develop ways to recruit and retain a qualified, responsive in-home care workforce; and

Whereas, A comprehensive approach to policy in this area is an urgent need, and must be built on effective partnerships and coordinated to achieve the greatest impact from available resources; and

Whereas, The existing system is over forty years old and cannot be sustained without creative new approaches and solutions to the expanding needs with consideration of limited resources and existing programs; 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 future needs of people with disabilities; and, be it

Further Resolved, That the Joint Committee on Government and Finance shall report to the regular session of the Legislature, 2015, on its findings, conclusions and recommendations together with drafts of any proposed legislation necessary to effectuate such 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,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 59—Requesting the Joint Committee on Government and Finance study eldercare and disability care to better meet the needs of West Virginians of all backgrounds.

The question being on the adoption of the resolution (H. C. R. No. 59), 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.

Com. Sub. for House Concurrent Resolution No. 60, Lester W. ‘Cappy’ Burnside, Jr. Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, Lester W. “Cappy” Burnside, Jr. was born in Clarksburg in January 1934; his parents were the late Lester W. Burnside and Louise Nowery Burnside. He graduated from Greenbrier Military School, Lewisburg, and West Virginia University; and

Whereas, Lester W. “Cappy” Burnside, Jr. served in the U. S. Army and retired as a Captain in the U. S. Army Reserve; and

Whereas, In January 1990, Senator Robert C. Byrd announced that the FBI Identification Division would relocate to West Virginia, in order to implement the Automated Fingerprint Identification System (AFIS), a new computer system to identify fingerprints in a matter of minutes. Just as Cappy Burnside was taking office as President of Harrison 2000, a new economic development initiative, the organization learned that FBI teams would be looking in several counties for a possible site for the facility; and

Whereas, Cappy Burnside then promptly organized an FBI property committee, began discussions with property owners, evaluated utility extensions to each potential site in Harrison County and established personal relationships with FBI officials. Each of these efforts contributed to the final chemistry for a successful project. By late June, FBI officials asked Harrison 2000 to option 1000 acres adjacent to I-79 by August 1 of that year; and

Whereas, For a year and a half, Cappy Burnside put aside many of his duties with his business and most of his time for leisure with his family to concentrate on securing the FBI project for Harrison County. He worked arduously and meticulously during this time to accomplish numerous FBI requirements; and

Whereas, Twenty years after these events, Route 279 (Jerry Dove Exit 124), has opened an entire area for development resulting in Charles Pointe, White Oaks, and United Hospital Center and further economic development and well-being of Harrison County; and

Whereas, Cappy Burnside has participated in many community groups including: Association of Industrial Development: Board of Directors; Clarksburg Industrial Development Corporation: President, 1989-1990; Boy Scouts of America, Central West Virginia Council: Board of Directors; North Bend Rails to Trails Foundation: Advisory Board; American Society of Highway Engineers, Central West Virginia Chapter: President, 1989; Mon Valley Tri-State Network; Clarksburg Planning and Zoning

Commission: Member; Salvation Army Advisory Board; Clarksburg Kiwanis Club: President 1969-1970. Until 2006, he was a board member of the Friends of West Virginia Public Radio, having also served as chair in 1995 and then as treasurer; and

Whereas, He was president and treasurer of Consolidated Supply Company until he closed the business in 1992 and, in recent years, he was a consultant to building supply firms specializing in materials for highways and bridges; and

Whereas, Naming a bridge on Route 279 for Cappy Burnside is an appropriate recognition of his contributions to the economic development and well-being of Harrison County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge on Route 279 between the FBI CJIS Division and Route 50 crossing Interstate 79, bridge number 17-279-1.66 (17A314), in Harrison County (Jerry Dove Exit 124), the “Lester W. ‘Cappy’ Burnside, Jr. 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 “Lester W. ‘Cappy’ Burnside, Jr. Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and Lester W. “Cappy” Burnside, Jr. and his family.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 60), 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.

Com. Sub. for House Concurrent Resolution No. 64, SSG Earl F. Brown Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the Resolved clause, by striking out the words “SSG Earl F. (Fred) Brown” and inserting in lieu thereof the words “U. S. Army SSG Earl F. ‘Fred’ Brown”;

On page two, in the first Further Resolved clause, by striking out the words “SSG Earl F. (Fred) Brown” and inserting in lieu thereof the words “U. S. Army SSG Earl F. ‘Fred’ Brown”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 64—Requesting that bridge number 21-33-22.22 near the Weston exit off I-79, and 0.09 miles west of the junction of county 119/21, locally known as Sauls Run W-Beam Bridge, crossing over Stonecoal Creek, Bars numbers 21A094 and 21A153, in Lewis County, West Virginia, be named the “U. S. Army SSG Earl F. ‘Fred’ Brown Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 64), 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.

Com. Sub. for House Concurrent Resolution No. 65, Army SP4 Harold “Skip” Grouser Memorial Bridge.

On unfinished business, coming up in regular 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 one, in the fifth Whereas clause, by striking out the word “unknowingly”;

On page two, in the Resolved clause, before the word “Army” by inserting “U. S.”;

On page two, in the first Further Resolved clause, before the word “Army” by inserting “U. S.”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 65—Requesting that bridge number 40-25/2-0.13 (40A153) on 40th Street and near 2nd Avenue in Nitro, Putnam County, West Virginia, the “U. S. Army SP4 Harold ‘Skip’ Grouser Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for 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.

Com. Sub. for House Concurrent Resolution No. 66, Quentin H. Wickline Memorial Bridge.

On unfinished business, coming up in regular 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 one, in the fifth Whereas, by striking out “Pt.” and inserting in lieu thereof the word “Point”;

On page two, in the sixth Whereas, by striking out “Pt.” and inserting in lieu thereof the word “Point”;

On page two, in the Resolved clause, by striking out “Pt.” and inserting in lieu thereof the word “Point”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for House Concurrent Resolution No. 66—Requesting that the Division of Highways name bridge number 27-15-6.53 (27A024), currently known as Old Town Bridge on County Route 15 (Sandhill Rd.) near Point Pleasant, Mason County, West Virginia the “Quentin H. Wickline Memorial Bridge”.

The question being on the adoption of the resolution (Com. Sub. for 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.

Com. Sub. for House Concurrent Resolution No. 71, Army Private William C. Bias Memorial Bridge.

On unfinished business, coming up in regular 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 two, in the second Further Resolved clause, by striking out the words “1880 Tuscarona Road, Niagara Fall, NY 14304” and inserting in lieu thereof the words “Niagara Falls, NY”;

And,

On page two, in the second Further Resolved clause, by striking out the words “701 Garvin Avenue, Apartment 305”.

The question being on the adoption of the resolution (Com. Sub. for H. C. R. No. 71), 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.

House Concurrent Resolution No. 105, Urging Congress to pass the Safe Freight Act.

On unfinished business, coming up in regular 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 two, in the fifth Whereas clause, by striking out the word “individual” and inserting in lieu thereof the word “individuals”;

On page two, in the Resolved clause, after the word “have” by inserting the words “a crew of”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution No. 105—Urging Congress to pass the Safe Freight Act as contained in H. R. 3040 providing that a freight train or light engine used in connection with the movement of freight have a crew of at least two individuals, one of whom is certified as a locomotive engineer and the other who is certified as a conductor.

The question being on the adoption of the resolution (H. C. R. No. 105), 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.

The Senate proceeded to the eighth order of business.

Eng. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Palumbo, the Senate reconsidered the vote by which on yesterday, Thursday, March 6, 2014, it adopted Senator Palumbo's amendment to the resolution (*shown in the Senate Journal of that day, pages 1759 and 1760*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Palumbo's amendment to the resolution.

On motion of Senator Palumbo, the following amendment to Senator Palumbo's amendment to the resolution was reported by the Clerk and adopted:

On page two, in the Resolved further clause, by striking out the words “leased or”.

The question being on the adoption of Senator Palumbo’s amendment to the resolution, as amended, the same was put and prevailed.

Having been engrossed, the resolution (Eng. H. J. R. No. 108), as amended, was then read a third time and put upon its adoption.

On the adoption of the resolution, 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, Williams, Yost and Kessler (Mr. President)—32.

The nays were: D. Hall—1.

Absent: Green—1.

The following amendment to the title of the resolution, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Joint Resolution No. 108—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 exempting certain nonprofit youth organizations which have facilities within this state which cost in excess of \$100,000,000 from ad valorem property taxation on property owned by the organization whether or not said property is leased or used to support the organization; conditioning tax exemption on enactment of legislation to which shall include protecting interests of entities in the region where the facility is located; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. H. J. R. No. 108) adopted, as follows:

Eng. House Joint Resolution No. 108—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 exempting certain nonprofit youth organizations which have facilities within this state which cost in excess of \$100,000,000 from ad valorem property taxation on property owned by the organization whether or not said property is leased or used to support the organization; conditioning tax exemption on enactment of legislation to which shall include protecting interests of entities in the region where the facility is located; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2014, which proposed amendment is that article X thereof be amended by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§12. Nonprofit youth organization revenue exemption.

Notwithstanding any provision of this Constitution to the contrary, real property in this state which is owned by a non-profit organization that has as its primary purpose the development of youth through adventure, educational or recreational activities for young people and others, which property contains facilities built at a cost of not less than \$100,000,000 and which property is capable of supporting additional activities within the region and the State of West Virginia is

exempt from ad valorem property taxation whether or not such property is used for the nonprofit organization's primary purpose or to generate revenue for the benefit of the non-profit organization subject to any requirements, limitations and conditions as may be prescribed by general law: *Provided*, That the tax exemption authorized by the provisions of this section shall not become effective until the Legislature adopts enabling legislation authorizing the exemption's implementation and concurrently prescribing requirements, limitations and conditions for the use of the tax exempt facility that protect local and regionally located businesses from use of the tax exempt facility in a manner that causes unfair competition and unreasonable loss of revenue to those businesses.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment No. 1" and designated as the "Nonprofit Youth Organization Tax Exemption Support Amendment" and the purpose of the proposed amendment is summarized as follows: "To amend the State Constitution to exempt certain nonprofit youth organizations from ad valorem property taxation on property owned by the organization which is used to support the organization." This tax exemption does not take effect until the Legislature enacts laws that protect local and regional businesses from unfair competition and unreasonable loss of revenue from business competition by the facility utilizing this tax exemption.

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. 2803, Requiring electric utilities to implement integrated resource plans.

On third reading, 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, D. Hall, 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: Green—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. 2803) 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. 3108, Relating to criminal background checks on applicants for employment by nursing homes.

On third reading, 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, D. Hall, 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: Green—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. 3108) 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. 3108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating to prohibiting employment by a nursing home of a person convicted of certain crimes unless a variance has been granted by the secretary; and authorizing the Secretary of the Department of Health and Human Resources 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 House Bill No. 4005, Relating to criminal offenses for child neglect.

On third reading, 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, D. Hall, 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: Green—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. 4005) 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. 4005—A Bill to amend and reenact §61-8D-1, §61-8D-3, §61-8D-4 and §61-8D-9 of the Code of West Virginia, 1931, as amended, relating to offenses of child abuse and neglect by a parent, guardian or custodian; defining terms and creating exceptions to terms; creating a criminal offense for child abuse by a parent, guardian or custodian which creates a substantial risk of bodily injury; establishing misdemeanor penalties for a first and second offense; providing that those convicted of a first or second offense may be required to undergo certain counseling; making a conviction of a third or subsequent offense a felony and establishing criminal penalties; stating that reasonable discipline of a child is not precluded by the child abuse crimes; making it a felony for a parent, guardian or custodian to grossly neglect a child which creates substantial risk of serious bodily injury or death; creating a criminal offense of child neglect by a parent, guardian or custodian which creates a substantial risk of bodily injury with misdemeanor penalties for first and second offenses and felony penalties for third and subsequent offenses; providing that a parent, guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or neglect or suffer other potential collateral consequences; permitting a person convicted of a misdemeanor to also be required to complete certain counseling; providing that a parent, guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or neglect and may not, solely because of the conviction, have their custody, visitation or parental rights automatically restricted; and requiring the court to declare a person an abusing parent under article six, chapter forty-nine of this code if they are convicted of a felony offense under this article.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 4006, Relating to the possession and distribution of child pornography.

On third reading, 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, D. Hall, 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: Green—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. 4006) 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. 4006—A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes pertaining to the possession, transmission, transportation, distribution and exhibiting of material depicting minors in sexually explicit conduct; adding the accessing of such materials with intent to view as a defined offense; creating an enhanced penalties for possessing, accessing with intent to view, transporting, receiving or distributing files or materials based on the number of images in a digital, photographic or video format which depict minors engaging in sexually explicit conduct or depict acts of bestiality involving a child; and setting a number of images based on length for video film or similar media.

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. 4039, 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, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. 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: Blair and M. Hall—2.

Absent: Green—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. 4039) 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, D. 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: Blair and M. Hall—2.

Absent: Green—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 H. B. No. 4039) 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. 4135, Designating the first Thursday in May the West Virginia Day of Prayer.

On third reading, 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, D. Hall, 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: Green—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. 4135) 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. 4147, Relating to emergency preparedness.

On third reading, 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, D. Hall, 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: Green-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. 4147) 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. 4147—A Bill to amend and reenact §15-5-1 and §15-5-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6J-1, §46A-6J-2, §46A-6J-3 and §46A-6J-4 of said code, all relating to emergency preparedness; revising the policy statement for the Division of Homeland Security and Emergency Management; authorizing the Governor or the Legislature to declare a state of preparedness; limiting a state of preparedness to thirty days; identifying conditions that permit a declaration of a state of preparedness; adding the term “state of preparedness” to where “state of emergency” is referred throughout the code; providing that a state of preparedness has the same effect as a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; revising the definition of “state of emergency” in the West Virginia Consumer Protection Act; defining “state of preparedness” and “large-scale threat” in the West Virginia Consumer Protection Act; requiring the Governor to specifically list items or services subject to unfair pricing provisions in a proclamation declaring a state of preparedness; requiring notification of a state of preparedness by the Secretary of State; and making other technical and stylistic revisions.

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, D. Hall, 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: Green—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 H. B. No. 4147) 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. 4149, Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.

On third reading, 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, D. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—23.

The nays were: Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters—10.

Absent: Green—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. 4149) 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.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill No. 4156, Electronic Toll Collection 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: Beach, Cann, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, Kirkendoll, Laird, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—22.

The nays were: Barnes, Blair, Boley, Chafin, Cole, M. Hall, Jenkins, Miller, Nohe, Sypolt and Walters—11.

Absent: Green—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. 4156) 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. 4183, Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.

On third reading, 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, D. Hall, 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: Green—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 H. B. No. 4183) 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, D. Hall, 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: Green—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 H. B. No. 4183) 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. 4196, Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs.

On third reading, 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, D. Hall, 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: Green—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. 4196) 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. 4208, Banning synthetic hallucinogens.

On third reading, 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, D. Hall, 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: Green—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. 4208) 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 the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 4208—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 controlled substances; modifying the lists of scheduled controlled drugs; making all substances containing dihydrocodeinone schedule II controlled substances; making tramadol hydrochloride a schedule IV controlled substance; adding certain synthetic drugs to the list of scheduled controlled substances; modifying and including definitions; and modifying manner in which buprenorphine and naloxone may be prescribed.

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. 4217, Relating to Medicaid reports to the Legislature.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Stollings, the Senate reconsidered the vote by which on yesterday, Thursday, March 6, 2014, it adopted the Health and Human Resources committee amendment to the bill, as amended (*shown in the Senate Journal of that day, pages 1671 to 1675, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Health and Human Resources committee amendment to the bill, as amended.

On motion of Senator Stollings, the following amendments to the Health and Human Resources committee amendment to the bill, as amended, were reported by the Clerk, considered simultaneously, and adopted:

On page four, section twenty-three, subsection (b), by striking out the word “related” and inserting in lieu thereof the word “formal”;

On page four, section twenty-three, subsection (b), by striking out the word “twenty-four” and inserting in lieu thereof the word “seventy-two”;

And,

On page four, section twenty-three, subsection (c), by striking out the word “twenty-four” and inserting in lieu thereof the word “seventy-two”.

The question now being on the adoption of the Health and Human Resources 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. 4217), as just amended, 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, D. Hall, 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: Green—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. 4217) 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. 4242, Increasing gross weight limitations on certain roads in Brooke County.

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. 4242 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, 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: Green—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. 4242) 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, D. Hall, 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: Green—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 H. B. No. 4242) 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. 4245, Relating to anticipated retirement dates of certain health care professionals.

On third reading, 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, D. Hall, 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: Green-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. 4245) 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. 4254, Providing that certain state employees may be granted a leave of absence with pay 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, D. Hall, 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: Green-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. 4254) 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, D. Hall, 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: Green—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 H. B. No. 4254) 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 1:45 p.m. today.

Upon expiration of the recess, the Senate reconvened and resumed business under the eighth order, the next bill coming up in numerical sequence being

Eng. House Bill No. 4256, Amending the annual salary schedule for members of the state police.

On third reading, coming up in regular order, with the right having been granted on Wednesday, March 5, 2014, for amendments to be received on third reading, was reported by the Clerk.

On motions of Senators Prezioso and Unger, 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 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code for the purpose of ensuring consistency, predictability and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

~~(d) Beginning on July 1, 2008, through June 30, 2011, members shall receive annual salaries as follows:~~

**~~ANNUAL SALARY SCHEDULE (BASE PAY)
SUPERVISORY AND NONSUPERVISORY RANKS~~**

Cadet During Training	\$ 2,752.00 Mo. \$ 33,024
Cadet Trooper After Training	3,357.33 Mo. 40,288
Trooper Second Year	41,296
Trooper Third Year	41,679
Senior Trooper	42,078

Trooper First Class	42,684
Corporal	43,290
Sergeant	47,591
First Sergeant	49,742
Second Lieutenant	51,892
First Lieutenant	54,043
Captain	56,194
Major	58,344
Lieutenant Colonel	60,495

~~ANNUAL SALARY SCHEDULE (BASE PAY)
ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION~~

I	\$ 41,679
II	42,078
III	42,684
IV	43,290
V	47,591
VI	49,742
VII	51,892
VIII	54,043

~~ANNUAL SALARY SCHEDULE (BASE PAY)
CRIMINALIST CLASSIFICATION~~

I	\$ 41,679
II	42,078
III	42,684
IV	43,290
V	47,591
VI	49,742
VII	51,892
VIII	54,043

(d) Beginning on July 1, 2011, and continuing thereafter, members shall receive annual salaries as follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)
SUPERVISORY AND NONSUPERVISORY RANKS**

Cadet During Training	\$ 2,833 Mo.	\$ 33,994
Cadet Trooper After Training	3,438 Mo.	41,258
Trooper Second Year		42,266
Trooper Third Year		42,649
Senior Trooper		43,048
Trooper First Class		43,654
Corporal		44,260
Sergeant		48,561
First Sergeant		50,712
Second Lieutenant		52,862
First Lieutenant		55,013
Captain		57,164
Major		59,314
Lieutenant Colonel		61,465

**ANNUAL SALARY SCHEDULE (BASE PAY)
ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION**

I	\$ 42,266
II	43,048
III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

**ANNUAL SALARY SCHEDULE (BASE PAY)
CRIMINALIST CLASSIFICATION**

I	\$ 42,266
II	43,048
III	43,654

IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: At Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$400 \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the number of hours per month which constitute the standard work month for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard work month. The superintendent shall certify monthly to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard work month and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$400 monthly. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such

participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the Armed Forces of the United States annually shall be granted, upon request, leave time not to exceed thirty calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

Having been engrossed, the bill (Eng. H. B. No. 4256), as just amended, 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, D. Hall, 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: Green—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. 4256) passed.

On motion of Senator Prezioso, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill No. 4256—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the longevity pay for members of the State 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. 4268, Relating to the administration of veterans' assistance.

On third reading, 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, D. Hall, 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: Green—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. 4268) 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. 4268—A Bill to repeal §9A-1-13, §9A-1-14 and §9A-1-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9A-1-2, §9A-1-4, §9A-1-5, §9A-1-6, §9A-1-8, §9A-1-9, §9A-1-10, §9A-1-11 and §9A-1-12 of said code, all relating to the Department of Veterans' Assistance;

removing outdated language; providing additional powers to the Secretary of Department of Veterans' Assistance; modifying the duties of the Veterans' Council; authorizing the Secretary to award grants to provide transportation for veterans; and authorizing the Secretary of the Department of Veterans' Assistance to enter into agreement with the Commissioner of the Department of Agriculture to transfer certain property for construction of a veterans skilled nursing facility.

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. 4278, Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

On third reading, 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, D. Hall, 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: Green—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. 4278) 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. 4278—A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, relating to medical and podiatry corporations; declaring certain unlawful acts; clarifying the certificate of authorization requirements for in-state and out-of-state medical and podiatry corporations; setting forth the shareholder requirements; setting notice certain requirements to the Secretary of State; clarifying renewal requirements for certificate of authorization; clarifying conditions under which the medical and podiatry corporations can practice; stating requirements for ceasing operation; ensuring the physician-patient and podiatrist-patient relationships are not changed; declaring certain evidence as admissible and prima facie evidence of the facts contained; creating a misdemeanor offense; and providing criminal 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. 4283, Raising the minimum wage.

On third reading, 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, D. Hall, 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: Blair—1.

Absent: Green-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. 4283) 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. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

On third reading, 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, D. Hall, 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: Green-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. 4298) 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. 4298-A Bill to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended,

relating to the West Virginia Ethics Commission; continuing the Ethics Commission; changing the requirements of who can be a member of the Ethics Commission; reducing the number of members on the Commission to seven; and changing the composition of the membership.

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. 4312, Creating a certification for emergency medical technician-industrial.

On third reading, 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, D. Hall, 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: Green—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. 4312) 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. 4312—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-6c; and to amend and reenact §22A-10-

1 of said code, all relating to creating a certification for emergency medical technician-industrial; establishing the certification and recertification requirements; specifying the term of the certification; restricting the practice of emergency medical technician-industrial; clarifying that emergency medical technician-industrial certification replaces emergency medical technician-miner certification; allowing the emergency medical technician-miner certification courses and examinations to be used for emergency medical technician-industrial certification; and authorizing rulemaking authority for Commissioner of Bureau for Public Health in consultation with the Board of Miner Training, Education and Certification.

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. 4318, Continuing education of veterans mental health.

On third reading, 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, D. Hall, 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: Green—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. 4318) 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, D. Hall, 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: Green—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 H. B. No. 4318) 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. 4332, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

On third reading, 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, D. Hall, 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: Green—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. 4332) 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, D. Hall, 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: Green—1.

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. 4332) 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. 4373, Relating to driver education 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, D. Hall, 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: Green-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. 4373) 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. 4410, Redefining auctioneer exceptions.

On third reading, 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, D. Hall, 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: Green-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. 4410) 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. 4410-A Bill to amend and reenact §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6,

§19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §19-2C-3a, §19-2C-3b and §19-2C-9a, all relating to auctioneers and apprentice auctioneers; clarifying definitions; updating license requirements; updating duties of licensees; updating requirements for license renewals and expired licenses; authorizing rulemaking for the Commissioner of the Department of Agriculture; allowing fees to be set by legislative rule; clarifying the special fund; increasing length of record retention; clarifying examination requirements and excuses; clarifying qualifying test scores; restricting length of apprenticeship; updating duties of sponsoring auctioneer; increasing criminal penalties; requiring contracts to have certain provisions; and requiring escrow accounts.

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. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.

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. 4411 pass?”

On the passage of the bill, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, 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: Green—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. 4411) 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. 4411—A Bill to amend and reenact §22-15-8 and §22-15-11 of the Code of West Virginia, 1931, as amended, all relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities; allowing for the receipt of additional drilling waste at certain commercial solid waste facilities above the facility's existing tonnage limit if certain conditions are met; recognizing the facility's continuing obligation to receive municipal solid waste while exceeding its permitted tonnage caps; requiring radiation and leachate monitoring at all facilities receiving drill cuttings and drilling waste; establishing minimum requirements for the monitoring program; requiring the investigation and report by the Department of Environmental Protection to the Legislature on specified issues associated with the disposal of drill cuttings and drilling wastes at landfills; required scope of study; establishing deadlines, effective dates; creating a special revenue fund in the State Treasury; establishing an additional solid waste fee; and requiring the promulgation of emergency and 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. 4431, Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting 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, D. Hall, 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: Green—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. 4431) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 4454, Relating to the sale of alcoholic beverages on Sundays by private licensees.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Thursday, March 6, 2014, for further amendments to be received on third reading, was reported by the Clerk.

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 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee or member thereof, on such licensee's premises to:

(1) Sell or offer for sale any alcoholic liquors other than from the original package or container;

(2) Authorize or permit any disturbance of the peace; obscene, lewd, immoral or improper entertainment, conduct or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine;

(3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;

(4) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of three o'clock a.m. and one o'clock p.m. ten-thirty a.m. on any Sunday, or between the hours of three o'clock a.m. and seven o'clock a.m. on any weekday or Saturday;

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine or alcoholic liquors, covered by this article, to any person who is less than twenty-one years of age;

(7) With the intent to defraud, alter, change or misrepresent the quality, quantity or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium or nitrous oxide for purposes of human consumption except as authorized by the commissioner;

(10) (A) Employ any person who is less than eighteen years of age in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person;

(B) Employ any person who is between the ages of eighteen and twenty-one who is not directly supervised by a person aged twenty-one or over in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is unlawful for any licensee to advertise in any news media or other means, outside of the licensee's premises, the fact that alcoholic liquors may be purchased ~~thereat~~ there.

(c) Any person who violates any of the foregoing provisions is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or ~~imprisoned~~ confined in the county jail for a period not to exceed more than one year, or both fined and ~~imprisoned~~ confined.

ARTICLE 8. SALE OF WINES.

§60-8-34. When retail sales prohibited.

It ~~shall be~~ is unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of two o'clock a.m. and one o'clock p.m. on Sundays, or between the hours of two o'clock a.m. and seven o'clock a.m. on weekdays and Saturdays: Provided, That a private wine bed and breakfast, a private wine restaurant or private wine spa licensee may sell wine for consumption on the licensee's premises between the hours of ten-thirty o'clock a.m and one o'clock p.m. on Sundays.

There being no further amendments offered,

Having been engrossed, the bill (Eng. H. B. No. 4454), as just amended, was then 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, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—26.

The nays were: Barnes, Carmichael, M. Hall, Nohe, Plymale, Prezioso and Unger—7.

Absent: Green—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. 4454) 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. 4454—A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §60-8-34 of said code, all relating to the sale of alcoholic beverages by private licensees; prohibiting the sale of nonintoxicating beer, wine and alcoholic liquors by licensed private clubs between three a.m. and ten-thirty a.m. on Sundays and between three a.m. and seven a.m. on any weekday or Saturday; authorizing licensed private clubs to sell nonintoxicating beer, wine and alcoholic liquors between the hours of ten-thirty a.m. and one p.m. on Sundays; authorizing a licensed private bed and breakfast, private wine restaurant or private wine spa to sell wine for consumption on the licensed premises between the hours of ten-thirty a.m. and one p.m. on Sundays.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Cann, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—26.

The nays were: Barnes, Carmichael, M. Hall, Nohe, Plymale, Prezioso and Unger—7.

Absent: Green—1.

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. 4454) 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. 4455, Relating to the sale of wine and alcoholic liquors by licensed wineries, farm wineries, distilleries and mini-distilleries.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, March 6, 2014, 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. 4455), as amended on yesterday, Thursday, March 6, 2014, 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, D. Hall, 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: Green—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. 4455) 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, D. Hall, 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: Green—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 H. B. No. 4455) 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. 4460, Relating to violating provisions of the civil service law for paid fire departments.

On third reading, 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, 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: None.

Absent: Green—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. 4460) 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. 4473, Relating to establishing voting precincts and changing the composition of standard receiving 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, D. Hall, 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: Green—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. 4473) 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. 4473—A Bill to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; authorizing the consolidation of certain precincts in certain circumstances; increasing the limit on the size of certain voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; removing language requiring the West Virginia Office of Legislative Services to consult with county commissions regarding precinct modification; permitting an increase in the size of standard receiving boards; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 4529, Relating to the sale of wine.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, March 6, 2014, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

Having been engrossed, the bill (Eng. H. B. No. 4529) 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, D. Hall, 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: Green—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. 4529) 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. 4538, Relating to the Board of Dentistry.

On third reading, 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, D. Hall, 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: Green—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. 4538) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill No. 4549, Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.

On third reading, 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, D. Hall, 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: Green—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. 4549) 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. 4549—A Bill to amend and reenact §11-16-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-16-17a; and to amend and reenact §11-16-20 and §11-16-21 of said code, all relating to the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands; permitting the commissioner to investigate, review and approve or deny franchise agreements, labels, brands and line extensions; providing hearings; extending certain dates; establishing nonintoxicating beer, resident brewers, distributors, franchise distributor networks and line extensions standards; defining terms; providing sanctions; and authorizing rule-making.

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. 4552, Relating to the court of 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, D. Hall, 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: Green—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. 4552) passed with its title.

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, including a majority party caucus,

On motion of Senator Unger, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened and proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Unger, and by unanimous consent, 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. House Bill No. 2477, Permitting certain auxiliary lighting on motorcycles.

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 15. EQUIPMENT.

§17C-15-23. Lighting equipment on motorcycles, motor-driven cycles and mopeds.

The head lamp or head lamps upon every motorcycle, motor-driven cycle and moped may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every ~~said~~ head lamp or head lamps shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motorcycle, motor-driven cycle or moped is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when it is operated at a speed of twenty-five or more miles per hour.

(2) ~~In the event~~ If the motorcycle, motor-driven cycle or moped is equipped with a multiple-beam type head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and ~~shall~~ not exceed the limitations set forth in section twenty (a) of this article and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section twenty (b) of this article.

(3) ~~In the event~~ If the motorcycle, motor-driven cycle or moped is equipped with a single-beam lamp or lamps, ~~said~~ the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(4) (A) Subject to paragraph (B) of this subdivision, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

(i) Amber and white illumination;

(ii) Standard bulb running lights; or

(iii) Light-emitting diode pods and strips.

(B) Lighting under this subdivision shall be:

(i) Nonblinking;

(ii) Nonflashing;

(iii) Nonoscillating; and

(iv) Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

The bill (Eng. H. B. No. 2477), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2606, Permitting the State Rail Authority to set the salary of the executive director.

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. 2757, Private cause of action for the humane destruction of a dog.

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 20D. PRIVATE CAUSE OF ACTION FOR THE HUMANE
DESTRUCTION OF A DOG.**

§19-20D-1. Purpose.

The purpose of this article is to protect the public by providing a private cause of action seeking euthanasia of a dog in magistrate court to a person who has been attacked by a dog resulting in personal injuries requiring medical treatment which cost \$2,000 or more, or who has been attacked by the dog and the dog had attacked a person causing personal injury which required medical treatment within the previous twelve months.

§19-20D-2. Procedure; petition to magistrate court; elements of action; burden of proof; attorney fees; limitation of action.

(a) A person seeking relief under this article may apply to the magistrate court in the county where the dog owner resides, or the county where the injury occurred, by verified petition setting forth and affirming the following:

(1) That the owner of the dog resides in the county where the petition is filed or the attack giving rise to the action occurred in the county where the petition is filed;

(2) That the petitioner was:

(A) Attacked by the dog and the attack resulted in personal injuries requiring medical treatment in the amount of \$2,000 or more; or

(B) Attacked by the dog and the dog had engaged in a separate attack on a person causing personal injury requiring medical treatment within the previous twelve months; and

(3) That the petitioner did nothing to provoke the dog.

(b) The petition and summons shall be served on the respondent in the manner set forth in Rule 4 of the West Virginia Rules of Civil Procedure.

(c) The petitioner must prove the allegations in the petition by clear and convincing evidence.

(d) The prevailing party is entitled to an award of reasonable attorney fees and costs.

(e) The limitations of the cause of action in this article are as follows:

(1) Relief, other than attorney fees and costs in subsection (d) of this section, is limited to an order directing that the owner of the dog have the dog euthanized; and

(2) The cause of action provided by this article does not establish statutory liability nor does it supplant a common law negligence cause of action.

§19-20D-3. Order of the magistrate court.

(a) If the trier of fact finds by clear and convincing evidence that the dog which is the subject of the action under this article has attacked the petitioner and caused personal injuries requiring medical treatment in the amount of \$2,000 or more or that the dog attacked the petitioner and within the twelve month period prior to the attack had engaged in a separate attack causing personal injury requiring medical treatment, then the court shall order the owner of the dog to have the dog euthanized.

(b) The magistrate court shall issue and file a written order that sets forth the following:

(1) Findings of fact and conclusions of law; and

(2) If the court orders euthanasia, a specific date upon which the owner of the dog must have the euthanasia performed and a direction that documentation be mailed to the petitioner and filed with the court by a specific date showing that the procedure was performed.

(c) If the court does not order euthanasia, the court shall order that the petition be dismissed with prejudice.

(d) The court may award reasonable attorney fees and costs to the prevailing party.

The bill (Eng. Com. Sub. for H. B. No. 2757), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.

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. 3011, Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.

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 five, after line twenty-nine, by adding a new subsection, designated subsection (e), to read as follows:

(e) Notwithstanding any provision of this article or the provisions of chapter sixty-a of this code to the contrary, only the Department of

Agriculture and state institutions of higher learning licensed and authorized by the commissioner to do so may lawfully grow or cultivate industrial hemp in this state.

The bill (Eng. Com. Sub. for H. B. No. 3011), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4139, Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

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 §48-9-209a, to read as follows:

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY
AND DECISION-MAKING RESPONSIBILITY OF
CHILDREN.**

PART II – PARENTING PLANS

§48-9-209a. Child conceived as result of sexual assault or sexual abuse by a parent; rights of a biological parent convicted of sexual assault or abuse; post-conviction cohabitation; rebuttable presumption upon separation or divorce.

(a) Except as otherwise provided in this section, if a child custodial responsibility or parenting time dispute involves a child who is conceived as a result of acts by which one of the child's

biological parents has been convicted of sexual assault, pursuant to section three, four or five, article eight-b, chapter sixty-one of this code, or of sexual abuse by a parent, guardian or custodian, pursuant to section five, article eight-d, chapter sixty-one of this code, the court shall not allocate custodial responsibility to the biological parent convicted of the sexual assault, and the convicted parent has no right to parenting time with the child unless the court finds by clear and convincing evidence set forth in written findings that it is in the best interests of the child, adequately protects the child and the victim of the sexual offense and that the person or persons with custodial responsibility of the child consent thereto.

(b) Subsection (a) does not apply if:

(1) The biological parents are husband and wife at the time of the offense and, after the date of conviction, cohabit and establish a mutual custodial environment for the child; or

(2) After the date of conviction, the unmarried biological parents cohabit and establish a mutual custodial environment for the child.

(c) If persons described by subsection (b) of this section later separate or divorce, the conviction of sexual assault, pursuant to section three, four or five, article eight-b, chapter sixty-one of this code, or of sexual abuse by a parent, guardian or custodian, pursuant to section five, article eight-d, chapter sixty-one of this code creates a rebuttable presumption that exclusive or shared custodial responsibility of the child by the perpetrator of the offense is not in the best interests of the child. The convicted parent has no right to parenting time with the child unless the court finds by clear and convincing evidence set forth in written findings that, despite the rebuttable presumption required by this subsection, a custodial responsibility or parenting time arrangement with the convicted parent is in the best interests of the child, adequately protects the child and the victim of the sexual offense, and that the victim of the sexual offense consents thereto.

(d) A denial of custodial responsibility or parenting time under this section does not by itself terminate the parental rights of the person denied custodial responsibility or parenting time, nor does it affect the obligation of the person to support the minor child.

The bill (Eng. Com. Sub. for H. B. No. 4139), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4204, Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.

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 17A. PROPERTY INSURANCE DECLINATION,
TERMINATION AND DISCLOSURE.**

§33-17A-4. Notification and reasons for a transfer, declination or termination.

(a) Upon declining to insure any real or personal property, subject to this article, the insurer making a declination shall provide the insurance applicant with a written explanation of the specific reason or reasons for the declination at the time of the declination. The provision of such insurance application form by an insurer shall create no right to coverage on the behalf of the insured to which the insured is not otherwise entitled.

(b) A notice of cancellation of property insurance coverage by an insurer shall be in writing, shall be delivered to the named insured or sent by first class mail to the named insured at the last known

address of the named insured, shall state the effective date of the cancellation and shall be accompanied by a written explanation of the specific reason or reasons for the cancellation.

(c) At least thirty days before the end of a policy period, as described in subsection (c), section three of this article, an insurer shall deliver or send by first class mail to the named insured at the last known address of the named insured, notice of its intention regarding the renewal of the property insurance policy. Notice of an intention not to renew a property insurance policy shall be accompanied by an explanation of the specific reasons for the nonrenewal: *Provided*, That no insurer shall fail to renew an outstanding property insurance policy which has been in existence for four years or longer except for the reasons as set forth in section five of this article; or for other valid underwriting reasons which involve a substantial increase in the risk: *Provided, however, That notwithstanding any other provision of this article, no property insurance coverage policy in force for at least four years, may be denied renewal or canceled solely as a result of:*

(1) A single first party property damage claim within the previous thirty-six months and that arose from wind, hail, lightning, wildfire, snow or ice, unless the insurer has evidence that the insured unreasonably failed to maintain the property and that failure to maintain the property contributed to the loss, or

(2) Two first party property damage claims within the previous twelve months, both of which arose from claims solely due to an event for which a state of emergency is declared for the county in which the insured property is located, unless the insurer has evidence that the insured unreasonably failed to maintain the property and that failure to maintain the property contributed to the loss. "State of emergency" means the situation existing after the occurrence of a disaster in which a state of emergency has been declared by the Governor or by the Legislature pursuant to the provisions of section six, article five, chapter fifteen of this code or in which a major disaster declaration or emergency declaration has

been issued by the President of the United States pursuant to the provisions of 42 U. S. C. §5122.

The bill (Eng. Com. Sub. for H. B. No. 4204), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4210, Juvenile sentencing reform.

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:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-23. Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing.

(a) Notwithstanding any other provision of law to the contrary, a sentence of life imprisonment without the possibility of parole may not be imposed on a person who:

(1) Is convicted of an offense punishable by life imprisonment; and

(2) Was less than eighteen years of age at the time the offense was committed.

(b) Unless otherwise provided by this code, the provisions of article twelve, chapter sixty-two of this code shall govern the eligibility for parole of a person who is convicted of an offense and

sentenced to confinement if he or she was less than eighteen years of age at the time the offense was committed, except that a person who is convicted of one or more offenses for which the sentence or any combination of sentences imposed is for a period that renders the person ineligible for parole until he or she has served more than fifteen years shall be eligible for parole after he or she has served fifteen years if the person was less than eighteen years of age at the time each offense was committed.

(c) In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to section ten, article five, chapter forty-nine of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

- (1) Age at the time of the offense;
- (2) Impetuosity;
- (3) Family and community environment;
- (4) Ability to appreciate the risks and consequences of the conduct;
- (5) Intellectual capacity;
- (6) The outcomes of a comprehensive mental health evaluation conducted by a mental health professional licensed to treat adolescents in the State of West Virginia: *Provided*, That no provision of this section may be construed to require that a comprehensive mental health evaluation be conducted;
- (7) Peer or familial pressure;
- (8) Level of participation in the offense;

- (9) Ability to participate meaningfully in his or her defense;
- (10) Capacity for rehabilitation;
- (11) School records and special education evaluations;
- (12) Trauma history;
- (13) Faith and community involvement;
- (14) Involvement in the child welfare system; and
- (15) Any other mitigating factor or circumstances.

(d) (1) Prior to the imposition of a sentence on a person who has been transferred to the criminal jurisdiction of the court pursuant to section ten, article five, chapter forty-nine of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the outcomes of any comprehensive mental health evaluation conducted by a mental health professional licensed to treat adolescents in the State of West Virginia. The comprehensive mental health evaluation must include the following:

- (A) Family interviews;
- (B) Prenatal history;
- (C) Developmental history;
- (D) Medical history;
- (E) History of treatment for substance use;
- (F) Social history; and
- (G) A psychological evaluation.

(2) The provisions of this subsection are only applicable to sentencing proceedings for convictions rendered after the effective date of this section and shall not constitute sufficient grounds for the reconsideration of sentences imposed as the result of convictions rendered after the effective date of this section.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-13b. Special parole considerations for persons convicted as juveniles.

(a) When a person who is serving a sentence imposed as the result of an offense or offenses committed when he or she was less than eighteen years of age becomes eligible for parole pursuant to applicable provisions of this code, including, but not limited to, section twenty-three, article eleven, chapter sixty-one thereof, the parole board shall ensure that the procedures governing its consideration of the person's application for parole ensure that he or she is provided a meaningful opportunity to obtain release and shall adopt rules and guidelines to do so that are consistent with existing case law.

(b) During a parole hearing involving a person described in subsection (a) of this section, in addition to other factors required by law to be considered by the parole board, the parole board shall take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner during incarceration. The board shall also consider the following:

(1) A review of educational and court documents;

(2) Participation in available rehabilitative and educational programs while in prison;

(3) Age at the time of the offense;

- (4) Immaturity at the time of the offense;
- (5) Home and community environment at the time of the offense;
- (6) Efforts made toward rehabilitation;
- (7) Evidence of remorse; and
- (8) Any other factors or circumstances the board considers relevant.

The bill (Eng. Com. Sub. for H. B. No. 4210), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4220, Relating to waiver of jury trial in claims arising from consumer transactions.

On second reading, coming up in regular order, was read a second time.

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 bill was withdrawn.

On motion of Senator Palumbo, 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 the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5C-21, to read as follows:

ARTICLE 5C. NURSING HOMES.

§16-5C-21. Jury trial waiver to be a separate document.

(a) Every written agreement containing a waiver of a right to a trial by jury that is entered into between a nursing home and a person for the nursing care of a resident, must have as a separate and stand alone document any waiver of a right to a trial by jury.

(b) Nothing in this section may be construed to require a court of competent jurisdiction to determine that the entire agreement or any portion thereof is enforceable, unenforceable, conscionable or unconscionable.

(c) This section applies to all agreements entered into on or after January 1, 2015.

The bill (Eng. Com. Sub. for H. B. No. 4220), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4228, Repealing or removing certain portions of education-related statutes that have expired.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page ten, section seven, line forty-two, after the word “by” by inserting the word “a”.

The bill (Eng. Com. Sub. for H. B. No. 4228), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4237, Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

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 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 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-2. Definitions; sale or gift of cigarette, cigarette paper, pipe, cigar, snuff, chewing tobacco, pipe tobacco, roll-your-own tobacco, tobacco products, tobacco-derived and alternative nicotine product or vapor products to persons under eighteen; penalties for first and subsequent offense; consideration of prohibited act as grounds for dismissal; impact on eligibility for unemployment benefits.

(a) For purposes of this article, the term:

(1) “Tobacco product” and “tobacco-derived product” means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A “tobacco-derived product” includes electronic cigarettes or similar devices, alternative nicotine products and vapor products. “Tobacco product” or “tobacco-derived product” does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(2) “Alternative nicotine product” means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. “Alternative nicotine product” does not include any tobacco product, vapor product or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(3) “Vapor product” means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. “Vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. “Vapor product” does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

(a) (b) No person, firm, corporation or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of eighteen years:

(1) Any pipe, cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco or tobacco product; ~~or~~

(2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form; or

(3) Any tobacco-derived product, alternative nicotine product or vapor product.

~~(b)~~ (c) Any firm or corporation that violates any of the provisions of ~~subdivision (1), or (2)~~ subsection (a) (b) of this section and any individual who violates any of the provisions of ~~subdivision (1)~~ subsection (a) (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$50 for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: At least \$250 but not more than \$500 for the second offense, if it occurs within two years of the first conviction; at least \$500 but not more than \$750 for the third offense, if it occurs within two years of the first conviction; and at least \$1,000 but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.

~~(c)~~ (d) Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of eighteen years any cigar, cigarette, snuff, chewing tobacco, ~~or tobacco product~~ or tobacco-derived product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

~~(d)~~ (e) Any employer who discovers that his or her employee has sold or furnished tobacco products or tobacco-derived products to minors may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits in accordance with the provisions of section three, article six, chapter twenty-one-a of this code, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in their termination from employment.

§16-9A-3. Use or possession of tobacco or tobacco products, alternative nicotine products or vapor products by persons under the age of eighteen years; penalties.

No person under the age of eighteen years shall have on or about his or her person or premises or use any cigarette, or cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; ~~or~~; any pipe, snuff, chewing tobacco, ~~or~~ tobacco product or tobacco-derived product: *Provided*, That minors participating in the inspection of locations where tobacco products or tobacco-derived products, are sold or distributed pursuant to section seven of this article is not considered to violate the provisions of this section. Any person violating the provisions of this section shall for the first violation be fined \$50 and be required to serve eight hours of community service; for a second violation, the person shall be fined \$100 and be required to serve sixteen hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve twenty-four hours of community service. Notwithstanding the provisions of section two, article five, chapter forty-nine, the magistrate court has concurrent jurisdiction.

§16-9A-4. Use of tobacco, tobacco products, alternative nicotine products or vapor products in certain areas of certain public schools prohibited; penalty.

Every person who shall smoke a cigarette or cigarettes, pipe, cigar or other implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use any tobacco product ~~whether chewing tobacco, snuff or otherwise~~ or tobacco-derived product in any building or part thereof used for instructional purposes, in any school of this state, as defined in section one, article one, chapter eighteen of this code, or on any lot or grounds actually used for instructional purposes of any such school of this state while such school is used or occupied for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars: *Provided*, That this prohibition shall not be construed to prevent the use of any tobacco or tobacco product or tobacco-derived product, in any faculty lounge or staff lounge or faculty office or other area of said public school not used for instructional purposes: *Provided, however*, That students do not

have access thereto: *Provided further*, That nothing herein contained shall be construed to prevent any county board of education from promulgating rules and regulations that further restrict the use of ~~tobacco, or tobacco products~~ or tobacco-derived products, in any form, from any other part or section of any public school building under its jurisdiction.

§16-9A-7. Enforcement of youth smoking laws and youth nicotine restrictions; inspection of retail outlets where tobacco, tobacco products, vapor products or alternative nicotine products are sold; use of minors in inspections; annual reports; penalties; defenses.

(a) The commissioner of the West Virginia alcohol beverage control administration, the Superintendent of the West Virginia State Police, the sheriffs of the counties of this state and the chiefs of police of municipalities of this state, may periodically conduct unannounced inspections at locations where tobacco products or tobacco-derived products, are sold or distributed to ensure compliance with the provisions of sections two and three of this article and in such manner as to conform with applicable federal and state laws, rules and regulations. Persons under the age of eighteen years may be enlisted by such commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof to test compliance with these sections: *Provided*, That the minors may be used to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and written consent of the parent or guardian of such person is first obtained and such minors shall not be in violation of section three of this article and chapter when acting under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and with the written consent of the parent or guardian. It is unlawful for any person to use persons under the age of eighteen years to test compliance in any manner not set forth herein and the person so using a minor is guilty of a misdemeanor and, upon conviction thereof, shall be fined the same amounts as set forth in section two of this article.

(b) A person charged with a violation of section two or three of this article as the result of an inspection under subsection (a) of this section has a complete defense if, at the time the cigarette, ~~or~~ other tobacco product or tobacco-derived product, or cigarette wrapper, was sold, delivered, bartered, furnished or given:

(1) The buyer or recipient falsely evidenced that he or she was eighteen years of age or older;

(2) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be eighteen years of age or older; and

(3) Such person carefully checked a driver's license or an identification card issued by this state or another state of the United States, a passport or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was eighteen years of age or older.

(c) Any fine collected after a conviction of violating section two of this article shall be paid to the clerk of the court in which the conviction was obtained: *Provided*, That the clerk of the court upon receiving the fine shall promptly notify the Commissioner of the West Virginia Alcohol Beverage Control Administration of the conviction and the collection of the fine: *Provided, however*, That any community service penalty imposed after a conviction of violating section three of this article shall be recorded by the clerk of the court in which the conviction was obtained: *Provided further*, That the clerk of the court upon being advised that community service obligations have been fulfilled shall promptly notify the Commissioner of the West Virginia Alcohol Beverage Control Administration of the conviction and the satisfaction of imposed community service penalty.

(d) The Commissioner of the West Virginia Alcohol Beverage Control Administration or his or her designee shall prepare and

submit to the Governor on the last day of September of each year a report of the enforcement and compliance activities undertaken pursuant to this section and the results of the same, with a copy to the Secretary of the West Virginia Department of Health and Human Resources. The report shall be in the form and substance that the Governor shall submit to the applicable state and federal programs.

§16-9A-8. Selling of tobacco products, tobacco-derived products, alternative nicotine products or vapor products in vending machines prohibited except in certain places.

No person or business entity may offer for sale any cigarette, ~~or other~~ tobacco product or tobacco-derived product, in a vending machine. Any person or business entity which violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$250: *Provided*, That an establishment is exempt from this prohibition if individuals under the age of eighteen years are not permitted to be in the establishment or if the establishment is licensed by the alcohol beverage control commissioner as a Class A licensee. The alcohol beverage control commissioner shall promulgate rules pursuant to article three, chapter twenty-nine-a of this code ~~prior to the July 1, 2000, which rules shall~~ to establish standards for the location and control of the vending machines in Class A licensed establishments for the purpose of restricting access by minors.

The bill (Eng. Com. Sub. for H. B. No. 4237), as amended, was then ordered to third reading.

Eng. House Bill No. 4286, Captive Cervid Farming Act.

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 the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11, §19-2H-12, §19-2H-13, §19-2H-14 and §19-2H-15; and that §20-1-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 19. AGRICULTURE.

ARTICLE 2H. CAPTIVE CERVID FARMING ACT.

§19-2H-1. Short title; joint regulation.

(a) This article shall be known and may be cited as the Captive Cervid Farming Act.

(b) Captive cervid farming shall be jointly regulated by the Department of Agriculture and the Division of Natural Resources.

(c) The department and division shall cooperate to implement the provisions of this article, promulgate rules, draft any Memorandums of Understanding or take other action as may be necessary for the proper and effective enforcement of these provisions.

§19-2H-2. Purpose and legislative findings.

(a) The purpose of this article is to promote this state's agricultural economy, to preserve family farming opportunities, to encourage agricultural uses of the natural topography of the state's rural lands and to foster job retention and job creation in the state's rural areas by providing for comprehensive regulation of captive cervid farming as a viable agricultural business, while also preserving the importance of wildlife management and deer hunting in this state.

(b) The Legislature finds and declares that captive cervid farming is primarily an agricultural pursuit, and that captive cervids may be raised in a manner similar to other livestock. The Commissioner of Agriculture possesses the knowledge, training and experience required to properly regulate captive cervid farms and to adequately protect the health and safety of animals and the general public. The Legislature also finds and declares that matters related to promoting the cervid farming industry, the sale and regulation of cervid meat excluding white-tailed deer and elk meat, animal health, animal identification, record keeping and animal husbandry methods and equipment are best managed and regulated by the department.

(c) The Legislature further finds that the Division of Natural Resources is empowered to regulate and protect the native wildlife of this state, currently issues licenses for captive cervid facilities, and has natural resources police officers to enforce its regulations and permitting requirements. The division has a vested interest in maintaining the health and safety of wildlife as part of its wildlife management objectives, as well as encouraging the long tradition of deer hunting in this state. Fencing, pen size, entrapment of wildlife, interstate movement of captive cervids, escaping captive cervids, and chronic wasting disease management are best managed and regulated by the division.

§19-2H-3. Definitions.

As used in this article:

(1) “Bio-security” means measures, actions or precautions taken to prevent the transmission of disease in, among or between wild and captive cervids.

(2) “Captive cervid” or “captive cervids” means members of the Cervidae family of animals including, but not limited to, fallow deer, red deer, white-tailed deer, axis deer, elk, moose, reindeer and caribou that are raised in captivity and under the control of the owner of the animal.

(3) “Captive cervid farm” means the captive cervids, the fenced area and all equipment and components regulated by the department and the division for use as a captive cervid farming operation as provided for in this article.

(4) “Commissioner” means the Commissioner of the West Virginia Department of Agriculture.

(5) “Department” means the West Virginia Department of Agriculture.

(6) “Division” means the Division of Natural Resources.

(7) “Identification system” means a process or procedure that allows an individual cervid to be continuously recognized and monitored as a unique animal throughout its lifetime.

(8) “License” means a Class One or Class Two Captive Cervid Farm License issued by the department for the operation of a captive cervid farm.

(9) “Owner” means the person who owns or operates a licensed captive cervid farm, or his or her agent or operator.

(10) “Permit” means a Captive Cervid Fencing Permit issued by the division for the operation of a captive cervid farm.

(11) “Person” means an individual, corporation, limited liability company, partnership, association, joint venture or other legal entity.

(11) “Release” means to allow a cervid from a licensed captive cervid farm to be outside the perimeter fence of the farm without being under the direct control of the owner.

§19-2H-4. Authority of the Department of Agriculture; rules.

(a) The department is granted the authority to regulate and control captive cervid farm licenses, applications, requirements, record keeping, animal husbandry, identification and tagging, disease prevention, inoculation and testing, fee schedule for services, species commingling, intrastate movement of captive cervids, captive cervid meat inspection and sales excluding white-tailed deer and elk, and inspections of captive cervid farms in this state in accordance with this article. Subject to the transition provisions contained in section twelve of this article, no person may operate a captive cervid farm in this state unless that person holds a license issued by the commissioner pursuant to this article.

(b) The commissioner shall promulgate emergency or legislative rules in accordance with article three, chapter twenty-nine-a of this code to provide for implementation and enforcement of this article.

(c) The rules, insofar as practicable, shall provide for the protection of animal and human health and promotion of biosecurity that are consistent with the rules promulgated by the United States Department of Agriculture, Division of Animal and Plant Health Inspection Service.

(d) The rules shall include, but not be limited to, requirements that:

(1) Implement an identification system that allows individual captive cervid to be recognized, tracked and identified throughout the animal's life;

(2) Specify the record-keeping standards required of licensees, including standards for documentation of purchases, propagation, sales, slaughtering and any other documentation required to maintain accurate and complete records of captive cervid farming operations;

(3) Establish animal health testing criteria to discover and prevent the spread of disease in captive cervids, to conduct testing and inoculations, and to impose quarantines; and

(4) Establish a schedule of fees and charges for services provided by the department to licensed captive cervid farms.

§19-2H-5. Authority of the Division of Natural Resources; rules.

(a) The division is granted the authority to regulate, control and inspect the fencing, pen size, entrapment of wildlife, escape of captive cervids, interstate movement of captive cervids, and management of chronic wasting disease and other diseases affecting cervids in this state in accordance with this article and chapter twenty of this code. Subject to the transition provisions contained in section twelve of this article, no person may operate a captive cervid farm in this state unless that person holds a permit issued by the director pursuant to this article.

(b) The director shall promulgate emergency or legislative rules in accordance with article three, chapter twenty-nine-a of this code as are necessary to provide for implementation and enforcement of this article.

(c) The rules promulgated under this section shall include, but not be limited to, requirements that:

(1) Establish the specifications for fencing necessary to prevent the escape of captive cervids and the infiltration of wildlife into a licensed captive cervid farm. The fencing regulations shall be reasonable and comport with accepted industry and regulatory standards for captive cervids;

(2) Regulate the interstate movement of captive cervids and provide for maintenance of documentation of the origin and destination of all shipments and any other requisite documentation; and

(3) Maintain chronic wasting disease and other disease statistics, and develop any requisite management criteria for chronic wasting disease and other disease containment zones and intrastate movement of cervids therein to prevent the spread of the disease.

§19-2H-6. Duties of the commissioner and director.

Pursuant to the scope of his or her authority under this article, the commissioner or the director may:

- (1) Establish a section and designate staff to implement this article;
- (2) Contract with veterinarians, biologists or other animal health professionals to provide scientific expertise, services and testing to implement the provisions of this article;
- (3) Enter into interstate contracts with other states to enhance the bio-security of captive cervid farms in this and other states;
- (4) Lease, rent, acquire, purchase, own, hold, construct, equip, maintain, operate, sell, encumber and assign rights of any property, real or personal, consistent with the objectives set forth in this article;
- (5) Hold hearings, subpoena witnesses, administer oaths, take testimony, require the production of evidence and documentary evidence and designate hearing examiners; and
- (6) Take any other action necessary or incidental to the performance of their respective duties and powers under this article.

§19-2H-7. Application for license or permit.

(a) A person applying to operate a captive cervid farm in this state is required to have: (1) A Class One or Class Two Captive Cervid Farm License from the department; and (2) a Captive Cervid Fencing Permit from the division. The department and the division shall provide the forms and instructions for the license and permit applications.

(b) The following information shall be submitted by the person to the department for a license, and the division for a permit:

(1) The mailing address of the proposed captive cervid farm and the size, location and an adequate legal description of the farm;

(2) The number of each species of cervid proposed to be included in the proposed farm;

(3) The bio-security measures to be utilized, including, but not limited to, a description of the fencing and the animal identification system to be used;

(4) The proposed method of flushing wild white-tailed deer from the enclosure, if applicable;

(5) The record-keeping system;

(6) The method of verification that all wild white-tailed deer have been removed;

(7) The current zoning, if any, of the property proposed for the farm;

(8) Any other information considered necessary by the department or division; and

(9) A closure plan for the safe disposition of captive cervids.

(c) The application shall be accompanied by the biennial license and permit fees set forth below. The license and permit fees and classes may be amended by rule, and are as follows:

(1) *Class One Captive Cervid Farm License.* – Issued by the department for a farm to be used only to breed and propagate cervids and create byproducts for sale: \$500;

(2) *Class Two Captive Cervid Farm License.* – Issued by the department for a farm to breed and propagate cervids and create byproducts for sale, and to slaughter and sell captive cervid meat, excluding the sale of white-tailed deer and elk meat: \$1,250; and

(3) *Captive Cervid Fencing Permit*. – Issued by the division for all captive cervid farms: \$500.

§19-2H-8. Department and Division action on applications.

(a) The department shall act on an application for a license, and the division shall act on an application for a permit, within sixty days of receipt. The department may issue a provisional license, and the division a provisional permit, for a proposed farm that has not yet been constructed, but operations shall not begin until the completed farm has been inspected by the department and division, and each has issued a license or permit, respectively.

(b) The department and division may not issue a license or permit until it is determined that the captive cervid farm meets all of the following criteria:

(1) The captive cervid farm has been inspected by the department and division and meets the standards and requirements of this article and the rules promulgated thereunder;

(2) The applicant has all requisite federal, state and local governmental permits; and

(3) The owner has paid all applicable license and permit fees and all charges for services provided to the captive cervid farm.

(c) If the department or division finds a deficiency in the license or permit applications, the owner shall be given at least thirty days to remedy the deficiency before the license or permit application is denied.

(d) If the commissioner determines that the proposed captive cervid farm does not comply with the requirements of this article after the opportunity to remedy deficiencies, the commissioner shall deny the license application and notify the applicant in writing of the reasons for the denial.

(e) If the director determines that the proposed captive cervid farm does not comply with the permit requirements of this article after the opportunity to remedy deficiencies, the director shall deny the permit application and notify the applicant in writing of the reasons for the denial.

(f) The applicant may request a hearing from the commissioner for a license denial, or the director for a permit denial, pursuant to article five, chapter twenty-nine-a of this code to contest the denial of a license or permit, or any limitations placed upon the issuance of a license or permit.

(g) The department and division shall retain the license and permit fees regardless of approval.

§19-2H-9. License and permit certificates; renewal; nontransferable.

(a) Once approved, the department shall issue a license certificate, and the division shall issue a permit certificate, to the owner of the captive cervid farm containing information such as:

(1) The class of license, the license number, the permit number, and expiration dates;

(2) The cervid herd size and species approved for the farm;

(3) The name, business address, physical address and directions, and telephone number of the owner of the farm; and

(4) Emergency response and contact information for the captive cervid farm.

(b) An application for renewal of a license or permit shall be submitted on forms provided by the department or division not later than sixty days before expiration of the current license or permit. Each license or permit issued shall be for a period of two years from the date of issuance.

(c) The sale or transfer of ownership of a captive cervid farm will not operate to transfer the license or permit. The department or division may issue a new license or permit to the transferee if all requirements and fees are satisfied.

§19-2H-10. License and permit modification.

(a) An owner must apply to the department for a license modification if there is any proposed change in the class of license or the species approved for the captive cervid farm.

(b) An owner must apply to the division for a permit modification if there is any proposed change to the captive cervid farm permit.

§19-2H-11. Inspection of farm by the department and division.

The department and division shall have access at all reasonable hours to any licensed or provisional captive cervid farm for the purpose of conducting inspections, securing samples or specimens of any cervid species and determining whether the owner is in compliance with the requirements of this article. Any inspection and sampling shall be conducted in a manner that will foster the bio-security of captive cervid farms, and will not unnecessarily jeopardize the health of the captive cervids.

§19-2H-12. Transition to captive cervid farm license and permit process.

A captive cervid farm in existence on the effective date of this article may continue operation under its existing authorization until the department and division act on its application for a license and permit under this article if the owner of that farm applies for a license and permit within sixty days after application forms are made available to current licensees.

§19-2H-13. Noncompliance with article, standards, orders or rules; suspension, revocation or limitation of license or permit.

(a) The department may suspend, revoke or limit a license if the licensee fails to comply with this article, standards adopted under this article, orders issued by the commissioner as a result of an administrative action or departmental review conducted under this article or rules promulgated under this article.

(b) The division may suspend, revoke or limit a permit if the permittee fails to comply with this article, standards adopted under this article, orders issued by the director as a result of an administrative action or review conducted under this article or rules promulgated pursuant to this article.

§19-2H-14. Prohibited conduct; violation; penalty.

(a) A person may not recklessly release or permit the release of a captive cervid from a captive cervid farm. A person may not intentionally or recklessly allow the entry or introduction of wild white-tailed deer into a captive cervid farm. Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall, for a first offense, be confined in jail for not more than ninety days, or fined not less than \$50 nor more than \$300 or both fined and confined. Any person who violates this subsection for a second or subsequent offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year, or fined not less than \$500 nor more than \$1,000, or both fined and confined.

(b) Any person who intentionally releases captive cervids into the wild, or releases or abandons captive cervids by failing to properly close or wind down a captive cervid farm, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than three years, or fined not less than \$2,000 nor more than \$5,000, or both fined and imprisoned.

§19-2H-15. Findings of violations; remedies.

(a) The commissioner or director, upon finding that a person has violated a provision this article or the rules promulgated thereunder, may:

(1) Issue a warning; or

(2) Impose a civil penalty of not more than \$1,000 per violation, plus the costs of investigation, for each violation, after notice and an opportunity for a hearing. A person aggrieved by an administrative action under this section may request a hearing pursuant to article five, chapter twenty-nine-a of this code.

(b) Notwithstanding any other provisions of this article, the commissioner or director may bring an action to:

(1) Obtain a declaratory judgment that a particular method, activity or practice is a violation of this article; or

(2) Obtain an injunction against a person who is engaging in a method, activity or practice that violates this article.

(c) The remedies under this article are cumulative and use of one remedy does not bar the use of any other remedy.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-2. Definitions.

As used in this chapter, unless the context clearly requires a different meaning:

(1) “Agency” means any branch, department or unit of the state government, however designated or constituted.

(2) “Alien” means any person not a citizen of the United States.

(3) “Bag limit” or “creel limit” means the maximum number of wildlife which may be taken, caught, killed or possessed by any person.

(4) “Big game” means elk, white-tailed deer, black bears, wild boars and wild turkeys.

(5) “Bona fide resident, tenant or lessee” means a person who permanently resides on the land.

(6) “Citizen” means any native-born citizen of the United States and foreign-born persons who have procured their final naturalization papers.

(7) “Closed season” means the time or period during which it shall be unlawful to take any wildlife as specified and limited by ~~the provisions of this chapter~~ regulation.

(8) “Commission” means the Natural Resources Commission.

(9) “Commissioner” means a member of the advisory commission of the Natural Resources Commission.

(10) “Director” means the Director of the Division of Natural Resources.

(11) “Fishing” or “to fish” means the taking, by any means, of fish, minnows, frogs or other amphibians, aquatic turtles and other forms of aquatic life used as fish bait, whether dead or alive.

(12) “Fur-bearing animals” include: (a) The mink; (b) the weasel; (c) the muskrat; (d) the beaver; (e) the opossum; (f) the skunk and civet cat, commonly called polecat; (g) the otter; (h) the red fox; (i) the gray fox; (j) the wildcat, bobcat or bay lynx; (k) the raccoon; and (l) the fisher.

(13) “Game” means big game, game animals, game birds, ~~and~~ game fish and small game as herein defined.

(14) “Game animals” include: (a) The elk; (b) the white-tailed deer; (c) the cottontail rabbits and hares; (d) the fox squirrels,

commonly called red squirrels, and gray squirrels and all their color phases - red, gray, black or albino; (e) the raccoon; (f) the black bear; and (g) the wild boar.

(15) “Game birds” include: (a) The anatidae, commonly known as swan, geese, brants and river and sea ducks; (b) the rallidae, commonly known as rails, sora, coots, mudhens and gallinule; (c) the limicolae, commonly known as shorebirds, plover, snipe, woodcock, sandpipers, yellow legs and curlews; (d) the galliformes, commonly known as wild turkey, grouse, pheasants, quails and partridges (both native and foreign species); (e) the columbidae, commonly known as doves; (f) the icteridae, commonly known as blackbirds, redwings and grackle; and (g) the corvidae, commonly known as crows.

(16) “Game fish” include: (a) Brook trout; (b) brown trout; (c) rainbow trout; (d) golden rainbow trout; (e) largemouth bass; (f) smallmouth bass; (g) spotted bass; (h) striped bass; (i) chain pickerel; (j) muskellunge; (k) walleye; (l) northern pike; (m) rock bass; (n) white bass; (o) white crappie; (p) black crappie; (q) all sunfish species; (r) channel catfish; (s) flathead catfish; (t) blue catfish; (u) sauger; and (v) all game fish hybrids.

(17) “Hunt” means to pursue, chase, catch or take any ~~wild birds or wild animals.~~ Provided, That wildlife. However, the definition of “hunt” does not include an officially sanctioned and properly licensed field trial, water race or wild hunt as long as that field trial is not a shoot-to-retrieve field trial.

(18) “Lands” means land, waters and all other appurtenances connected therewith.

(19) “Migratory birds” means any migratory game or nongame birds included in the terms of conventions between the United States and Great Britain and between the United States and United Mexican States, known as the Migratory Bird Treaty Act, for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916, and February 7, 1936.

(20) “Nonresident” means any person who is a citizen of the United States and who has not been a domiciled resident of the State of West Virginia for a period of thirty consecutive days immediately prior to the date of his or her application for a license or permit except any full-time student of any college or university of this state, even though he or she is paying a nonresident tuition.

(21) “Open season” means the time during which the various species of wildlife may be legally caught, taken, killed or chased in a specified manner and shall include both the first and the last day of the season or period designated by the director.

(22) “Person”, ~~except as otherwise defined elsewhere in this chapter, means the plural “persons” and shall include or “persons”~~ mean individuals, partnerships, corporations or other legal entities.

(23) “Preserve” means all ~~duly~~ licensed private game ~~farmlands~~ farms, or private ~~plants~~, ponds or areas, where hunting or fishing is permitted under special licenses or seasons other than the regular public hunting or fishing seasons. The term “preserve” does not mean a captive cervid farm pursuant to article two-h, chapter nineteen of this code, though a captive cervid farm may also be licensed as a preserve.

(24) “Protected birds” means all wild birds not included within the definition of “game birds” and “unprotected birds”.

(25) “Resident” means any person who is a citizen of the United States and who has been a domiciled resident of the State of West Virginia for a period of thirty consecutive days or more immediately prior to the date of his or her application for a license or permit. ~~Provided, That~~ However, a member of the armed forces of the United States who is stationed beyond the territorial limits of this state, ~~but and~~ and who was a resident of this state at the time of his or her entry into ~~such~~ the service, and any full-time student of any college or university of this state even though he or she is paying a nonresident tuition, shall be considered a resident under ~~the provisions of this chapter.~~

(26) “Roadside menagerie” means any place of business, other than a commercial game farm, commercial fish preserve, place or pond, where any wild bird, game bird, unprotected bird, game animal or fur-bearing animal is kept in confinement for the attraction and amusement of the people for commercial purposes.

(27) “Small game” includes all game animals, fur-bearing animals and game birds except elk, white-tailed deer, black bears, wild boars and wild turkeys.

(28) “Take” means to hunt, shoot, pursue, lure, kill, destroy, catch, capture, keep in captivity, gig, spear, trap, ensnare, wound or injure any wildlife, or attempt to do so. ~~Provided, That~~ However, the definition of “take” does not include an officially sanctioned and properly licensed field trial, water race or wild hunt as long as that field trial is not a shoot-to-retrieve field trial.

(29) “Unprotected birds” shall include: (a) The English sparrow; (b) the European starling; and (c) the cowbird.

(30) “Wild animals” means all mammals native to the State of West Virginia occurring either in a natural state or in captivity, except house mice or rats.

(31) “Wild birds” shall include all birds other than: (a) Domestic poultry - chickens, ducks, geese, guinea fowl, peafowls and turkeys; (b) psittacidae, commonly called parrots and parakeets; and (c) other foreign cage birds such as the common canary, exotic finches and ring dove. All wild birds, either: (i) Those occurring in a natural state in West Virginia; or (ii) those imported foreign game birds, such as waterfowl, pheasants, partridges, quail and grouse, regardless of how long raised or held in captivity, shall remain wild birds under the meaning of this chapter.

(32) “Wildlife” means wild birds, wild animals, game, ~~and~~ fur-bearing animals, fish (including minnows), reptiles, amphibians, mollusks, crustaceans and ~~all forms of aquatic life used as fish bait~~,

whether dead or alive: native to the state of West Virginia unless the context indicates otherwise.

(33) “Wildlife refuge” means any land set aside by action of the director as an inviolate refuge or sanctuary for the protection of designated forms of wildlife.

The bill (Eng. H. B. No. 4286), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4294, Establishing standards for court reporters and entities that provide court reporting 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 27. COURT REPORTER SERVICES.

§47-27-1. Fair trade standards for use of court reporter services.

(a) The purpose of this article is to ensure the integrity of the use of court reporter services by establishing standards for private court reporters and entities providing or arranging for court reporting services. It is declared the policy of the State of West Virginia that fair, ethical and impartial selection and use of court reporting services are integral to the equitable administration of justice.

(b) For purposes of this article, “court reporter” means private court reporters providing court reporting services, as well as businesses, entities or firms that provide or arrange for court reporting services, and “original transcript” means the original

transcription requested by a party along with a certified copy of same for purposes of filing with a court.

(c) The provisions described in this article apply to court reporting services performed in this state that are:

(1) Provided by a court reporter, wherever based, in connection with a legal proceeding commenced or maintained in this state; and

(2) Provided by a court reporter based in this state, whether the parties appear in person or by remote means.

(d) The provisions of this article do not apply to the conduct of official court reporters or their substitutes, appointed by judges pursuant to section one, article seven, chapter fifty-one of this code, when acting in their official capacities, reporters of government proceedings not relating to a legal proceeding, local or federal courts, providing real-time services for hard-of-hearing litigants, the provision of pro bono services to litigants who would qualify for the same through West Virginia Legal Aid or other similar organizations, workers' compensation proceedings or legal proceedings recorded with sound-and-visual devices. A legal proceeding includes, but is not limited to, the following:

(1) A court proceeding;

(2) A deposition;

(3) An arbitration hearing; and

(4) An examination under oath.

(e) Court reporters, businesses, entities, insurers or firms providing or arranging for court reporting services are subject to the provisions of this section even if the businesses, entities, insurers or firms are not subject to registration or other regulatory oversight in the state.

§47-27-2. Prohibited conduct.

(a) A legal proceeding may not be reported by:

(1) An individual who engages in a prohibited action as provided in this section;

(2) A party to the action;

(3) A relative, employee or attorney of one of the parties;

(4) Someone with a financial interest in the action or its outcome;
or

(5) A relative, employee or attorney of someone with a financial interest in the action or its outcome.

(b) Court reporters may not:

(1) Base the compensation for the court reporting services on the outcome of the proceeding or otherwise giving the court reporter or court reporting business, entity or firm a financial interest in the action. Court reporters or businesses, entities or firms providing or arranging for court reporting services may not offer or provide court reporting services where payment for those services will be made contingent on the outcome of the action.

(2) Enter into an agreement, whether formal or informal, for court reporting services which restricts the noticing attorney or party to a legal proceeding from selecting and using the court reporter of his or her own choosing or otherwise requires the noticing attorney or party to a legal proceeding to select or use a court reporter not of his or her own choosing. Before accepting an assignment for court reporting services, the court reporter is obligated to make reasonable efforts to ascertain whether any arrangement exists which is prohibited under this article.

(3) Allow the format, content or body of the transcript as certified by the court reporter to be manipulated in a manner that increases the cost of the transcript.

(4) Charge a fee for the electronic copy or paper copy of a transcript that is more than fifty-five percent of the cost of the original transcript, except by agreement of all parties to a legal proceeding. This prohibition does not apply to real-time court reporting services or accelerated transcript delivery requests made by the party requesting a copy of the transcript when the party requesting the original has not requested accelerated delivery.

(5) Require the attorney purchasing the original or a copy of the transcript to purchase extra services that were neither ordered nor desired from the court reporter as a condition for the sale of the transcript.

§47-27-3. Disclosure and limitations on practices.

(a) Prior to the commencement of a legal proceeding, and at any time during or following the conclusion of a legal proceeding, an attorney or a party to that legal proceeding has the right to an itemized statement of all rates and charges for all services that have been or will be provided by the court reporter or business, entity or firm providing or arranging for court reporting services to any party to the legal proceeding.

(b) A court reporter shall certify on the certification page of each transcript of a legal proceeding, the following: "I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code."

(c) Each transcript of a legal proceeding shall conform to the following minimum standards:

(1) No fewer than twenty-four typed lines on standard 8-1/2 by 11 inches pages.

(2) No fewer than nine characters to the typed inch.

(3) A full line of text shall be no less than fifty-six characters and/or spaces unless timestamping is used, in which case no fewer than forty-eight characters and/or spaces shall be used on a full line of text.

(4) Timestamping may only be printed on a transcript under any of the following circumstances: (A) When a deposition is videotaped; (B) when requested by counsel on the record; and (C) when a transcript will have not less than forty-eight characters per line.

(5) The page numbers, headers and footers do not count as a line of text. Line numbers and the spaces preceding text do not count as a character.

(6) Each question and answer to begin on a separate line.

(7) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the question and answer to the text.

(8) Carry-over question and answer lines to begin at the left-hand margin.

(9) Colloquy material to begin no more than fifteen spaces from the left-hand margin, with carryover colloquy to the left-hand margin. In colloquy, text shall begin no more than two spaces after the colon following speaker identification.

(10) Quoted material to begin no more than fifteen spaces from the left-hand margin, with carry-over lines to begin no more than ten spaces from the left-hand margin.

(11) Parentheticals and exhibit markings to begin no more than fifteen spaces from the left-hand margin, with carry-over lines to begin no more than fifteen spaces from the left-hand margin.

(d) The provisions of section one, two or three of this article may not be waived or otherwise modified.

§47-27-4. Penalties for violations; civil actions; and damages.

A court reporter or the entity that produces and bills for the transcript which violates the provisions of sections two or three of this article is subject to civil penalty in a court of competent jurisdiction as follows: Any party to a civil action, a court reporter, attorney or other person who has been subject to a violation of the provisions of section two or three of this article may recover, payable to the prevailing party, a civil penalty for any willful violation of this section and the court shall assess a civil penalty of no less than \$2,500 for each violation: *Provided*, That no more than one civil penalty under this section may be assessed in any one matter pending before the court; and if the court finds that the court reporter has engaged in a course of repeated and willful violations of this section, it may assess an additional civil penalty of up to \$5,000 for each violation of this section. For any action filed pursuant to this section, the court, in its discretion, may award all or a portion of the costs of litigation, including reasonable attorney fees, court costs and fees, to the prevailing party.

The bill (Eng. Com. Sub. for H. B. No. 4294), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4316, Creating the student data accessibility, transparency and accountability act.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page three, section five-h, line twenty-six, by striking out the word “and”;

On page three, section five-h, line thirty, after the word “schools” by changing the period to a semicolon;

On page four, section five-h, line thirty-eight, after the word “photograph” by changing the period to a semicolon and inserting the following:

(11) “Affective computing” means human-computer interaction in which the device has the ability to detect and appropriately respond to its user’s emotions and other stimuli; and

(12) “Fair Information Practice Principles” are United States Federal Trade Commission guidelines that represent widely accepted concepts concerning fair information practice in an electronic marketplace.;

On page seven, section five-h, line one hundred five, by striking out the word “to” and inserting in lieu thereof the word “for”;

On page ten, section five-h, line one hundred seventy-three, by striking out the word “Officer” and inserting in lieu thereof the word “Manager”;

On page ten, section five-h, line one hundred seventy-four, by striking out the word “officer” and inserting in lieu thereof the word “manager”;

On page ten, section five-h, line one hundred seventy-six, by striking out the word “officer” and inserting in lieu thereof the word “manager”;

And,

On page twelve, section five-h, line two hundred nineteen, by striking out the word “officer” and inserting in lieu thereof the word “manager”.

At the request of Senator Boley, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4316), 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. 4333, Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Unger, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 4335, Relating to a child's right to nurse.

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 the Judiciary, was reported by the Clerk and adopted:

On page two, section nineteen, line five, after the word "location" by striking out the comma.

At the request of Senator Barnes, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. No. 4335), 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. 4339, Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

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 seven, section twelve, after line eighty-nine, by adding a new subsection, designated subsection (i), to read as follows:

(i) The Prichard Landfill in Wayne County is eligible for funds from the Closure Cost Assistance Fund necessary to complete post closure maintenance and monitoring upon the filing of an appropriate application. In the event of a permit transfer, neither the State nor the Wayne County economic development authority or entity may assume any liability from the private landfill other than post closure maintenance and monitoring costs.

The bill (Eng. Com. Sub. for H. B. No. 4339), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4343, West Virginia Project Launchpad Act.

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 thirty-seven, section four, line thirteen, by striking out the word “two” and inserting in lieu thereof the word “three”;

On page thirty-nine, section four, lines forty-six through fifty-one, by striking out all of subsection (g) and inserting in lieu thereof a new subsection, designated subsection (g), to read as follows:

(g) *Duration of launchpad designation.* – The designation of a geographic area as a West Virginia project launchpad for economic development is for a period not to exceed eight years, beginning January 1, 2015 and ending December 31, 2022, unless the launchpad is sooner decertified as provided in this article, or the ending date is extended by the Legislature.;

On page forty, section five, line one, by striking out “January 1, 2015” and inserting in lieu thereof “December 30, 2014”;

On page fifty-six, section ten, line sixty-three, by striking out “2025” and inserting in lieu thereof “2019”;

On page sixty-five, section seventeen, lines five through seven, by striking out all of subdivision (1);

On page sixty-six, section seventeen, line eight, by striking out “(2)” and inserting in lieu thereof “(1)”;

On page sixty-six, section seventeen, lines twenty-four through seventy, by striking out all of subdivision (3) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) All of the following:

(A) Net gains or income, less net losses, derived by a resident or nonresident of a West Virginia project launchpad for economic development from the sale, exchange or other disposition of real or tangible personal property located in a West Virginia project launchpad for economic development as determined in accordance with generally accepted accounting principles and practices. The exemption provided in this paragraph (A) shall not apply to the

sale, exchange or other disposition of any stock of goods, merchandise or inventory, or any operational assets unless the transfer is in connection with the sale, exchange or other disposition of all of the assets in complete liquidation of a qualified business located in a West Virginia project launchpad for economic development. This paragraph (A) shall also apply to intangible personal property employed in a trade, profession or business that is a qualified business in a West Virginia project launchpad for economic development, but only when transferred in connection with a sale, exchange or other disposition of all of the assets in complete liquidation of the qualified business located in the West Virginia project launchpad for economic development.

(B) The exemption from income for gain or loss provided in subparagraphs (i) and (ii) of this paragraph (B) shall be prorated based on the following:

(i) In the case of gains, less net losses, in this subparagraph (i), the percentage of time, based on calendar days, the property located in a West Virginia project launchpad for economic development was held by a resident or nonresident of the West Virginia project launchpad for economic development during the time period the West Virginia project launchpad for economic development was in effect in relation to the total time the property was held; and

(ii) In the case of gains, less net losses, in this subparagraph (ii), the percentage of time, based on calendar days, the property was held by the business while a resident of a West Virginia project launchpad for economic development in relation to the total time the property was held by the person or business.;

On page sixty-nine, section seventeen, line seventy-one, by striking out “(4)” and inserting in lieu thereof “(3)”;

On page seventy, section seventeen, lines ninety-one through ninety-six, by striking out all of subdivisions (5) and (6);

And by renumbering the remaining subdivision;

On page seventy-one, section seventeen, line one hundred sixteen, by striking out “(2), (3) and (4)” and inserting in lieu thereof “(1), (2) and (3)”;

On page eighty-nine, section twenty-four, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§5B-2I-24. Local business and occupation taxes and net profits taxes.;

On pages eighty-nine and ninety, section twenty-four, lines one through twenty-five, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) *General exemption.* – A municipal corporation or county commission or county council that has enacted any tax on the privilege of engaging in any business activity, profession or occupation, measured by gross receipts or net profits, may impose that tax on persons or qualified businesses located within the boundaries of an authorized West Virginia project launchpad for economic development. The municipal corporation or county commission or county council shall exempt from the imposition or operation of the local tax ordinances, statutes, regulations or otherwise:

(1) The business gross receipts for operations conducted by a qualified business within an authorized West Virginia project launchpad for economic development; and

(2) The net profits of a qualified business attributable to business activity conducted within an authorized West Virginia project launchpad for economic development when imposed by the qualified political subdivision where that qualified business is located.

No exemption may be granted for operations conducted, for earned income received or for activities conducted prior to designation of the real property as part of an authorized West Virginia project launchpad for economic development.;

On page ninety-one, section twenty-four, line thirty-three, by striking out all of subdivision (2);

And by renumbering the remaining subdivision;

On page ninety-eight, section thirty-one, line six, by striking out “2019, 2023, 2027 and 2031” and inserting in lieu thereof “2019 and 2023”;

On page one hundred, section thirty-six, line one, by striking out “(a)”;

On pages one hundred one and one hundred two, section thirty-six, lines twenty-two through twenty-eight, by striking out all of subsection (b);

On page one hundred three, section forty-one, line two, by striking out “2030” and inserting in lieu thereof “2022”;

On page one hundred four, section three, lines two and three, by striking out the words “and improvements to real property”;

On page one hundred five, section four, lines two and three, by striking out the words “and improvements to real property”;

On page one hundred five, section four, line ten, by striking out the words “and improvements to real property”;

On page one hundred six, section four, lines twenty and twenty-one, by striking out the words “and improvements to real property”;

On page one hundred six, section four, line twenty-seven, by striking out the words “and improvements to real property”;

On page one hundred nine, section two, line four, by striking out the words “this state” and inserting in lieu thereof the words “a launchpad established in article two-i, chapter five-b of this code”;

On page one hundred twelve, section five, lines one through four, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) *Requirement.* – A qualified company that enters into an agreement must create at least five new jobs in a launchpad established pursuant to article two-i, chapter five-b of this code, within two years of entering into the agreement under section eight of this article.;

On pages one hundred thirteen and one hundred fourteen, section five, lines twenty-two through twenty-six, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) When the qualified company certifies that it has a student loan payment assistance program that provides student loan assistance benefits to its West Virginia employees, then the words “ninety-five percent” shall be substituted for “seventy-five percent” in subsection (b) of this section.;

And,

On page one hundred fourteen, section five, line thirty-six, after the word “article” by inserting the words “and that the amount of taxes withheld will still be allowed as a credit when the employee files his or her West Virginia income tax return”.

The bill (Eng. Com. Sub. for H. B. No. 4343), as amended, was then ordered to third reading.

Eng. House Bill No. 4346, Establishing separate standards of performance for carbon dioxide emissions.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Energy, Industry and Mining, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-20. Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units.

(a) The Department of Environmental Protection, in consultation with the Department of Environmental Protection Advisory Council, shall establish separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units in accordance with subsection (b) and from existing natural gas-fired electric generating units in accordance with subsection (c). The standards of performance developed and proposed under any state plan to comply with Section 111 of the Clean Air Act should allow for greater flexibility and take into consideration the additional factors set forth in subsection (d) as a part of any state plan to achieve targeted reductions in greenhouse gas emissions which are equivalent or comparable to the goals and marks established by federal guidelines.

(b) *Standards of performance for existing coal-fired electric generating units.* – Except as provided under subsection (d), the standard of performance established for existing coal-fired electric generating units under subsection (a) shall be based upon:

(1) The best system of emission reduction which, taking into account the cost of achieving the reduction and any nonair quality health and environmental impact and energy requirements, has been adequately demonstrated for coal-fired electric generating units that are subject to the standard of performance;

(2) Reductions in emissions of carbon dioxide that can reasonably be achieved through measures undertaken at each coal-fired electric generating unit; and

(3) Efficiency and other measures that can be undertaken at each coal-fired electric generating unit to reduce carbon dioxide emissions from the unit without switching from coal to other fuels, cofiring other fuels with coal or limiting the economic utilization of the unit; and

(4) Additional regulatory mechanisms that provide flexibility in complying with the standards, including: (A) Emissions trading with credited reduction for any unit that was in operation January 1, 2011, or thereafter, and fleet wide averaging; (B) other alternative implementation measures that are determined to further the interests of West Virginia and its citizens including state programs such as clean energy programs that mandate reduced energy consumption resulting in avoided emissions, emission reductions, or a reduction in the state's carbon dioxide intensity whereby the state shall credit equally based on the output to the generators located in the state that are subject to carbon dioxide performance standard rules under Section 111(d) of the Clean Air Act.

(c) *Standards of performance for existing natural gas-fired electric generating units.* – Except as provided in subsection (d), the standard of performance established for existing gas-fired electric generating units under subsection (a) shall be based upon:

(1) The best system of emission reduction which, taking into account the cost of achieving the reduction and any nonair quality health and environmental impact and energy requirements, has been adequately demonstrated for natural gas-fired electric generating units that are subject to the standard of performance;

(2) Reductions in emissions of carbon dioxide that can reasonably be achieved through measures at each natural gas-fired electric generating unit; and

(3) Efficiency and other measures that can be undertaken at the unit to reduce carbon dioxide emissions from the unit without switching from natural gas to other lower-carbon fuels or limiting the economic utilization of the unit.

(d) *Flexibility in establishing standards of performance.* – In developing a flexible state plan to achieve targeted reductions in greenhouse gas emissions, the Department of Environmental Protection shall endeavor to establish an achievable standard of performance for any existing fossil fuel-fired electric generating unit, and examine whether less stringent performance standards or longer compliance schedules may be implemented or adopted for existing fossil fuel-fired electric generating units in comparison to the performance standards established for new, modified or reconstructed generating units, based on the following:

(1) Consumer impacts, including any disproportionate impacts of energy price increases on lower income populations;

(2) Nonair quality health and environmental impacts;

(3) Projected energy requirements;

(4) Market-based considerations in achieving performance standards;

(5) The costs of achieving emission reductions due to factors such as plant age, location or basic process design;

(6) Physical difficulties with or any apparent inability to feasibly implement certain emission reduction measures;

(7) The absolute cost of applying the performance standard to the unit;

(8) The expected remaining useful life of the unit;

(9) The impacts of closing the unit, including economic consequences such as expected job losses, if the unit is unable to comply with the performance standard;

(10) Impacts on the reliability of the system; and

(11) Any other factors specific to the unit that make application of a modified or less stringent standard or a longer compliance schedule more reasonable.

(e) *State plan requirement.* – The Department of Environmental Protection shall propose or submit to the U. S. Environmental Protection Agency a state plan which includes achievable performance standards for existing sources, and a combination of additional measures designed to meet the U. S. Environmental Protection Agency’s guidelines, consistent with the considerations, goals and parameters set forth in this section.

On motion of Senator Cann, the following amendment to the Energy, Industry and Mining committee amendment to the bill (Eng. H. B. No. 4346) was next reported by the Clerk and adopted:

On page two, section twenty, subsection (b), subdivision (3), after the word “fuels” by striking out the comma and the words “cofiring other fuels with coal”.

The question now being on the adoption of the Energy, Industry and Mining committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. H. B. No. 4346), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4347, Relating to affirmative defenses against mechanics’ liens.

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. 4349, Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order.

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. 4360, Relating to consumer credit protection.

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. CONSUMER CREDIT PROTECTION.

§46A-2-128. Unfair or unconscionable means.

No debt collector ~~shall~~ may use unfair or unconscionable means to collect or attempt to collect any claim. Without limiting the general application of the foregoing, the following conduct is deemed to violate this section:

(a) The seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessities of life where the original obligation was not in fact incurred for such necessities;

(b) The seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt, without clearly disclosing the nature and consequences of such affirmation

and the fact that the consumer is not legally obligated to make such affirmation;

(c) The collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for services rendered: *Provided*, That attorney's fees, court costs and other reasonable collection costs and charges necessary for the collection of any amount due upon delinquent educational loans made by any institution of higher education within this state may be recovered when the terms of the obligation so provide. Recovery of attorney's fees and collection costs may not exceed thirty-three and one-third percent of the amount due and owing to any such institution: *Provided, however*, That nothing contained in this subsection shall be construed to limit or prohibit any institution of higher education from paying additional attorney fees and collection costs as long as such additional attorney fees and collection costs do not exceed an amount equal to five percent of the amount of the debt actually recovered and such additional attorney fees and collection costs are deducted or paid from the amount of the debt recovered for the institution or paid from other funds available to the institution;

(d) The collection of or the attempt to collect any interest or other charge, fee or expense incidental to the principal obligation unless such interest or incidental fee, charge or expense is expressly authorized by the agreement creating the obligation and by statute; ~~and~~

(e) Any communication with a consumer whenever it appears that the consumer is represented by an attorney and the attorney's name and address are known, or could be easily ascertained, unless the attorney fails to answer correspondence, return phone calls or discuss the obligation in question or unless the attorney consents to direct communication; and

(f) When the debt is beyond the statute of limitations for filing a legal action for collection, failing to provide the following disclosure informing the consumer in its initial written communication with such consumer that:

(1) When collecting on a debt that is not past the date for obsolescence provided for in Section 605(a) of the Fair Credit Reporting Act, 15 U. S. C. 1681c: “The law limits how long you can be sued on a debt. Because of the age of your debt, (INSERT OWNER NAME) cannot sue you for it. If you do not pay the debt, (INSERT OWNER NAME) may report or continue to report it to the credit reporting agencies as unpaid”; and

(2) When collecting on debt that is past the date for obsolescence provided for in Section 605(a) of the Fair Credit Reporting Act, 15 U. S. C. 1681c: “The law limits how long you can be sued on a debt. Because of the age of your debt, (INSERT OWNER NAME) cannot sue you for it and (INSERT OWNER NAME) cannot report it to any credit reporting agencies.”

The bill (Eng. Com. Sub. for H. B. No. 4360), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4432, Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.

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. 4480, Relating to investment of the Acid Mine Drainage 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. 4560, Relating to reimbursement for copies of medical records.

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 29. HEALTH CARE RECORDS.

§16-29-1. Copies of health care records to be furnished to patients.

(a) Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her authorized agent or authorized representative, within a reasonable time, furnish a copy, as requested in the form of a paper copy or, if requested and if the provider routinely stores records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the patient, his or her authorized agent or authorized representative subject to the following exceptions:

(~~a~~) (1) In the case of a patient receiving treatment for psychiatric or psychological problems, a summary of the record shall be made available to the patient, his or her authorized agent or authorized representative following termination of the treatment program.

(2) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the

patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen of this code or the rules and regulations established thereunder.

~~(c) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article: *Provided*, That original radiological study film from a radiological exam conducted pursuant to a request from a patient or patient's representative shall be provided to the patient or patient's representative upon written request and payment for the exam. The health care provider shall not be required to interpret or retain copies of the film and shall be immune from liability resulting from any action relating to the absence of the original radiological film from the patient's record.~~

~~(d)~~ (c) This article ~~shall~~ does not apply to records subpoenaed or otherwise requested through court process.

~~(e)~~ (d) The provisions of this article may be enforced by a patient, authorized agent or authorized representative, and any health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

~~(f)~~ (e) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related Medical Testing and Records Confidentiality Act under the provisions of article three-c of this chapter.

§16-29-2. Reasonable expenses to be reimbursed.

~~(a) The provider shall be reimbursed by the person requesting in writing a copy of the records at the time of delivery for all reasonable expenses incurred in complying with this article: *Provided*, That the cost may not exceed \$0.75 per page for the copying of any record or records which have already been reduced to written form and a search fee may not exceed \$10: A person~~

requesting records from a provider shall place the request in writing and pay a reasonable, cost-based fee, at the time of delivery. Notwithstanding any other section of the code or rule, the fee shall be based on the provider's cost of: (1) Labor for copying the requested records if in paper, or for placing the records in electronic media; (2) supplies for creating the paper copy or electronic media; and (3) postage if the person requested that the records be mailed. If a person requests or agrees to an explanation or summary of the records, the provider may charge a reasonable cost-based fee for the labor cost if preparing the explanation or the summary; for the supplies for creating the explanation or summary; and for the cost of postage, if the person requested that the records be mailed. If the records are stored with a third party or a third party responds to the request for records in paper or electronic media, the provider may charge additionally for the actual charges incurred from the third party.

(b) The labor for copying under this section shall not exceed twenty-five dollars per hour and shall be adjusted to reflect the consumer price index for medical care services such that the base amount shall be increased by the proportional consumer price index in effect as of October of the calendar year in which the request was made, rounded to the nearest dollar.

~~(b)~~ (c) Notwithstanding the provisions of subsection (a) of this section, a provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act, 42 U.S.C. §301 et seq. ~~(e)~~ For purposes of this section, a person is considered indigent if he or she:

(1) Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

(2) Verifies on a medical records request and release form that the records are requested for purposes of supporting a Social Security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by

reason of unemployment, disability, income below the federal poverty level, or receipt of state or federal income assistance.

(d) Any person requesting free copies of written medical records pursuant to the provisions of subsection ~~(b)~~ (c) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of subsection (a).

The bill (Eng. Com. Sub. for H. B. No. 4560), as amended, was then ordered to third reading.

Eng. House Bill No. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

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 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 §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5 and §16-2M-6, all to read as follows:

ARTICLE 2M. THE PAIN-CAPABLE FETUS PROTECTION ACT.

§16-2M-1. Findings.

The Legislature finds that there is substantial medical evidence that a fetus is capable of experiencing pain by twenty weeks after fertilization.

§16-2M-2. Definitions.

For purposes of this article, the following words and phrases have the following meanings:

(1) “Attempt to perform or induce an abortion” means an act or an omission of a statutorily required act that, under the circumstances as the person believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of the applicable provisions of this code.

(2) “Fertilization” means the fusion of a human spermatozoon with a human ovum.

(3) “Fetus” means the developing young in the uterus, specifically the unborn offspring in the postembryonic period from nine weeks after fertilization until birth.

(4) “Medical emergency” means a condition that, on the basis of a reasonably prudent physician’s reasonable medical judgment, so complicates the medical condition of a pregnant female that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function.

(5) “Non-medically viable fetus” means a fetus that contains sufficient fetal anomalies so as to render the fetus medically futile or incompatible with life outside the womb in the reasonable medical judgment of a reasonably prudent physician.

(6) “Physician” means a person with an unlimited license to practice allopathic medicine pursuant to article three of chapter thirty of this code or osteopathic medicine pursuant fourteen of chapter thirty of this code.

(7) “Post-fertilization age” means the age of the fetus as calculated from the fertilization of the human ovum.

(8) “Probable post-fertilization age of the fetus” means, in reasonable medical judgment and with reasonable probability, the post-fertilization age of the fetus at the time an abortion is planned to be performed.

(9) “Reasonable medical judgment” means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

§16-2M-3. Determination of post-fertilization age.

Except in the case of a medical emergency or a non-medically viable fetus, no abortion may be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the fetus or relied upon such a determination made by another physician. In making this determination, the physician shall make such inquiries of the patient and perform or cause to be performed medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

§16-2M-4. Abortion of fetus of twenty or more weeks post-fertilization age prohibited.

(a) No person may perform or induce, or attempt to perform or induce, an abortion upon a female when it has been determined, by

the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization age of the fetus is twenty or more weeks, unless in the reasonable medical judgment of a reasonably prudent physician there exists a non-medically viable fetus or the patient has a condition that, on the basis of a reasonably prudent physician's reasonable medical judgment, so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function.

(b) When an abortion upon a patient whose fetus has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (a) of this section, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the fetus to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the patient or of the substantial and irreversible physical impairment of a major bodily function of the patient than would other available methods.

§16-2M-5. Reporting.

(a) Any physician who performs or induces an abortion shall report to the Bureau for Public Health. The reporting shall be on a schedule and on forms set forth by the Secretary of the Department of Health and Human Resources no later than December 31, 2014. The reports shall include the following information:

(1) Post-fertilization age:

(A) If a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined.

(B) If a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed or that there existed a non-medically viable fetus.

(2) Method of abortion;

(3) If the probable post-fertilization age was determined to be twenty or more weeks, the basis of the determination that there existed a non-medically viable fetus or that the patient had a condition which so complicated the medical condition of the patient that it necessitated the abortion of her pregnancy in order to avert her death or avert a serious risk of substantial and irreversible physical impairment of a major bodily function; and

(4) If the probable post-fertilization age was determined to be twenty or more weeks, whether the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the fetus to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the patient or of the substantial and irreversible physical impairment of a major bodily function of the patient than would other available methods.

(b) Reports required by subsection (a) of this section may not contain the name or the address of the patient whose pregnancy was terminated nor may the report contain any information identifying the patient. These reports shall be maintained in strict confidence by the department, may not be available for public inspection, and may not be made available except pursuant to court order.

(c) Beginning June 30, 2016, and annually thereafter, the Department of Health and Human Resources shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (a) of this section. Each report shall provide the statistics for all previous calendar years from the effective date of this section, adjusted to

reflect any additional information from late or corrected reports. The Department of Health and Human Resources shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any patient upon whom an abortion was performed or induced.

§16-2M-6. Penalties.

(a) Any person who intentionally or recklessly performs or induces an abortion in violation of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined up to \$4,000.

(b) No penalty may be assessed against any patient upon whom an abortion is performed or induced or attempted to be performed or induced.

On motion of Senator Palumbo, the following amendments to the Judiciary committee amendment to the bill (Eng. H. B. No. 4588) were reported by the Clerk and considered simultaneously:

On page one, section one, by striking out the word “twenty” and inserting in lieu thereof the word “twenty-two”;

On page one, section one, after the word “fertilization” by inserting the words “or at the point of medical viability”;

On page three, section four, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§16-2M-4. Abortion of fetus of twenty-two or more weeks post-fertilization age or that is medically viable prohibited.;

On page four, section four, subsection (b), by striking out the word “twenty” and inserting in lieu thereof the word “twenty-two”;

On page four, section four, subsection (b), after the word “weeks” by inserting the words “or the fetus is medically viable”;

On page four, section four, subsection (b), by striking out the word “twenty” and inserting in lieu thereof the word “twenty-two”;

On page four, section four, subsection (b), after the word “weeks” by inserting the words “or the fetus is medically viable”;

On page five, section five, subsection (a), subdivision (3), by striking out the word “twenty” and inserting in lieu thereof the word “twenty-two”;

On page five, section five, subsection (a), subdivision (3), after the word “weeks” by inserting the words “or the fetus was determined to be medically viable”;

On page five, section five, subsection (a), subdivision (4), by striking out the word “twenty” and inserting in lieu thereof the word “twenty-two”;

And,

On page five, section five, subsection (a), subdivision (4), after the word “weeks” by inserting the words “or if the fetus was determined to be medically viable”.

Following extended discussion,

The question being on the adoption of Senator Palumbo’s amendment to the Judiciary committee amendment to the bill, the same was put and did not prevail.

Thereafter, at the request of Senator McCabe, and by unanimous consent, the remarks by Senators Palumbo, Wells, Barnes, M. Hall, Snyder and Cann regarding the adoption of Senator Palumbo’s amendment to the Judiciary committee amendment to Engrossed House Bill No. 4588 were ordered printed in the Appendix to the Journal.

The question now being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

Thereafter, at the request of Senator McCabe, and by unanimous consent, the remarks by Senator Palumbo regarding the adoption of the Judiciary committee amendment to Engrossed House Bill No. 4588 were ordered printed in the Appendix to the Journal.

The bill (Eng. H. B. No. 4588), as amended, was then ordered to third reading.

Eng. House Bill No. 4601, Relating to fiscal management and regulation of publicly-owned utilities.

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 §16-13A-18a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §24-2-4a and §24-2-4b of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-18a. Sale, lease or rental of water, sewer, stormwater or gas system by district; distribution of proceeds.

In any case where a public service district owns a water, sewer, stormwater or gas system, and a majority of not less than sixty percent of the members of the public service board thereof deem it for the best interests of the district to sell, lease or rent such water,

sewer, stormwater or gas system to any municipality or privately-owned water, sewer, stormwater or gas system, or to any water, sewer, stormwater or gas system owned by an adjacent public service district, the board may so sell, lease or rent such water, sewer, stormwater or gas system upon such terms and conditions as said board, in its discretion, considers in the best interests of the district: *Provided*, That such sale, leasing or rental may be made only upon: (1) The publication of notice of a hearing before the board of the public service district, as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, in a newspaper published and of general circulation in the county or counties wherein the district is located, such publication to be made not earlier than twenty days and not later than seven days prior to the hearing; (2) approval by the county commission or commissions of the county or counties in which the district operates; and (3) approval by the public service commission of West Virginia.

In the event of any such sale, the proceeds thereof, if any, remaining after payment of all outstanding bonds and other obligations of the district, shall be ratably distributed to any persons who have made contributions in aid of construction of such water, sewer, stormwater or gas system, such distribution not to exceed the actual amount of any such contribution, without interest, and any balance of funds thereafter remaining shall be paid to the county commission of the county in which the major portion of such water, sewer, stormwater or gas system is located to be placed in the general funds of such county commission: *Provided, That no such distribution shall be required in the case of a sale between political subdivisions of the state.*

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-4a. Procedure for changing rates after June 30, 1981.

After June 30, 1981, no public utility subject to this chapter except those utilities subject to the provisions of section four-b and section four-d of this article, shall change, suspend or annul any rate, joint rate, charge, rental or classification except after thirty days' notice to the commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates or charges shall go into effect; but the commission may enter an order suspending the proposed rate as hereinafter provided. The proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection: *Provided*, That the commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

Whenever there shall be filed with the commission any schedule stating a change in the rates or charges, or joint rates or charges, or stating a new individual or joint rate or charge or joint classification or any new individual or joint regulation or practice affecting any rate or charge, the commission may either upon complaint or upon its own initiative without complaint enter upon a hearing concerning the propriety of such rate, charge, classification, regulation or practice; and, if the commission so orders, it may proceed without answer or other form of pleading by the interested parties, but upon reasonable notice, and, pending such hearing and the decisions thereon, the commission, upon filing with such schedule and delivering to the public utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than two hundred seventy days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make such order in reference to such rate, charge, classification,

regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: ~~and~~ Provided, That in the case of a public utility having two thousand five hundred customers or less and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of such schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred twenty days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than two thousand five hundred customers, but not more than five thousand customers, and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of such schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred fifty days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than five thousand customers, but not more than seven thousand five hundred customers, and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of such schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred eighty days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make such order in reference to such rate, charge, classification, regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: *Provided, however,* That, in the case of rates established or proposed that increase by less than twenty-five percent of the gross revenue of the public service district, there shall be no suspension period in the case of rates established by a public service district pursuant to section nine, article thirteen-a, chapter

sixteen of this code, and the proposed rates of public service districts shall go into effect upon the date of filing with the commission, subject to refund modification at the conclusion of the commission proceeding. In the case of rates established or proposed that increase by more than twenty-five percent of the gross revenue of the public service district, the district may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon the date of filing with the commission. The public service district shall provide notice by Class I legal advertisement in a newspaper of general circulation in its service territory of the percentage increase in rates at least fourteen days prior to the effective date of the increased rates. Any refund determined to be determined to be due and owing as a result of any difference between any final rates approved the commission and the rates placed into effect subject to refund shall be refunded by the public service district as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully credited by credit within six months after entry of the commission's final order shall be directly refunded to the customer by check: *Provided further*, That if any such hearing and decision thereon is not concluded within the periods of suspension, as above stated, such rate, charge, classification, regulation or practice shall go into effect at the end of such period not subject to refund: *And provided further*, That if any such rate, charge, classification, regulation or practice goes into effect because of the failure of the commission to reach a decision, the same shall not preclude the commission from rendering a decision with respect thereto which would disapprove, reduce or modify any such proposed rate, charge, classification, regulation or practice, in whole or in part, but any such disapproval, reduction or modification shall not be deemed to require a refund to the customers of such utility as to any rate, charge, classification, regulation or practice so disapproved, reduced or modified. The fact of any rate, charge, classification, regulation or practice going into effect by reason of the commission's failure to act thereon shall not affect the commission's power and authority to subsequently act with respect to any such application or change in any rate, charge,

classification, regulation or practice. Any rate, charge, classification, regulation or practice which shall be approved, disapproved, modified or changed, in whole or in part, by decision of the commission shall remain in effect as so approved, disapproved, modified or changed during the period or pendency of any subsequent hearing thereon or appeal therefrom. Orders of the commission affecting rates, charges, classifications, regulations or practices which have gone into effect automatically at the end of the suspension period are prospective in effect only.

At any hearing involving a rate sought to be increased or involving the change of any rate, charge, classification, regulation or practice, the burden of proof to show the justness and reasonableness of the increased rate or proposed increased rate, or the proposed change of rate, charge, classification, regulation or practice shall be upon the public utility making application for such change. The commission shall, whenever practicable and within budgetary constraints, conduct one or more public hearings within the area served by the public utility making application for such increase or change, for the purpose of obtaining comments and evidence on the matter from local ratepayers.

Each public utility subject to the provisions of this section shall be required to establish, in a written report which shall be incorporated into each general rate case application, that it has thoroughly investigated and considered the emerging and state-of-the-art concepts in the utility management, rate design and conservation as reported by the commission under subsection (c), section one, article one of this chapter, as alternatives to, or in mitigation of, any rate increase. The utility report shall contain as to each concept considered the reasons for adoption or rejection of each. When in any case pending before the commission all evidence shall have been taken and the hearing completed, the commission shall render a decision in such case. The failure of the commission to render a decision with respect to any such proposed change in any such rate, charge, classification, regulation or practice within the various time periods specified in this section after the application

therefor shall constitute neglect of duty on the part of the commission and each member thereof.

Where more than twenty members of the public are affected by a proposed change in rates, it shall be a sufficient notice to the public within the meaning of this section if such notice is published as a Class II 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 the community where the majority of the resident members of the public affected by such change reside or, in case of nonresidents, have their principal place of business within this state.

The commission may order rates into effect subject to refund, plus interest in the discretion of the commission, in cases in which the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress, or in which the costs upon which these rates are based are subject to modification by the commission or another regulatory commission and to refund to the public utility. In such case the commission may require such public utility to enter into a bond in an amount deemed by the commission to be reasonable and conditioned upon the refund to the persons or parties entitled thereto of the amount of the excess if such rates so put into effect are subsequently determined to be higher than those finally fixed for such utility.

No utility may make application for a general rate increase while another general rate application is pending before the commission and not finally acted upon, except pursuant to the provisions of the next preceding paragraph of this section. The provisions of this paragraph shall not be construed so as to prohibit any such rate application from being made while a previous application which has been finally acted upon by the commission is pending before or upon appeal to the West Virginia supreme court of appeals.

§24-2-4b. Procedures for changing rates of electric and natural gas cooperatives, local exchange services of telephone cooperatives and municipally operated public utilities.

(a) The rates and charges of electric cooperatives, natural gas cooperatives and municipally operated public utilities, except for municipally operated commercial solid waste facilities as defined in section two, article fifteen, chapter twenty-two of this code, and the rates and charges for local exchange services provided by telephone cooperatives are not subject to the rate approval provisions of section four or four-a of this article, but are subject to the limited rate provisions of this section.

(b) All rates and charges set by electric cooperatives, natural gas cooperatives and municipally operated public utilities and all rates and charges for local exchange services set by telephone cooperatives shall be just, reasonable, applied without unjust discrimination or preference and based primarily on the costs of providing these services. The rates and charges shall be adopted by the electric, natural gas or telephone cooperative's governing board and in the case of the municipally operated public utility by municipal ordinance to be effective not sooner than forty-five days after adoption: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective or the utility shall give its customers, and in the case of a cooperative, its customers, members and stockholders, other reasonable notices as will allow filing of timely objections to the rate change or full participation in municipal rate legislation. The rates and charges or ordinance shall be filed with the commission, together with any information showing the basis of the rates and charges and other information as the commission considers necessary. Any change in the rates and charges with updated information shall be filed with the commission. If a petition, as set out in subdivision (1), (2) or (3), subsection (c) of this section is received and the electric cooperative, natural gas cooperative or telephone cooperative or municipality has failed to file with the commission the rates and charges with information showing the basis of rates and charges and other information as the commission considers necessary, the suspension period limitation of one hundred twenty days and the one hundred-

day period limitation for issuance of an order by a hearing examiner, as contained in subsections (d) and (e) of this section, is tolled until the necessary information is filed. The electric cooperative, natural gas cooperative, telephone cooperative or municipality shall set the date when any new rate or charge is to go into effect.

(c) The commission shall review and approve or modify the rates upon the filing of a petition within thirty days of the adoption of the ordinance or resolution changing the rates or charges by:

(1) Any customer aggrieved by the changed rates or charges who presents to the commission a petition signed by not less than twenty-five percent of the customers served by the municipally operated public utility or twenty-five percent of the membership of the electric, natural gas or telephone cooperative residing within the state;

(2) Any customer who is served by a municipally operated public utility and who resides outside the corporate limits and who is affected by the change in the rates or charges and who presents to the commission a petition alleging discrimination between customers within and without the municipal boundaries. The petition shall be accompanied by evidence of discrimination; or

(3) Any customer or group of customers who are affected by the change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between customer or group of customers and other customers of the municipal utility. The petition shall be accompanied by evidence of discrimination.

(d) (1) The filing of a petition with the commission signed by not less than twenty-five percent of the customers served by the municipally operated public utility or twenty-five percent of the membership of the electric, natural gas or telephone cooperative residing within the state under subdivision (1), subsection (c) of this section shall suspend the adoption of the rate change contained in the ordinance or resolution for a period of one hundred twenty days

from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein.

(2) Upon sufficient showing of discrimination by customers outside the municipal boundaries or a customer or a group of customers within the municipal boundaries under a petition filed under subdivision (2) or (3), subsection (c) of this section, the commission shall suspend the adoption of the rate change contained in the ordinance for a period of one hundred twenty days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein. A municipal rate ordinance enacted pursuant to the provisions of this section and municipal charter or state code that establishes or proposes a rate increase that results in an increase of less than twenty-five percent of the gross revenue of the utility shall be presumed valid and rates shall be allowed to go into effect, subject to refund, upon the date stated in that ordinance. In the case of rates established or proposed that increase by more than twenty-five percent of the gross revenue of the municipally operated public utility, the utility may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon enactment.

(e) The commission shall forthwith appoint a hearing examiner from its staff to review the grievances raised by the petitioners. The hearing examiner shall conduct a public hearing and shall, within one hundred days from the date the rates or charges would otherwise go into effect, unless otherwise tolled as provided in subsection (b) of this section, issue an order approving, disapproving or modifying, in whole or in part, the rates or charges imposed by the electric, natural gas or telephone cooperative or by the municipally operated public utility pursuant to this section.

(f) Upon receipt of a petition for review of the rates under the provisions of subsection (c) of this section, the commission may exercise the power granted to it under the provisions of section three of this article, consistent with the applicable rate provisions of section twenty, article ten, chapter eight of this code, section four,

article nineteen, chapter eight of this code, and section sixteen, article thirteen, chapter sixteen of this code. The commission may determine the method by which the rates are reviewed and may grant and conduct a de novo hearing on the matter if the customer, electric, natural gas or telephone cooperative or municipality requests a hearing.

(g) A municipal utility shall be required to refund revenues collected from rates enacted that are disapproved or modified upon subsequent order of the commission entered in a proceeding under this section. Any refund determined to be due and owing as a result of any difference between the municipal rates placed into effect subject to refund and any final rates approved the commission shall be refunded by the municipal utility as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully refunded by credit within six months after entry of the commission's final order shall be directly refunded to the individual customer by check.

~~(g)~~ (h) The commission may, upon petition by a municipality or electric, natural gas or telephone cooperative, allow an interim or emergency rate to take effect, subject to refund or future modification, if it is determined that the interim or emergency rate is necessary to protect the municipality from financial hardship attributable to the purchase of the utility commodity sold, or the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress. In such cases, the commission ~~may~~ shall waive the 45-day waiting period provided for in subsection (b) of this section and the one hundred twenty-day suspension period provided for in subsection (d) of this section.

~~(h)~~ (i) Notwithstanding any other provision, the commission has no authority or responsibility with regard to the regulation of rates, income, services or contracts by municipally operated public utilities for services which are transmitted and sold outside of the State of West Virginia.

The bill (Eng. H. B. No. 4601), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 4608, Defining dyslexia and dyscalculia.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

At the request of Senator Unger, and by unanimous consent, the Senate returned 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 7th day of March, 2014, 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. 460), Permitting School of Osteopathic Medicine invest certain moneys in its foundation.

And,

(Com. Sub. for Com. Sub. for S. B. No. 499), Making Prudent Investor Act primary standard of care for Investment Management Board.

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

Eng. Com. Sub. for House Bill No. 3156, Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

With amendments from the Committee on Labor 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 March 5, 2014;

And reports the same back with the recommendation that it do pass as amended by the Committee on Labor to which the bill was first referred; and 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. 3156) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the request of Senator Yost, as chair of the Committee on Labor, and by unanimous consent, the unreported Labor 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 §6C-2-8, to read as follows:

ARTICLE 2. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE PROCEDURE.

§6C-2-8. Labor organizations may not be compelled to disclose certain communications; exceptions.

(a) (1) Except as otherwise provided in this section, a labor organization or an agent of a labor organization may not be compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from a public employee, while the labor organization or agent was acting in a representative capacity concerning a public employee grievance or an investigation of a potential public employee grievance, regardless of whether the public employee is a member of the labor organization.

(2) The confidentiality established under this section applies only to the extent that the communication or information is germane to a grievance or potential grievance of the public employee.

(3) The confidentiality established under this subsection continues after termination of:

(A) The public employee's employment; or

(B) The representative relationship of the labor organization or its agent with the public employee.

(4) The confidentiality established under this subsection protects the communication or information received or acquired by the labor organization or its agent, but does not protect the employee from

being compelled to disclose, to the extent provided by law, the facts underlying the communication or information.

(b) The protection for confidential communications provided by this section only extends to proceedings under the public employees grievance procedure. Nothing in this section may be construed to extend the confidentiality to circuit court proceedings or other proceedings outside of the public employees grievance procedure.

(c) A labor organization or its agent shall disclose to the employer as soon as possible a communication or information described in subdivision (1), subsection (a) of this section to the extent the labor organization or its agent reasonably believes:

(1) It is necessary to prevent certain death or substantial bodily harm.

(2) It is necessary to prevent the employee from committing a crime, fraud or any act that is reasonably certain to result in substantial injury to the financial interests or property of another or to rectify or mitigate any such action after it has occurred;

(3) The communication or information constitutes an admission that the employee has committed a crime; or

(4) It is necessary to comply with a court order or other law.

(d) A labor organization or its agent may disclose a communication or information described in subdivision (1), subsection (a) of this section in order to:

(1) Secure legal advice about the compliance of the labor organization or its agent with a court order or other law;

(2) Establish a claim or defense on behalf of the labor organization or its agent in a controversy between the employee and the labor organization or its agent;

(3) Establish a defense to a criminal charge or civil claim against the labor organization or its agent based on conduct in which the employee was involved; or

(4) Respond to allegations in any proceeding concerning the performance of professional duties by the labor organization or its agent on behalf of the employee.

(e) A labor organization or its agent may disclose a communication or information described in subdivision (1), subsection (a) of this section, without regard to whether the disclosure is made within the public employees grievance procedure, in the following circumstances:

(1) The labor organization has obtained the express written or oral consent of the employee;

(2) The employee has, by other act or conduct, waived the confidentiality of the communication or information; or

(3) The employee is deceased or has been adjudicated incompetent by a court of competent jurisdiction and the labor organization has obtained the written or oral consent of the personal representative of the employee's estate or of the employee's guardian.

(f) If there is a conflict between the application of this section and any federal or state labor law, the provisions of the federal or other state law shall control.

The bill (Eng. Com. Sub. for H. B. No. 3156), 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. 4184, Relating to the West Virginia Tourism Development Act.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 4, 2014;

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. 4184) 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 §5B-2E-3, §5B-2E-4, §5B-2E-5, §5B-2E-7, §5B-2E-7a, §5B-2E-8 and §5B-2E-11 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 §5B-2E-7b, all to read as follows:

ARTICLE 2E. WEST VIRGINIA TOURISM DEVELOPMENT ACT.

§5B-2E-3. Definitions.

As used in this article, unless the context clearly indicates otherwise:

(1) “Agreement” means a tourism development agreement entered into, pursuant to section six of this article, between the development office and an approved company with respect to a project.

(2) “Approved company” means any eligible company approved by the development office pursuant to section five of this article seeking to undertake a project.

(3) “Approved costs” means:

(a) *Included costs*:

(i) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, delivery persons and material persons in connection with the acquisition, construction, equipping or installation of a project;

(ii) The costs of acquiring real property or rights in real property and any costs incidental thereto;

(iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, or installation of a project which is not paid by the vendor, supplier, delivery person, contractor or otherwise provided;

(iv) All costs of architectural and engineering services, including, but not limited to: Estimates, plans and specifications, preliminary investigations and supervision of construction, installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping or installation of a project;

(v) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping or installation of a project;

(vi) All costs required for the installation of utilities, including, but not limited to: Water, sewer, sewer treatment, gas, electricity, communications and off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located, all of which are to be used to improve the economic situation of the approved company in a manner that allows the approved company to attract persons; and

(vii) All other costs comparable with those described in this subdivision;

(b) *Excluded costs.* – The term “approved costs” does not include any portion of the cost required to be paid for the acquisition, construction, equipping or installation of a project that is financed with governmental incentives, grants or bonds or for which the eligible taxpayer elects to qualify for other tax credits, including, but not limited to, those provided by article thirteen-q, chapter eleven of this code. The exclusion of certain costs of a project under this paragraph (b) does not automatically disqualify the remainder of the costs of the project.

(4) “Base tax revenue amount” means the average monthly amount of consumer sales and service tax collected by an approved company, based on the twelve-month period ending immediately prior to the opening of a new tourism development project for business or a tourism development expansion project, as certified by the State Tax Commissioner.

(5) “Development office” means the West Virginia Development Office as provided in article two of this chapter.

(6) “Crafts and products center” means a facility primarily devoted to the display, promotion and sale of West Virginia products and at which a minimum of eighty percent of the sales occurring at the facility are of West Virginia arts, crafts or agricultural products.

(7) “Eligible company” means any corporation, limited liability company, partnership, limited liability partnership, sole

proprietorship, business trust, joint venture or any other entity operating or intending to operate a project, whether owned or leased, within the state that meets the standards required by the development office. An eligible company may operate or intend to operate directly or indirectly through a lessee.

(8) “Ineligible company” means any West Virginia pari-mutuel racing facility licensed to operate multiple video lottery machines as authorized by article twenty-two-a, chapter twenty-nine of this code or any limited lottery retailer holding a valid license issued under article seven, chapter sixty of this code.

(9) “Entertainment destination center” means a facility containing a minimum of two hundred thousand square feet of building space adjacent or complementary to an existing tourism attraction, an approved project, or a major convention facility and which provides a variety of entertainment and leisure options that contain at least one major theme restaurant and at least three additional entertainment venues, including, but not limited to, live entertainment, multiplex theaters, large-format theaters, motion simulators, family entertainment centers, concert halls, virtual reality or other interactive games, museums, exhibitions or other cultural and leisure time activities. Entertainment and food and drink options shall occupy a minimum of sixty percent of total gross area, as defined in the application, available for lease and other retail stores shall occupy no more than forty percent of the total gross area available for lease.

(10) “Final approval” means the action taken by the executive director of the development office qualifying the eligible company to receive the tax credits provided in this article.

(11) ~~“Preliminary approval” means the action taken by the executive director of the development office conditioning final approval.~~

~~(12)~~ “Project” means a tourism development project and/or a tourism development expansion project administered in accordance with the provisions of this article.

(12) “Qualified professional services destination facility” means a facility with a minimum qualified investment, as defined in this article, of not less than \$80 million physically located in this state and adjacent or complementary to a historic resort hotel, which primarily furnishes and provides personal or professional services, or both types of services, to individuals who primarily are residents of another state or foreign county.

(13) “State agency” means any state administrative body, agency, department, division, board, commission or institution exercising any function of the state that is not a municipal corporation or political subdivision.

(14) “Tourism attraction” means a cultural or historical site, a recreation or entertainment facility, an area of natural phenomenon or scenic beauty, a West Virginia crafts and products center, or an entertainment destination center or a qualified professional services destination facility. A project or tourism attraction does not include any of the following:

(A) Lodging facility, unless:

(i) The facility constitutes a portion of a project and represents less than fifty percent of the total approved cost of the project, or the facility is to be located on recreational property owned or leased by the state or federal government and the facility has received prior approval from the appropriate state or federal agency;

(ii) The facility involves the restoration or rehabilitation of a structure that is listed individually in the national register of historic places or is located in a national register historic district and certified by the state historic preservation officer as contributing to the historic significance of the district and the rehabilitation or

restoration project has been approved in advance by the state historic preservation officer; or

(iii) The facility involves the construction, reconstruction, restoration, rehabilitation or upgrade of a full-service lodging facility or the reconstruction, restoration, rehabilitation or upgrade of an existing structure into a full-service lodging facility having not less than five hundred guest rooms, with construction, reconstruction, restoration, rehabilitation or upgrade costs exceeding ten million dollars;

(B) A facility that is primarily devoted to the retail sale of goods, other than an entertainment destination center, a West Virginia crafts and products center or a project where the sale of goods is a secondary and subordinate component of the project; and

(C) A recreational facility that does not serve as a likely destination where individuals who are not residents of the state would remain overnight in commercial lodging at or near the project or existing attraction.

(15) "Tourism development project" means the acquisition, including the acquisition of real estate by a leasehold interest with a minimum term of ten years, construction and equipping of a tourism attraction; the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction, installation of a tourism attraction, including, but not limited to, surveys, installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications and similar facilities; and off-site construction of utility extensions to the boundaries of the real estate on which the facilities are located, all of which are to be used to improve the economic situation of the approved company in a manner that allows the approved company to attract persons, but does not include a project that will be substantially owned, managed or controlled by an eligible company with an existing project located within a ten mile radius, or by a person or persons related by a family relationship, including

spouses, parents, children or siblings, to an owner of an eligible company with an existing project located within a ten mile radius.

(16) “Tourism development expansion project” means the acquisition, including the acquisition of real estate by a leasehold interest with a minimum term of ten years; the construction and installation of improvements to facilities necessary or desirable for the expansion of an existing tourism attraction including, but not limited to, surveys, installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications and similar facilities; and off-site construction of utility extension to the boundaries of real estate on which the facilities are located, all of which are to be used to improve the economic situation of the approved company in a manner that allows the approved company to attract persons.

(17) “Tourism development project tax credit” means the tourism development project tax credit allowed by section seven of this article.

(18) “Tourism development expansion project tax credit” means the tourism development expansion project tax credit allowed by section seven-a of this article.

§5B-2E-4. Additional powers and duties of the development office.

The development office has the following powers and duties, in addition to those set forth in this case, necessary to carry out the purposes of this article including, but not limited to:

(1) Make ~~preliminary and final approvals~~ approval of all applications for projects and enter into agreements pertaining to projects with approved companies;

(2) Employ fiscal consultants, attorneys, appraisers and other agents as the executive director of the development office finds necessary or convenient for the preparation and administration of agreements and documents necessary or incidental to any project; and

(3) Impose and collect fees and charges in connection with any transaction.

(4) Impose and collect from the applicant a non-refundable application fee in the amount of \$10,000 to be paid to the Development Office when the application is filed.

§5B-2E-5. Project application; evaluation standards; approval of projects.

(a) Each eligible company that seeks to qualify a project for the tourism development project tax credit provided by section seven of this article, or for the tourism development expansion project tax credit provided by section seven-a of this article, as applicable, must file a written application for approval of the project with the Development Office.

(b) With respect to each eligible company making an application to the Development Office for a tourism development project tax credit or a tourism development expansion project tax credit, the Development Office shall make inquiries and request documentation, including a completed application, from the applicant that shall include: A description and location of the project; capital and other anticipated expenditures for the project and the sources of funding therefor; the anticipated employment and wages to be paid at the project; business plans that indicate the average number of days in a year in which the project will be in operation and open to the public; and the anticipated revenues and expenses generated by the project. ~~The executive director of the Development Office shall act to grant or not to grant any preliminary approval of an application within forty-five days following its receipt or receipt of additional information requested by the Development Office, whichever is later.~~

~~(c) Based upon a review of the application and additional documentation provided by the eligible company, if the executive director of the Development Office determines that the applicant and the project may reasonably satisfy the criteria for final approval set~~

forth in subsection (d) of this section, then the executive director of the Development Office may grant a preliminary approval of the applicant and the project.

~~(d) After preliminary approval by the executive director of the Development Office, the Development Office shall engage the services of a competent consulting firm or firms to analyze the data made available by the applicant and to collect and analyze additional information necessary to determine that, in the independent judgment of the consultant, the project:~~

~~(1) Likely will attract at least twenty-five percent of its visitors from outside of this state;~~

~~(2) Will have approved costs in excess of one million dollars;~~

~~(3) Will have a significant and positive economic impact on the state considering, among other factors, the extent to which the project will compete directly with or complement existing tourism attractions in the state and the amount by which increased tax revenues from the project will exceed the credit given to the approved company;~~

~~(4) Will produce sufficient revenues and public demand to be operating and open to the public for a minimum of one hundred days per year; and~~

~~(5) Will provide additional employment opportunities in the state.~~

~~(e) The applicant shall pay to the Development Office, prior to the engagement of the services of a competent consulting firm or firms pursuant to the provisions of subsection (d) of this section, for the cost of the consulting report or reports and shall cooperate with the consulting firm or firms to provide all of the data that the consultant considers necessary or convenient to make its determination under subsection (d) of this section.~~

~~(f) The executive director of the Development Office, within sixty days following receipt of the consultant's final, written report or reports, shall review, in light of the consultant's report or reports, the reasonableness of the project's budget and timetable for completion and, in addition to the criteria for final approval set forth in subsection (d) of this section, the following criteria:~~

(c) On and after the effective date of this section as amended in 2014, the executive director of the Development Office, within sixty days following receipt of an application or receipt of any additional information requested by the Development Office respecting the application, whichever is later, shall act to grant or not to grant approval of the application, based on the following criteria:

(1) The project will attract at least twenty-five percent of its visitors from outside of this state;

(2) The project will have approved costs in excess of \$1,000,000;

(3) The project will have a significant and positive economic impact on the state considering, among other factors, the extent to which the project will compete directly with or complement existing tourism attractions in the state and the amount by which increased tax revenues from the project will exceed the credit given to the approved company;

(4) The project will produce sufficient revenues and public demand to be operating and open to the public for a minimum of one hundred days per year;

(5) The project will provide additional employment opportunities in the state;

~~(f)~~ (6) The quality of the proposed project and how it addresses economic problems in the area in which the project will be located;

(2) (7) Whether there is substantial and credible evidence that the project is likely to be started and completed in a timely fashion;

(3) (8) Whether the project will, directly or indirectly, improve the opportunities in the area where the project will be located for the successful establishment or expansion of other industrial or commercial businesses;

(4) (9) Whether the project will, directly or indirectly, assist in the creation of additional employment opportunities in the area where the project will be located;

(5) (10) Whether the project helps to diversify the local economy;

(6) (11) Whether the project is consistent with the goals of this article;

(7) (12) Whether the project is economically and fiscally sound using recognized business standards of finance and accounting; and

(8) (13) The ability of the eligible company to carry out the project.

(g) (d) The Development Office may establish other criteria for consideration when approving the applications.

(h) (e) ~~The executive director of the Development Office may give its final approval to the applicant's application for a project and may grant to the applicant the status of an approved company. The executive director of the Development Office shall act to approve or not approve any application within sixty days following the receipt of the consultant's final, written report or reports or the receipt of any additional information requested by the Development Office, whichever is later. The decision by the executive director of the Development Office is final.~~

(f) This section as amended and reenacted in 2014 shall apply to applications under review by the director of the development office prior to the effective date of this section as well as to applications filed on and after the effective date of this section as amended and reenacted in 2014.

§5B-2E-7. Amount of credit allowed for tourism development project; approved projects.

(a) Approved companies are allowed a credit against the West Virginia consumers sales and service tax imposed by article fifteen, chapter eleven of this code and collected by the approved company on sales generated by or arising from the operations of the tourism development project: *Provided*, That if the consumers sales and service tax collected by the approved company is not solely attributable to sales resulting from the operation of the new tourism development project, the credit shall only be applied against that portion of the consumers sales and service tax collected in excess of the base tax revenue amount. The amount of this credit is determined and applied as provided in this article.

(b) The maximum amount of credit allowable in this article is equal to twenty-five percent of the approved company's approved costs as provided in the agreement: *Provided*, That, if the tourism development project site is located within the permit area or an adjacent area of a surface mining operation, as these terms are defined in section three, article three, chapter twenty-two of this code, from which all coal has been or will be extracted prior to the commencement of the tourism development project, or the tourism development project site is located on or adjacent to recreational property owned or leased by the state or federal government and when the project is located on property owned or leased by the state or federal government, the project has received prior approval from the appropriate state or federal agency, the maximum amount of credit allowable is equal to thirty-five percent of the approved company's approved costs as provided in the agreement.

(c) The amount of credit allowable must be taken over a ten-year period, at the rate of one tenth of the amount thereof per taxable year, beginning with the taxable year in which the project is opened to the public, unless the approved company elects to delay the beginning of the ten-year period until the next succeeding taxable year. This election shall be made in the first consumers sales and service tax return filed by the approved company following the date the project is opened to the public. Once made, the election cannot be revoked.

(d) The amount determined under subsection (b) of this section is allowed as a credit against the consumers sales and service tax collected by the approved company on sales from the operation of the tourism development project. The amount determined under said subsection may be used as a credit against taxes required to be remitted on the approved company's monthly consumers sales and service tax returns that are filed pursuant to section sixteen, article fifteen, chapter eleven of this code. The approved company shall claim the credit by reducing the amount of consumers sales and service tax required to be remitted with its monthly consumers sales and service tax returns by the amount of its aggregate annual credit allowance until such time as the full current year annual credit allowance has been claimed. Once the total credit claimed for the tax year equals the approved company's aggregate annual credit allowance no further reductions to its monthly consumers sales and service tax returns will be permitted.

(e) If any credit remains after application of subsection (d) of this section, the amount of credit is carried forward to each ensuing tax year until used or until the expiration of the third taxable year subsequent to the end of the initial ten-year credit application period. If any unused credit remains after the thirteenth year, that amount is forfeited. No carryback to a prior taxable year is allowed for the amount of any unused portion of any annual credit allowance.

§5B-2E-7a. Amount of credit allowed for tourism development expansion project; approved projects.

(a) Approved companies are allowed a credit against the West Virginia consumers sales and service tax imposed by article fifteen, chapter eleven of this code and collected by the approved company on sales generated by or arising from the operations of the tourism development expansion project: *Provided*, That the tourism development expansion project tax credit allowed under this section is separate and distinct from any credit allowed for a tourism development project in accordance with the provisions of section seven of this article: *Provided, however*, That if the consumers sales and service tax collected by the approved company is not solely attributable to sales resulting from the operation of the tourism development expansion project, the credit shall only be applied against that portion of the consumers sales and service tax collected in excess of the base tax revenue amount. The amount of this credit is determined and applied as provided in this article.

(b) The maximum amount of credit allowable in this article is equal to twenty-five percent of the approved company's approved costs as provided in the agreement: *Provided*, That, if the tourism development expansion project site is located within the permit area or an adjacent area of a surface mining operation, as these terms are defined in section three, article three, chapter twenty-two of this code, from which all coal has been or will be extracted prior to the commencement of the tourism development project, or the tourism development project site is located on or adjacent to recreational property owned or leased by the state or federal government and when the project is located on property owned or leased by the state or federal government, the project has received prior approval from the appropriate state or federal agency, the maximum amount of credit allowable is equal to thirty-five percent of the approved company's approved costs as provided in the agreement.

(c) The amount of credit allowable must be taken over a ten-year period, at the rate of one tenth of the amount thereof per taxable year, beginning with the taxable year in which the project is opened to the public, unless the approved company elects to delay the beginning of the ten-year period until the next succeeding taxable

year. This election shall be made in the first consumers sales and service tax return filed by the approved company following the date the project is opened to the public. Once made, the election cannot be revoked.

(d) The amount determined under subsection (b) of this section is allowed as a credit against the consumers sales and service tax collected by the approved company on sales from the operation of the tourism development expansion project. The amount determined under said subsection may be used as a credit against taxes required to be remitted on the approved company's monthly consumers sales and service tax returns that are filed pursuant to section sixteen, article fifteen, chapter eleven of this code. The approved company shall claim the credit by reducing the amount of consumers sales and service tax required to be remitted with its monthly consumers sales and service tax returns by the amount of its aggregate annual credit allowance until such time as the full current year annual credit allowance has been claimed. Once the total credit claimed for the tax year equals the approved company's aggregate annual credit allowance no further reductions to its monthly consumers sales and service tax returns will be permitted.

(e) If any credit remains after application of subsection (d) of this section, the amount of credit is carried forward to each ensuing tax year until used or until the expiration of the third taxable year subsequent to the end of the initial ten-year credit application period. If any unused credit remains after the thirteenth year, that amount is forfeited. No carryback to a prior taxable year is allowed for the amount of any unused portion of any annual credit allowance.

~~(f) The total amount of tourism development expansion project tax credits for all approved companies pursuant to this section may not exceed one million five hundred thousand dollars each calendar year.~~

§5B-2E-7b. Credit against taxes.

(a) *General.* – When a qualified professional services destination facility is located at or adjacent to an existing historic resort hotel with at least five hundred rooms and the qualified professional services destination facility eligible for credit under this section is primarily engaged in furnishing services that are not subject to the tax imposed by article fifteen, chapter eleven of this code, then in lieu of the credits that otherwise would be allowable under section seven or seven-a of this article, the eligible company that complies with the requirements of this section may claim the credit provided in this section: *Provided*, That the maximum amount of credit allowable under this section is equal to twenty-five percent of the eligible company’s qualified investment, as defined in this section.

(b) *Definitions.* – The following words and phrases when used in this section have the meanings given to them in this subsection unless the context in which used clearly indicates that a different meaning was intended by the Legislature.

(1) “Agreement” means an agreement entered into under subsection (g) of this section.

(2) “Compensation” means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(3) “Cost-of-living adjustment” for any calendar year is the percentage, if any, by which the consumer price index for the preceding calendar year exceeds the consumer price index for the calendar year 2015.

(4) “Consumer price index” for any calendar year means the average of the federal consumer price index as of the close of the twelve-month period ending on August 31 of that calendar year.

(5) “Eligible company” for purposes of this section means any corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, joint venture or any other entity operating a qualified professional services destination

facility, whether owned or leased, within the state that: (A) creates at least one hundred twenty-five new jobs in this state within thirty-six months after the date the qualified investment is placed into service or use, and maintains those jobs for the entire ten year life of the tax credit specified in this section, (B) makes available to its full-time employees health insurance coverage and pays at least fifty percent of the premium for the health insurance, (C) generates, within thirty-six months after the date the qualified investment is placed into service or use, not less than \$10 million of gross receipts upon which the taxes imposed under article twenty-seven, chapter eleven of this code are paid, and (D) meets the standards, limitations and requirements of this section and of the development office. An eligible company may operate or intend to operate directly or indirectly through a lessee or a contract operator.

(6) “Federal consumer price index” means the most recent consumer price index as of August 31 each year for all urban consumers published by the United States Department of Labor.

(7) “Health insurance benefits” means employer-provided coverage for medical expenses of the employee or the employee and his or her family under a group accident or health plan, or employer contributions to an Archer medical savings account, as defined in Section 220 of the Internal Revenue Code of 1986, as amended, or to a health savings account, as defined in Section 223 of the Internal Revenue Code, of the employee when the employer’s contribution to any such account is not less than fifty percent of the maximum amount permitted for the year as employer-provided coverage under Section 220 or 223 of the Internal Revenue Code, whichever section is applicable.

(8) “Historic resort hotel” means a resort hotel registered with the United States Department of the Interior on the effective date of this amendment as a national historic landmark in its National Registry of Historic Places having not fewer than five hundred guest rooms.

(9) “New employee” means a person residing and domiciled in this state hired by the taxpayer to fill a position or a job in this state

which previously did not exist in the taxpayer's business enterprise in this state prior to the date the application was filed under subsection (c) of this section. In no event may the number of new employees exceed the total net increase in the employer's employment in this state: *Provided*, That the Tax Commissioner may require that the net increase in the taxpayer's employment in this state be determined and certified for the taxpayer's controlled group as defined in article twenty-four of this chapter. In addition, a person is a "new employee" only if the person's duties are on a regular, full-time and permanent basis:

(A) "Full-time employment" means employment for at least eighty hours per month at a wage not less than the amount specified in subdivision (1), subsection (d) of this section; and

(B) "Permanent employment" does not include employment that is temporary or seasonal and therefore the wages, salaries and other compensation paid to the temporary or seasonal employees will not be considered for purposes of this section even if the compensation paid to the temporary or seasonal employee equals or exceeds the amount specified in paragraph (A) of this subdivision.

(10) "New job" means a job which did not exist in the business of the taxpayer in this state prior to filing the application for benefits under this section, and which is filled by a new employee.

(11) "Professional services" means only those services provided directly by: a physician licensed to practice in this State, a surgeon licensed to practice in this State, a dentist licensed to practice in this State, a podiatrist licensed to practice in this State, an osteopathic physician licensed to practice in this State, a psychologist licensed to practice in this State, an optometrist licensed to practice in this State, a registered nurse licensed to practice in this State, a physician assistant licensed to practice in this State, a licensed practical nurse licensed to practice in this State, a dental hygienist licensed to practice in this State, a social worker licensed to practice in this State, or any other health care professional licensed to practice in this State;

(12) “Qualified investment” means one-hundred percent of the cost of property purchased or leased for the construction and equipping of a qualified professional services destination facility which is placed in service or use in this State by an eligible company.

(A) The cost of property purchased for a qualified professional services destination facility is determined under the following rules:

(i) Cost does not include the value of property given in trade or exchange for the property purchased for business expansion.

(ii) If property is damaged or destroyed by fire, flood, storm or other casualty, or is stolen, then the cost of replacement property does not include any insurance proceeds received in compensation for the loss.

(iii) The cost of real property acquired by written lease for a primary term of ten years or longer is one hundred percent of the rent reserved for the primary term of the lease, not to exceed ten years.

(iv) The cost of tangible personal property acquired by written lease for a primary term of not less than four years.

(v) In the case of self-constructed property, the cost thereof is the amount properly charged to the capital account for depreciation in accordance with federal income tax law.

(vi) The cost of property used by the taxpayer out-of-state and then brought into this State, is determined based on the remaining useful life of the property at the time it is placed in service or use in this State, and the cost is the original cost of the property to the taxpayer less straight line depreciation allowable for the tax years or portions thereof the taxpayer used the property outside this State. In the case of leased tangible personal property, cost is based on the period remaining in the primary term of the lease after the property

is brought into this State for use in a new or expanded business facility of the taxpayer, and is the rent reserved for the remaining period of the primary term of the lease, not to exceed ten years, or the remaining useful life of the property, determined as aforesaid, whichever is less.

(c) *Credit against taxes.* – The credit allowed by this section shall be equal to twenty-five percent of the eligible company’s qualified investment in the qualified professional services destination facility and shall be taken and applied as provided in this subsection (c). Notwithstanding any other provision of this article to the contrary, no taxpayer or group of taxpayers may gain entitlement to more than \$37.5 million total aggregate tax credit under this section and no taxpayer, or group of taxpayers, in the aggregate may apply more than \$2.5 million of annual credit in any tax year under this section, either in the form of a refund or directly against a tax liability or in any combination thereof. This limitation applies to initial tax credit attributable to qualified investment in a qualified professional services destination facility, and to qualified investment in a follow-up project expansion, so that credit attributable additively and in the aggregate to both may not be applied to exceed \$2.5 million annual credit in any tax year.

(1) *Application of credit.* – The amount of credit allowable under this subsection shall be taken over a ten-year period, at the rate of one tenth of the amount thereof per taxable year, beginning with the taxable year in which the eligible company places the qualified professional services destination facility, or part thereof, in service or use in this state, unless the eligible company elected to delay the beginning of the ten-year period until the next succeeding taxable year. This election shall be made in the annual income tax return filed under chapter eleven of this code for the taxable year in which the qualified professional services destination facility is first placed into service or use by the taxpayer. Once made, the election may not be revoked. The annual credit allowance is taken in the manner prescribed in subdivision (3) of this subsection (c): *Provided*, That if any credit remains after the initial ten year credit application

period, the amount of remaining credit is carried forward to each ensuing tax year until used or until the expiration of the fifth taxable year subsequent to the end of the initial ten year credit application period. If any unused credit remains after expiration of the fifth taxable year subsequent to the end of the initial ten year credit application period, the amount thereof is forfeited. No carryback to a prior taxable year is allowed for the amount of any unused portion of any annual credit allowance.

(2) *Placed in service or use.* – For purposes of the credit allowed by this subsection (c), qualified investment or qualified investment property is considered placed in service or use in the earlier of the following taxable years:

(A) The taxable year in which, under the eligible company's depreciation practice, the period for depreciation with respect to the property begins; or

(B) The taxable year in which the property is placed in a condition or state of readiness and availability for a specifically assigned function.

(3) *Application of annual credit allowance.*

(A) *In general.* – The aggregate annual credit allowance for the current taxable year is an amount equal to the one-tenth part allowed under subdivision (1) of this subsection for qualified investment placed into service or use.

(B) *Application of current year annual credit allowance.* – The amount determined under this subsection (c) is allowed as a credit against one hundred percent of the eligible company's state tax liabilities applied as provided in paragraphs (C) and (D) of this subdivision (3), and in that order:

(C) *Corporation net income taxes.* – The amount of allowable tax credit for the year determined under paragraph (A) of this

subdivision (3) shall first be applied to reduce the taxes imposed by article twenty-four, chapter eleven of this code, for the taxable year determined before application of allowable credits against tax.

(D) *Personal income taxes.* –

(i) If the eligible company is an electing small business corporation, as defined in section 1361 of the United States Internal Revenue Code of 1986, as amended, a partnership, a limited liability company that is treated as a partnership for federal income tax purposes or a sole proprietorship, then any unused credit after application of paragraph (C) of this subdivision (3) is allowed as a credit against the taxes imposed by article twenty-one, chapter eleven of this code on the members, owners, partners or interest holders in the eligible company.

(ii) Electing small business corporations, limited liability companies, partnerships and other unincorporated organizations shall allocate the credit allowed by this article among their members in the same manner as profits and losses are allocated for the taxable year.

(E) No credit is allowed under this subdivision (3) against any employer withholding taxes imposed by article twenty-one, chapter eleven of this code.

(F) The tax credits allowed under articles thirteen-j, thirteen-q, thirteen-s, thirteen-r, thirteen-w, and thirteen-aa of this code may not be applied to offset any tax against which the tax credit allowed under this article is allowed or authorized. No person, entity, company, or eligible company authorized or entitled to any tax credit allowed under this section or any member of the unitary group or any member of the controlled group of which the taxpayer is a member, may gain entitlement to any other economic development tax credit or economic development tax incentive which relates to the investment or activity upon which the credit authorized under this section is based.

(G) (i) In order to effectuate the purposes of this subdivision (3), the Tax Commissioner may propose for promulgation rules, including emergency rules, in accordance with article three, chapter twenty-nine-a of this code.

(ii) The Tax Commissioner may apply any amount of the tax credit otherwise available to a Taxpayer under this article, to pay any delinquent West Virginia state tax liability of the taxpayer, and interest and penalties as applicable.

(iii) Any amount of the tax credit otherwise available to a taxpayer under this article may be applied by the applicable administering agency to pay any outstanding obligation to a Workers' Compensation Fund, as defined in article two-c of chapter twenty-three of this code, or any outstanding obligation under the West Virginia Unemployment Compensation Act.

(iv) Any amount of the tax credit otherwise available to a taxpayer under this article, may be applied by the applicable administering agency to pay any delinquent or unpaid assessment, fee, fine, civil penalty or monetary imposition imposed by the West Virginia Division of Environmental Protection or the United States Environmental Protection Agency, or any agency charged with enforcing federal, state or local environmental or hazardous waste regulations.

(H) *Unused credit, refundable credit.* – If any annual credit remains after application of preceding paragraphs of this subdivision (3), the amount thereof shall be refunded annually to the eligible company, and distributed in accordance with the credit distribution specified in this subdivision (3): *Provided*, That the amount thereof may not exceed the limitation on annual tax credit or the limitation on total aggregate tax credit specified in this section.

(I) *Forfeiture of credit.* – If any credit remains after expiration of the fifth taxable year subsequent to the end of the initial ten year credit application period, such credit is forfeited, and may not be used to offset any West Virginia tax liability.

(d) *Compensation of employees filling new jobs.*

(1) The new jobs and new employee criteria which count toward qualification of a taxpayer as an eligible company for purposes of the tax credit allowed by this section shall be subject to the following limitations and requirements. A job counts toward qualification of a taxpayer as an eligible company if the job is a new job, as defined in this section, held by a new employee, as defined in this section, and the new job:

(A) Pays a median wage of at least \$37,000 annually. Beginning January 1, 2015, and on January 1 of each year thereafter, the Tax Commissioner shall prescribe an amount that shall apply in lieu of the \$37,000 amount for new jobs filled during that calendar year. This amount is prescribed by increasing the \$37,000 figure by the cost-of-living adjustment for that calendar year. If any increase under this subdivision is not a multiple of \$50, the increase shall be rounded to the next lowest multiple of \$50;

(B) Provides health insurance. The employer may, in addition, offer benefits including child care, retirement and other benefits; and

(C) Is a full-time, permanent position, as those terms are defined in this section.

(D) Jobs that pay less than the statewide average nonfarm payroll wage, as determined annually by the West Virginia Bureau of Employment Programs, or that pay that salary, but do not also provide health benefits in addition to the salary, do not count toward qualification of a taxpayer as an eligible company under this section. Jobs that are less than full-time, permanent positions do not count toward qualification of a taxpayer as an eligible company under this section.

(E) The employer having obtained qualification as an eligible company under this section for the year in which the new job is filled is not required to raise wages of the employees currently

employed in the new jobs upon which the initial qualification as an eligible company under this section was based by reason of the cost-of-living adjustment for new jobs filled in subsequent years provided the employer continues to provide healthcare.

(e) *Application and review.*

(1) *Application.* – An eligible company that meets the requirements of this section may apply to the Development Office for entitlement to the tax credit authorized under this section. The application shall be on a form prescribed by the Development Office and shall include all of the following:

(A) The name and address of the applicant;

(B) Documentation that the applicant is a eligible company;

(C) Documentation that the applicant meets the requirements of this section;

(D) Documentation that the applicant does not owe any delinquent taxes or any other amounts to the federal government, this state or any political subdivision of this state;

(E) An affidavit that the applicant has not filed for or publicly announced its intention to file for bankruptcy protection and that the company will not seek bankruptcy protection within the next six calendar months following the date of the application;

(F) A waiver of confidentiality under section five-d, article ten, chapter eleven of this code for information provided in the application; and

(G) Any other information required by the Development Office.

(f) *Credit allowable.*

(1) *Certified multiple year projects.*

(A) *In general.* – A multiple year qualified professional services destination facility project certified by the West Virginia Development Office is eligible for the credit allowable by this article. A project eligible for certification under this section is one where the qualified investment under this article creates at least the required minimum number of new jobs but the qualified investment is placed in service or use over a period of up to three successive tax years: *Provided*, That the qualified investment is made pursuant to a written business facility development plan of the taxpayer providing for an integrated project for investment at one or more new or expanded business facilities, a copy of which must be attached to the taxpayer’s application for project certification and approved by the West Virginia Development Office, and the qualified investment placed in service or use during the first tax year would not have been made without the expectation of making the qualified investment placed in service or use during the next two succeeding tax years.

(B) *Application for certification.* – The application for certification of a project under this section shall be filed with and approved by the West Virginia Development Office prior to any credit being claimed or allowed for the project’s qualified investment and new jobs created as a direct result of the qualified investment. This application shall be approved in writing and contain the information as the West Virginia Development Office may require to determine whether the project should be certified as eligible for credit under this article.

(C) *Review.* – Within thirty days of receipt of a complete application, the Development Office, in conjunction with the Tax Division of the Department of Revenue, shall review the application and determine if the applicant is an eligible company and that the requirements of this section have been met. Applications not approved within the thirty days specified in this subdivision are hereby deemed denied.

(D) *Approval.* – The Development Office may approve or deny the application. Upon approval of an application, the Development Office shall notify the applicant in writing and enter into an agreement with the eligible company for benefits under this section.

(2) *Certified follow-up project expansions.*

(A) An eligible company that intends to undertake a follow-up project expansion, may apply to the West Virginia Development Office for certification of a single, one-time, follow-up project expansion, and entitlement to an additional tax credit under this section in an amount which is the lesser of twenty-five percent of qualified investment in the follow-up project expansion or \$12.5 million. No taxpayer, or group of taxpayers, in the aggregate may apply more than \$2.5 million of annual credit in any tax year under this section, either in the form of a refund or directly against a tax liability or in any combination thereof. This limitation applies to initial tax credit attributable to qualified investment in a qualified professional services destination facility, and to qualified investment in a follow-up project expansion, so that credit attributable additively and in the aggregate to both may not be applied to exceed \$2.5 million annual credit in any tax year.

(B) The requirements, limitations and qualifications applicable to qualified professional services destination facility projects under this section apply to follow-up project expansions, except for those requirements, limitations and qualifications expressly specified in this subdivision (2).

(C) Requirements for certification of a follow-up project expansion are as follows:

(i) The eligible company, pursuant to certification and authorization for entitlement to tax credit under subsection (1) of this section (f), has placed qualified investment of not less than \$80 million into service in a qualified professional services destination facility within an initial period of not more than three tax years;

(ii) The eligible company intends to place additional qualified investment in service or use in the previously certified qualified professional services destination facility project, or an expansion or extension thereof. In no case shall a follow-up project expansion be certified if the follow-up project expansion property is not contiguous to, or within not more than one mile of, the initial qualified professional services destination facility;

(iii) The eligible company proposes to place the qualified investment in the follow-up project expansion in service or use in the fourth tax year subsequent to the tax year in which qualified investment was first placed into service or use in the initial qualified professional services destination facility project, or under a multiple year project certification, in the fourth, fifth and sixth tax year subsequent to the tax year in which qualified investment was first placed into service or use in the initial qualified professional services destination facility project;

(iv) The follow-up project expansion must create and maintain at least twenty-five net new jobs held by new employees, in addition to the new jobs created by the initial qualified professional services destination facility project. The loss of any West Virginia job at the eligible company will be subtracted from the count of new jobs attributable to the follow-up project expansion;

(v) The West Virginia Development Office shall not issue more than one certification for any follow-up project expansion; and

(vi) The West Virginia Development Office shall not issue certification of a follow-up project expansion unless the applicant provides convincing evidence to show that the follow-up project expansion will result in jobs creation specified in this subdivision, that such jobs will remain and be maintained in West Virginia for at least ten years subsequent to the placement of qualified investment into service or use in the follow-up project expansion, that the follow-up project expansion will not operate to the detriment of other West Virginia businesses or to the detriment of the economy, public welfare or moral character of West Virginia or its people.

(g) *Agreement.*

(1) The agreement between the eligible company and the Development Office shall be entered into before any benefits may be provided under this section.

(2) The agreement shall do all of the following:

(A) Specify the terms and conditions the eligible company must comply with in order to receive benefits under this section, other than those terms, limitations and conditions specified and mandated by statute or regulation; and

(B) Require the Development Office to certify all of the following to the Tax Division of the Department of Revenue each taxable year an agreement under this section is in effect:

(i) That the eligible company is eligible to receive benefits under this section;

(ii) The number of new jobs created by the company during each taxable year;

(iii) The amount of gross wages, as determined for purposes of Form W2, as filed with the Internal Revenue Service, being paid to each individual employed in a new job;

(iv) The amount of an eligible company's qualified investment;

(v) The maximum amount of credit allowable to the eligible company under this section; and

(vi) Any other information deemed necessary by the Development Office.

(h) *Filing and contents.*

(1) *Filing.* – On or before the due date of the income tax return for each tax year in which the agreement is in effect, an eligible company shall file with the Tax Division of the Department of Revenue a form prescribed by the Tax Commissioner.

(2) *Contents.* – The form specified under subdivision (1) of this subsection (h) shall request the following information:

(A) The name and Employer Identification Number of the eligible company;

(B) The effective date of the agreement;

(C) The reporting period end date;

(D) Information relating to each individual employed in a new job as required by the Tax Commissioner;

(E) Aggregate gross receipts for the tax period and gross receipts on which tax has been paid under article twenty-seven, chapter eleven of this code for the tax period; and

(F) Any other information required by the Tax Commissioner.

(3) *Taking of credit.* – The taxpayer, participant or participants claiming the credit for qualified investments in a certified project shall annually file with their income tax returns filed under chapter eleven of this code:

(A) Certification that the taxpayer's or participant's qualified investment property continues to be used in the project and if disposed of during the tax year, was not disposed of prior to expiration of its useful life;

(B) Certification that the new jobs created by the project's qualified investment continue to exist and are filled by persons who are residents of this State; and

(C) Any other information the tax commissioner requires to determine continuing eligibility to claim the annual credit allowance for the project's qualified investment.

(4) *Confidentiality.* – The contents of the completed form shall be subject to the confidentiality rules set forth in section five-d, article ten, chapter eleven of this code: *Provided*, That notwithstanding the provisions of section five-d, article ten, chapter eleven of this code, or any other provision of this code, tax returns, tax return information and such other information as may be necessary to administer the tax credits and programs authorized and specified by this article and in this section may be exchanged between the Tax Commissioner and the West Virginia Development Office without restriction.

§5B-2E-8. Forfeiture of unused tax credits; credit recapture; recapture tax imposed; information required to be submitted annually to development office; transfer of tax credits to successors.

(a) The approved company or eligible company shall forfeit the tourism development project tax credit allowed by section seven of this article, or the tourism development expansion tax credit allowed by section seven-a of this article, or the tax credit allowed by section seven-b of this article, as applicable, with respect to any calendar year and shall pay the recapture tax imposed by subsection (b) of this section, if:

(1) In any year following the first calendar year the project is open to the public, the project fails to attract at least twenty-five percent of its visitors from among persons who are not residents of the state;

(2) In any year following the first year the project is open to the public, the project is not operating and open to the public for at least one hundred days; or

(3) The approved company or eligible company, as of the beginning of each calendar year, has ~~an outstanding obligation to a~~

~~Workers' Compensation Fund, as defined in article two-c of chapter twenty-three of this code, an outstanding obligation under the West Virginia Unemployment Compensation Act, or an outstanding obligation under the West Virginia state tax and revenue laws; or~~

(4) Any company, approved company or eligible company, to which entitlement to the tax credit authorized under section seven-b of this article has been previously established, fails to meet the requirements specified in section seven-b for an eligible company and for a qualified professional services destination facility, including, but not limited to, jobs maintenance, employee wage and employee health benefits, aggregate gross receipts, and gross receipts subject to the tax imposed under article twenty-seven, chapter eleven of this code.

(5) Any company, approved company or eligible company, to which entitlement to the tax credit authorized under section seven-b of this article has been previously established:

(A) Is delinquent in payment of any assessment, fee, fine, civil penalty or monetary imposition imposed by the West Virginia Division of Environmental Protection or the United States Environmental Protection Agency, or any agency charged with enforcing federal, state or local environmental or hazardous waste regulations.

(B) Is delinquent in compliance with any order, injunction, compliance agreement, agreed order, court order, mandamus or other enforcement or compliance instrumentality of the West Virginia Division of Environmental Protection or United States Environmental Protection Agency or any agency charged with enforcing federal, state or local environmental or hazardous waste regulations.

(C) Is out of compliance or not compliant with any citation or order issued by the West Virginia Division of Environmental Protection or the United States Environmental Protection Agency,

or any agency charged with enforcing federal, state or local environmental or hazardous waste regulations, requiring that a condition be abated or corrected.

(b) In addition to the loss of credit allowed under this article for the calendar year, a credit recapture tax is hereby imposed on any approved company or successor eligible company that forfeits the tourism development project tax credit or the tourism development expansion project credit or the credit authorized under section seven-b of this article, under the provisions of subsection (a) of this section. The credit recapture tax shall apply and the approved company, and successor eligible companies, shall return to the state and any other person or entity that has received the tax credit allowed under this article shall be liable for an amount of recapture tax equal to all previously claimed tourism development project tax credit or tourism development expansion project credit, or the tax credits authorized under section seven-b of this article, and allowed by this article. An amended return shall be filed with the State Tax Commissioner, as applicable, plus interest and penalties applicable in accordance with the Tax Procedure and Administration Act. The recapture tax shall be calculated and paid pursuant to the filing, with the tax commissioner of an amended return, and such other forms, schedules and documents as the Tax Commissioner may require, for the prior calendar year, or calendar years, for which credit recapture is required, along with interest, as provided in section seventeen, article ten, chapter eleven of this code: *Provided*, That the approved company and successor eligible companies, eligible company, person or entity who previously claimed the tourism development project tax credit, or the tourism development expansion project credit, or the tax credits allowed by section seven-b of this article, as applicable, under this article and successor eligible companies, persons or entities are jointly and severally liable for payment of any recapture tax subsequently imposed under this section. For purposes of this recapture tax, the statute of limitations otherwise applicable under the Tax Procedure and Administration Act shall not begin to run until the eighteenth year subsequent to the earlier of: the year when qualified investment is first placed into service or use, or the

year when the application for the tax credit authorized under this article was filed with the West Virginia Development Office.

(c) Within forty-five days after the end of each calendar year during the term of the agreement, the approved company shall supply the development office with all reports and certifications the development office requires demonstrating to the satisfaction of the development office that the approved company is in compliance with applicable provisions of law. Based upon a review of these materials and other documents that are available, the development office shall then certify to the Tax Commissioner that the approved company is in compliance with this section.

(d) The tax credit allowed in this article is transferable, subject to the written consent of the development office, to an eligible successor company that continues to operate the approved project.

§5B-2E-11. Termination.

The Development Office may not accept any new project application after December 31, ~~2013~~ 2019, and all applications submitted prior to January 1, ~~2013~~ 2020, that have not been previously approved or not approved, shall be deemed not approved and shall be null and void as of January 1, ~~2013~~ 2020.

Following discussion,

The question being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

Thereafter, at the request of Senator Sypolt, and by unanimous consent, the remarks by Senators Prezioso and Barnes regarding the adoption of the Finance committee amendment to the bill were ordered printed in the Appendix to the Journal.

The bill (Eng. Com. Sub. for H. B. No. 4184), as amended, was then ordered to third reading.

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. 4552, Relating to the court of claims.

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 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 on yesterday, Thursday, March 6, 2014, it adopted Senator Palumbo's amendment to the bill (*shown in the Senate Journal of that day, page 1764*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Palumbo's amendment to the bill.

Thereafter, at the request of Senator Palumbo, and by unanimous consent, Senator Palumbo's amendment to the bill was withdrawn.

On motion of Senator Palumbo, the following substitute amendment to the bill (Eng. Com. Sub. for H. B. No. 4552) was reported by the Clerk and adopted:

On page fifteen, section twenty-eight, lines ten and eleven, by striking out the words "in any other court of this state" and inserting

in lieu thereof the words “and they are not subject to judicial review”.

The bill, as just amended, was ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4552) 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. 4552) passed with its title.

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, 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. 373,
Relating to water resources protection.

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 §16-1-2 and §16-1-9a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto new sections §16-1-9c, §16-1-9d and §16-1-9e; that §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of said code be amended and reenacted; and that said code be amended by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24 and §22-30-25; that said code be amended and reenacted by adding thereto a new article, designated §22-31-1, §22-31-2, §22-31-3, §22-31-4, §22-31-5, §22-31-6, §22-31-7, §22-31-8, §22-31-9, §22-31-10, §22-31-11 and §22-31-12; and that said code be amended and reenacted by adding thereto two new sections, designated §24-2G-1 and §24-2G-2, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-2. Definitions.

~~Unless the context in which used clearly requires a different meaning, as As used in this article:~~

(a) (1) “Basic public health services” means those services that are necessary to protect the health of the public. The three areas of basic public health services are communicable and reportable

disease prevention and control, community health promotion and environmental health protection;

(b) (2) “Bureau” means the Bureau for Public Health in the department; ~~of health and human resources;~~

(c) (3) “Combined local board of health” ~~is~~ means one form of organization for a local board of health and means a board of health serving any two or more counties or any county or counties and one or more municipalities within or partially within the county or counties;

(d) (4) “Commissioner” means the commissioner of the bureau, ~~for public health;~~ who is the state health officer;

(e) (5) “County board of health” ~~is~~ means one form of organization for a local board of health and means a local board of health serving a single county;

(f) (6) “Department” means the West Virginia Department of Health and Human Resources;

(g) (7) “Director” or “director of health” means the state health officer. Administratively within the department, the bureau ~~for public health~~ through its commissioner carries out the public health functions of the department, unless otherwise assigned by the secretary;

(h) (8) “Essential public health services” means the core public health activities necessary to promote health and prevent disease, injury and disability for the citizens of the state. The services include:

(1) (A) Monitoring health status to identify community health problems;

(2) (B) Diagnosing and investigating health problems and health hazards in the community;

(3) (C) Informing, educating and empowering people about health issues;

(4) (D) Mobilizing community partnerships to identify and solve health problems;

(5) (E) Developing policies and plans that support individual and community health efforts;

(6) (F) Enforcing laws and rules that protect health and ensure safety;

(7) (G) Uniting people with needed personal health services and assuring the provision of health care when it is otherwise not available;

(8) (H) Promoting a competent public health and personal health care workforce;

(9) (I) Evaluating the effectiveness, accessibility and quality of personal and population-based health services; and

(10) (J) Researching for new insights and innovative solutions to health problems;

(i) (9) “Licensing boards” means those boards charged with regulating an occupation, business or profession and on which the commissioner serves as a member;

(j) (10) “Local board of health”, “local board” or “board” means a board of health serving one or more counties or one or more municipalities or a combination thereof;

(k) (11) “Local health department” means the staff of the local board of health;

(l) (12) “Local health officer” means the ~~individual~~ physician with a current West Virginia license to practice medicine who

supervises and directs the activities, ~~of the local health department services, staff and facilities~~ of the local health department and is appointed by the local board of health with approval by the commissioner;

(m) (13) “Municipal board of health” ~~is~~ means one form of organization for a local board of health and means a board of health serving a single municipality;

(n) (14) “Performance-based standards” means generally accepted, objective standards such as rules or guidelines against which public health performance can be measured;

(15) “Potential source of significant contamination” means a facility or activity that stores, uses or produces substances or compounds with potential for significant contaminating impact if released into the source water of a public water supply.

(o) (16) “Program plan” or “plan of operation” means the annual plan for each local board of health that must be submitted to the commissioner for approval;

(17) “Public groundwater supply source” means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine or other primary source of water supplies which is found underneath the surface of the state.

(18) “Public surface water supply source” means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments or other primary sources of water supplies which are found on the surface of the state.

(19) “Public surface water influenced groundwater supply source” means a source of water supply for a public water system which is directly drawn from an underground well, underground

river or stream, underground reservoir or underground mine, and the quantity and quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area.

~~(p)~~ (20) “Public water system” means: ~~any~~

(A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include:

~~(1)~~ (i) Any collection, treatment, storage and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

~~(2) any~~ (ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

(B) A public water system does not include a system which meets all of the following conditions:

~~(1)~~ (i) ~~Which consists~~ Consists only of distribution and storage facilities and does not have any collection and treatment facilities;

~~(2)~~ (ii) ~~Which obtains~~ Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

~~(3)~~ (iii) ~~Which does~~ Does not sell water to any person; and

~~(4)~~ (iv) ~~Which is~~ Is not a carrier conveying passengers in interstate commerce.

(21) “Public water utility” means a public water system which is regulated by the West Virginia Public Service Commission pursuant to the provisions of chapter twenty-four of this code.

~~(q) (22) “Secretary” means the secretary of the state department; of health and human resources;~~

~~(r) (23) “Service area” means the territorial jurisdiction of a local board of health;~~

~~(s) (24) “State Advisory Council on Public Health” is means the advisory body charged by this article with providing advice to the commissioner with respect to the provision of adequate public health services for all areas in the state;~~

~~(t) (25) “State Board of Health” means and refers to, the secretary, notwithstanding any other provision of this code to the contrary, whenever and wherever in this code there is a reference to the State Board of Health.~~

(26) “Zone of critical concern” for a public surface water supply is a corridor along streams within a watershed that warrant more detailed scrutiny due to its proximity to the surface water intake and the intake’s susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the zone of critical concern is based on a five-hour time of travel of water in the streams to the water intake, plus an additional one-fourth mile below the water intake. The width of the zone of critical concern is one thousand feet measured horizontally from each bank of the principal stream and five hundred feet measured horizontally from each bank of the tributaries draining into the principal stream.

§16-1-9a. Regulation of public water systems.

(a) The commissioner shall regulate public water systems as prescribed in this section.

(b) The commissioner shall establish by legislative rule, in accordance with article three, chapter twenty-nine-a of this code:

(1) The maximum contaminant levels to which all public water systems shall conform in order to prevent adverse effects on the health of individuals;

(2) Treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer;

(3) Provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(4) Minimum requirements for:

(A) Sampling and testing;

(B) System operation;

(C) Public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and regulations promulgated under this section;

(D) Recordkeeping;

(E) Laboratory certification; and

(F) Procedures and conditions for granting variances and exemptions to public water systems from state public water systems' regulations.

(5) Requirements covering the production and distribution of bottled drinking water;

(6) Requirements governing the taste, odor, appearance and other consumer acceptability parameters of drinking water; and

(7) Any other requirement the commissioner finds necessary to effectuate the provisions of this article.

(c) The commissioner or his or her authorized representatives or designees may enter any part of a public water system, whether or not the system is in violation of a legal requirement, for the purpose of inspecting, sampling or testing and shall be furnished records or information reasonably required for a complete inspection.

(d) The commissioner, his or her authorized representative or designee may conduct an evaluation necessary to assure the public water system meets federal safe drinking water requirements. The public water system shall provide a written response to the commissioner within thirty days of receipt of the evaluation by the public water system, addressing corrective actions to be taken as a result of the evaluation.

(e) (1) Any individual or entity who violates any provision of this article, or any of the rules or orders issued pursuant to this article, is liable for a civil penalty not less than \$1,000 nor more than \$5,000. Each day's violation shall constitute a separate offense.

(2) For a willful violation of a provision of this article, or of any of the rules or orders issued under this article, an individual or entity shall be subject to a civil penalty of not more than \$10,000 and each day's violation shall be grounds for a separate penalty.

(3) Civil penalties are payable to the commissioner. All moneys collected under this section shall be deposited into a restricted account known as the Safe Drinking Water Fund. All moneys deposited into the fund shall be used by the commissioner to provide technical assistance to public water systems.

(f) The commissioner, or his or her authorized representative, may also seek injunctive relief in the circuit court of the county in which all or part of the public water system is located for threatened or continuing violations.

§16-1-9c. Required update or completion of source water protection plans.

(a) On or before July 1, 2016, each existing public water utility which draws and treats water from a surface water supply source or a surface water influenced groundwater supply source shall submit to the commissioner an updated or completed source water protection plan for each of its public water system plants with such intakes to protect its public water supplies from contamination. Every effort shall be made to inform and engage the public, local governments, local emergency planners, local health departments and affected residents at all levels of the development of the protection plan.

(b) The completed or updated plan for each affected plant, at a minimum, shall include the following:

(1) A contingency plan that documents each public water utility's planned response to contamination of its public surface water supply source or its public surface water influenced groundwater supply source;

(2) An examination and analysis of the public water system's ability to isolate or divert contaminated waters from its surface water intake or groundwater supply, and the amount of raw water storage capacity for the public water system's plant;

(3) An examination and analysis of the public water system's existing ability to switch to an alternative water source or intake in the event of contamination of its primary water source;

(4) An analysis and examination of the public water system's existing ability to close its water intake in the event the system is

advised that its primary water source has become contaminated due to a spill or release into a stream, and the duration of time it can keep that water intake closed without creating a public health emergency;

(5) The following operational information for each plant receiving water supplies from a surface water source:

(A) The average number of hours the plant operates each day, and the maximum and minimum number of hours of operation in one day at that plant during the past year; and

(B) The average quantities of water treated and produced by the plant per day, and the maximum and minimum quantities of water treated and produced at that plant in one day during the past year;

(6) An analysis and examination of the public water system's existing available storage capacity on its system, how its available storage capacity compares to the public water system's normal daily usage and whether the public water system's existing available storage capacity can be effectively utilized to minimize the threat of contamination to its system;

(7) The calculated level of unaccounted for water experienced by the public water system for each surface water intake, determined by comparing the measured quantities of water which are actually received and used by customers served by that water plant to the total quantities of water treated at the water plant over the past year. If the calculated ratio of those two figures is less than eighty-five percent, the public water system is to describe all of the measures it is actively taking to reduce the level of water loss experienced on its system;

(8) A list of the potential sources of significant contamination contained within the zone of critical concern as provided by the Department of Environmental Protection, the Bureau for Public Health and the Division of Homeland Security and Emergency

Management. The exact location of the contaminants within the zone of critical concern is not subject to public disclosure in response to a Freedom of Information Act request under article one, chapter twenty-nine-b of this code. However, the location, characteristics and approximate quantities of potential sources of significant contamination within the zone of critical concern shall be made known to one or more designees of the public water utility, and shall be maintained in a confidential manner by the public water utility. In the event of a chemical spill, release or related emergency, information pertaining to any spill or release of contaminant shall be immediately disseminated to any emergency responders responding to the site of a spill or release, and the general public shall be promptly notified in the event of a chemical spill, release or related emergency.

(9) If the public water utility's water supply plant is served by a single-source intake to a surface water source of supply or a surface water influenced source of supply, the submitted plan shall also include an examination and analysis of the technical and economic feasibility of each of the following options to provide continued safe and reliable public water service in the event its primary source of supply is detrimentally affected by contamination, release, spill event or other reason:

(A) Constructing or establishing a secondary or backup intake which would draw water supplies from a substantially different location or water source;

(B) Constructing additional raw water storage capacity and/or treated water storage capacity, to provide at least two days of system storage, based on the plant's maximum level of production experienced within the past year;

(C) Creating or constructing interconnections between the public water system with other plants on the public water utility system or another public water system, to allow the public water utility to receive its water from a different source of supply during a period its

primary water supply becomes unavailable or unreliable due to contamination, release, spill event or other circumstance;

(D) Any other alternative which is available to the public water utility to secure safe and reliable alternative supplies during a period its primary source of supply is unavailable or negatively impacted for an extended period; and

(E) If one or more alternatives set forth in paragraphs (A) through (D) of this subdivision is determined to be technologically or economically feasible, the public water utility shall submit an analysis of the comparative costs, risks and benefits of implementing each of the described alternatives;

(10) A management plan that identifies specific activities that will be pursued by the public water utility, in cooperation and in concert with the Bureau for Public Health, local health departments, local emergency responders, local emergency planning committee, and other state, county or local agencies and organizations to protect its source water supply from contamination, including, but not limited to, notification to and coordination with state and local government agencies whenever the use of its water supply is inadvisable or impaired, to conduct periodic surveys of the system, the adoption of best management practices, the purchase of property or development rights, conducting public education or the adoption of other management techniques recommended by the commissioner or included in the source water protection plan;

(11) A communications plan that documents the manner in which the public water utility, working in concert with state and local emergency response agencies, shall notify the local health agencies and the public of the initial spill or contamination event and provide updated information related to any contamination or impairment of the source water supply or the system's drinking water supply, with an initial notification to the public to occur in any event no later than thirty minutes after the public water system becomes aware of the spill, release or potential contamination of the public water system;

(12) A complete and comprehensive list of the potential sources of significant contamination contained within the zone of critical concern, based upon information which is directly provided or can otherwise be requested and obtained from the Department of Environmental Protection, the Bureau for Public Health, the Division of Homeland Security and Emergency Management and other resources; and

(13) An examination of the technical and economic feasibility of implementing an early warning monitoring system.

(c) Any public water utility's public water system with a primary surface water source of supply or a surface water influenced groundwater source of supply that comes into existence on or after the effective date of this article shall submit prior to the commencement of its operations a source water protection plan satisfying the requirements of subsection (b) of this section.

(d) The commissioner shall review a plan submitted pursuant to this section and provide a copy to the Secretary of the Department of Environmental Protection. Thereafter, within one hundred eighty days of receiving a plan for approval, the commissioner may approve, reject or modify the plan as may be necessary and reasonable to satisfy the purposes of this article. The commissioner shall consult with the local public health officer and conduct at least one public hearing when reviewing the plan. Failure by a public water system to comply with a plan approved pursuant to this section is a violation of this article.

(e) The commissioner may request a public water utility to conduct one or more studies to determine the actual risk and consequences related to any potential source of significant contamination identified by the plan, or as otherwise made known to the commissioner.

(f) Any public water utility required to file a complete or updated plan in accordance with the provisions of this section shall submit

an updated source water protection plan at least every three years or when there is a substantial change in the potential sources of significant contamination within the identified zone of critical concern.

(g) Any public water utility required to file a complete or updated plan in accordance with the provisions of this section shall review any source water protection plan it may currently have on file with the bureau and update it to ensure it conforms with the requirements of subsection (b) of this section on or before July 1, 2016.

(h) The commissioner's authority in reviewing and monitoring compliance with a source water protection plan may be transferred by the bureau to a nationally accredited local board of public health.

§16-1-9d. Wellhead and Source Water Protection Grant Program.

(a) The commissioner shall continue the Wellhead and Source Water Protection Grant Program.

(b) The fund heretofore created to provide funds for the Wellhead and Source Water Protection Grant Program is continued in the state treasury and shall be known as the Wellhead and Source Water Protection Grant Fund. The fund shall be administered by the commissioner and shall consist of all moneys made available for the program from any source, including but not limited to all fees, civil penalties and assessed costs, all gifts, grants, bequests or transfers from any source, any moneys that may be appropriated and designated for the program by the Legislature and all interest or other return earned from investment of the fund. Expenditures from the fund shall be for the purposes set forth in this article to provide water source protection pursuant to the program 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 eleven-b of this code: *Provided*, That for the fiscal years ending June 30, 2014 and 2015, expenditures are authorized from collections rather

than pursuant to an explicit appropriation by the Legislature. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the general revenue fund but shall remain in the fund and be expended as provided by this section.

(c) In prospectively awarding any grants under the Wellhead and Source Water Protection Grant Program, the commissioner shall prioritize those public water systems where there is the highest probability of contamination of the water source based on the source water assessment report or the source water protection plans which were previously performed. Priority shall also be extended to publicly owned public water systems over privately owned public water systems.

(d) The commissioner, or his or her designee, shall apply for and diligently pursue all available federal funds to help offset the cost of completing source water protection plans by the deadlines established in section nine-c of this article.

(e) The commissioner may receive any gift, federal grant, other grant, donation or bequest and receive income and other funds or appropriations to contribute to the Wellhead and Source Water Protection Plan Grant Program.

§16-1-9e. Long-term medical study.

The Bureau for Public Health shall endeavor to engage the Centers for Disease Control and other federal agencies for the purpose of creating, organizing and implementing a medical study to assess any long-term health effects resulting from the chemical spill that occurred on January 9, 2014, and which exposed the public to chemicals, including 4-methylcyclohexane.

The commissioner shall conduct such study pursuant to the authority granted to the commissioner pursuant to article one, section six, chapter sixteen of this code: *Provided*, That, in the event the commissioner determines that, in order to adequately perform

such study, additional authority is required, the commissioner shall provide a report of such additional authority requested to the Governor and the Joint Committee on Government and Finance.

The commissioner shall cause to be collected and preserved information from health providers who treated patients presenting with symptoms diagnosed as having been caused or exacerbated as a result of exposure related to the January 9, 2014, chemical spill. The commissioner shall analyze such data and other information deemed relevant by the commissioner and provide a report of the commissioner's findings regarding potential long-term health effects of the January 9, 2014, chemical spill to the Joint Committee on Health by January 1, 2015, including the results of its efforts to engage federal cooperation and assistance for a long-term comprehensive study on the costs of conducting such study on behalf of the state.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 26. WATER RESOURCES PROTECTION AND MANAGEMENT ACT.

§22-26-2. Definitions.

For purposes of this article: ~~the following words have the meanings assigned unless the context indicates otherwise~~

(a) (1) "Baseline average" means the average amount of water withdrawn by a large quantity user over a representative historical time period as defined by the secretary.

(b) (2) "Beneficial use" means uses that include, but are not limited to, public or private water supplies, agriculture, tourism, commercial, industrial, coal, oil and gas and other mineral extraction, preservation of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation and preservation of cultural values.

(c) (3) “Commercial well” means a well that serves small businesses and facilities in which water is the prime ingredient of the service rendered, including water wells drilled to support horizontal well operations.

(d) (4) “Community water system” means a public water system that pipes water for human consumption to at least fifteen service connections used by year-round residents or one that regularly serves at least twenty-five residents.

(e) (5) “Consumptive withdrawal” means any withdrawal of water which returns less water to the water body than is withdrawn.

(6) “Department” means the West Virginia Department of Environmental Protection.

(f) (7) “Farm use” means irrigation of any land used for general farming, forage, aquaculture, pasture, orchards, nurseries, the provision of water supply for farm animals, poultry farming or any other activity conducted in the course of a farming operation.

(g) (8) “Industrial well” means a well used in exclusively for nonpotable purposes, including industrial processing, fire protection, washing, packing or manufacturing of a product excluding food and beverages, or similar other nonpotable uses.

(h) (9) “Interbasin transfer” means the permanent removal of water from the watershed from which it is withdrawn.

(i) (10) “Large-quantity user” means any person who withdraws over ~~seven~~ three hundred fifty thousand gallons of water in a ~~calendar month~~ any thirty-day period from the state’s waters and any person who bottles water for resale regardless of quantity withdrawn. “Large-quantity user” excludes farm use, including watering livestock or poultry on a farm, though farms may voluntarily report water withdrawals to assist with the accuracy of the survey.

(j) (11) “Maximum potential” means the maximum designed capacity of a facility to withdraw water under its physical and operational design.

(k) (12) “Noncommunity nontransient water system” means a public water system that serves at least twenty-five of the same persons over six months per year.

(l) (13) “Nonconsumptive withdrawal” means any withdrawal of water which is not a consumptive withdrawal as defined in this section.

(m) (14) “Person”, “persons” or “people” means an individual, public and private business or industry, public or private water service and governmental entity.

(n) (15) “Secretary” means the Secretary of the Department of Environmental Protection or his or her designee.

(o) (16) “Transient water system” means a public water system that serves at least twenty-five transient people at least sixty days a year.

(p) (17) “Test well” means a well that is used to obtain information on groundwater quantity, quality, aquifer characteristics and availability of production water supply for manufacturing, commercial and industrial facilities.

(q) (18) “Water resources”, “water” or “waters” means any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds, impounding reservoirs, springs, wells, watercourses and wetlands: *Provided*, That farm ponds, industrial settling basins and ponds and waste treatment facilities are excluded from the waters of the state.

(r) (19) “Watershed” means a hydrologic unit utilized by the United States Department of Interior’s Geological Survey, adopted in 1974, as a framework for detailed water and related land-resources planning.

(s) (20) “Withdrawal” means the removal or capture of water from water resources of the state regardless of whether it is consumptive or nonconsumptive: *Provided*, That water encountered during coal, oil, gas, water well drilling and initial testing of water wells, or other mineral extraction and diverted, but not used for any purpose and not a factor in low-flow conditions for any surface water or groundwater, is not deemed a withdrawal.

§22-26-3. Waters claimed by state; water resources protection survey; registration requirements; agency cooperation; information gathering.

(a) The waters of the State of West Virginia are hereby claimed as valuable public natural resources held by the state for the use and benefit of its citizens. The state shall manage ~~the quantity of and~~ protect its waters effectively for present and future use and enjoyment and for the protection of the environment. Therefore, it is necessary for the state to determine the nature and extent of its water resources, the quantity of water being withdrawn or otherwise used and the nature of the withdrawals or other uses: *Provided*, That no provisions of this article may be construed to amend or limit any other rights and remedies created by statute or common law in existence on the date of the enactment of this article.

(b) The secretary shall conduct an ongoing water resources survey of consumptive and nonconsumptive surface water and groundwater withdrawals by large-quantity users in this state. The secretary shall determine the form and format of the information submitted, including the use of electronic submissions. The secretary shall establish and maintain a statewide registration program to monitor large-quantity users of water resources. ~~of this state beginning in 2006.~~

(c) Large-quantity users, except those who purchase water from a public or private water utility or other service that is reporting its total withdrawal, shall register with the department of ~~Environmental Protection~~ and provide all requested survey information regarding withdrawals of the water resources. Multiple withdrawals from state water resources that are made or controlled by a single person and used at one facility or location shall be considered a single withdrawal of water. Water withdrawals for self-supplied farm use and private households will be estimated. Water utilities regulated by the Public Service Commission pursuant to article two, chapter twenty-four of this code are exempted from providing information on interbasin transfers to the extent those transfers are necessary to provide water utility services within the state.

(d) Except as provided in subsection (f) of this section, large-quantity users who withdraw water from a West Virginia water resource shall comply with the survey and registration requirements of this article. Registration shall be maintained annually by every large-quantity user ~~by certifying~~, on forms and in a manner prescribed by the secretary. ~~that the amount withdrawn in the previous calendar year varies by no more than ten percent from the users' baseline average or by certifying the change in usage.~~

(e) The secretary shall maintain a listing of all large-quantity users and each ~~such~~ user's baseline average water withdrawal.

(f) The secretary shall make a good faith effort to obtain survey and registration information from persons who are withdrawing water from in-state water resources, but who are located outside the state borders.

(g) All state agencies and local governmental entities that have a regulatory, research, planning or other function relating to water resources, including, but not limited to, the State Geological and Economic Survey, the Division of Natural Resources, the Public Service Commission, the Bureau for Public Health, the Commissioner of the Department of Agriculture, the Division of

Homeland Security and Emergency Management, Marshall University, West Virginia University and regional, county and municipal planning authorities may enter into interagency agreements with the secretary and shall cooperate by: (i) Providing information relating to the water resources of the state; (ii) providing any necessary assistance to the secretary in effectuating the purposes of this article; and (iii) assisting in the development of a state water resources management plan. The secretary shall determine the form and format of the information submitted by these agencies.

(h) Persons required to participate in the survey and registration shall provide any reasonably available information on stream flow conditions that impact withdrawal rates.

(i) Persons required to participate in the survey and registration shall provide the most accurate information available on water withdrawal during seasonal conditions and future potential maximum withdrawals or other information that the secretary determines is necessary for the completion of the survey or registration: *Provided*, That a coal-fired electric generating facility shall also report the nominal design capacity of the facility, which is the quantity of water withdrawn by the facility's intake pumps necessary to operate the facility during a calendar day.

(j) The secretary shall, to the extent reliable water withdrawal data is reasonably available from sources other than persons required to provide data and participate in the survey and registration, utilize that data to fulfill the requirements of this section. If the data is not reasonably available to the secretary, persons required to participate in the survey and registration are required to provide the data. Altering locations of intakes and discharge points that result in an impact to the withdrawal of the water resources ~~by an amount of ten percent or more from the consecutive baseline average~~ shall also be reported.

(k) The secretary shall report annually to the Joint Legislative Oversight Commission on State Water Resources on the survey

results. The secretary shall also make a progress report ~~every three years~~ annually on the ~~development~~ implementation of the State Water Resources Management Plan and any significant changes that may have occurred since the ~~survey report~~ State Water Resources Management Plan was submitted in ~~two thousand six~~ 2013.

(l) In addition to any requirements for completion of the survey established by the secretary, the survey must accurately reflect both actual and maximum potential water withdrawal. Actual withdrawal shall be established through metering, measuring or alternative accepted scientific methods to obtain a reasonable estimate or indirect calculation of actual use.

(m) The secretary shall make recommendations to the Joint Legislative Oversight Commission on Water Resources created in section five of this article relating to the implementation of a water quantity management strategy for the state or regions of the state where the quantity of water resources are found to be currently stressed or likely to be stressed due to emerging beneficial or other uses, ecological conditions or other factors requiring the development of a strategy for management of these water resources.

(n) The secretary may propose rules pursuant to article three, chapter twenty-nine-a of this code as necessary to implement the survey registration or plan requirements of this article.

(o) The secretary is authorized to enter into cooperative agreements with local, state and federal agencies and private policy or research groups to obtain federal matching funds, conduct research and analyze survey and registration data and other agreements as may be necessary to carry out his or her duties under this article.

(p) The department, the Division of Natural Resources, the Division of Highways and the Conservation Agency (cooperating state agencies) shall continue providing matching funds for the United States Geological Survey's (USGS) stream-gauging network

to the maximum extent practicable. Should a cooperating state agency become unable to maintain its contribution level, it should notify the USGS and the commission of its inability to continue funding for the subsequent federal fiscal year by July 1 in order to allow for the possible identification of alternative funding resources.

§22-26-5. Joint Legislative Oversight Commission on State Water Resources.

(a) The President of the Senate and the Speaker of the House of Delegates shall each designate five members of their respective houses, at least one of whom shall be a member of the minority party, to serve on a joint legislative oversight commission charged with immediate and ongoing oversight of the water resources survey, registration and development of a state water resources management plan. This commission shall be known as the Joint Legislative Oversight Commission on State Water Resources and shall regularly investigate and monitor all matters relating to ~~the~~ water resources, including the survey and plan.

(b) The expenses of the commission, including the cost of conducting the survey and monitoring any subsequent strategy and those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel, are to be approved by the Joint Committee on Government and Finance and paid from legislative appropriations.

§22-26-6. Mandatory survey and registration compliance.

(a) The water resources survey and subsequent registry will provide critical information for protection of the state's water resources and, thus, mandatory compliance with the survey and registry is necessary.

(b) All large-quantity users who withdraw water from a West Virginia water resource shall complete the survey and register ~~such~~ use with the department of ~~Environmental Protection~~. Any person who fails to complete the survey or register, provides false or

misleading information on the survey or registration, or fails to provide other information as required by this article may be subject to a civil administrative penalty not to exceed \$5,000 to be collected by the secretary consistent with the secretary's authority pursuant to this chapter. Every thirty days after the initial imposition of the civil administrative penalty, another penalty may be assessed if the information is not provided. The secretary shall provide written notice of failure to comply with this section thirty days prior to assessing the first administrative penalty.

§22-26-7. Secretary authorized to log wells; collect data.

(a) In order to obtain important information about the state's surface and groundwater, the secretary is authorized to collect scientific data on surface and groundwater and to enter into agreements with local and state agencies, the federal government and private entities to obtain this information.

(1) (b) Any person who installs a community water system, noncommunity nontransient water system, transient water system, commercial well, industrial or test well shall notify the secretary of his or her intent to drill a water well no less than ten days prior to commencement of drilling. The ten-day notice is the responsibility of the owner, but may be given by the drilling contractor.

(2) (c) The secretary has the authority to gather data, including driller and geologist logs, run electric and other remote-sensing logs and devices and perform physical characteristics tests on nonresidential and multifamily water wells.

(3) (d) The drilling contractor shall submit to the secretary a copy of the well completion forms submitted to the ~~Division of Health~~ Bureau for Public Health for a community water system, noncommunity nontransient water system, transient water system, commercial well, industrial or test well. The drilling contractor shall also provide the well GPS location and depth to groundwater on the well report submitted to the secretary.

(4) (e) Any person who fails to notify the secretary prior to drilling a well or impedes collection of information by the secretary under this section is in violation of the Water Resources Protection and Management Act and is subject to the civil administrative penalty authorized by section six of this article.

(5) (f) Any well contracted for construction by the secretary for groundwater or geological testing must be constructed at a minimum to well design standards as promulgated by the ~~Division of Health Bureau for Public Health~~. Any wells contracted for construction by the secretary for groundwater or geological testing that would at a later date be converted to a public use water well must be constructed to comport to state public water design standards.

§22-26-8. State Water Resources Management Plan; powers and duty of secretary.

(a) The secretary of the ~~Department of Environmental Protection~~ shall oversee the development of a State Water Resources Management Plan to be completed no later than November 30, 2013. The plan shall be reviewed and revised as needed after its initial adoption. The plan shall be developed with the cooperation and involvement of local and state agencies with regulatory, research or other functions relating to water resources including, but not limited to, those agencies and institutions of higher education set forth in section three of this article and a representative of large quantity users. The State Water Resources Management Plan shall be developed utilizing the information obtained pursuant to said section and any other relevant information available to the secretary.

(b) The secretary shall develop definitions for use in the State Water Resources Management Plan for terms that are defined differently by various state and federal governmental entities as well as other terms necessary for implementation of this article.

(c) The secretary shall continue to develop and obtain the following:

(1) An inventory of the surface water resources of each region of this state, including an identification of the boundaries of significant watersheds and an estimate of the safe yield of such sources for consumptive and nonconsumptive uses during periods of normal conditions and drought.

(2) A listing of each consumptive or nonconsumptive withdrawal by a large-quantity user, including the amount of water used, location of the water resources, the nature of the use, location of each intake and discharge point by longitude and latitude where available and, if the use involves more than one watershed or basin, the watersheds or basins involved and the amount transferred.

(3) A plan for the development of the infrastructure necessary to identify the groundwater resources of each region of this state, including an identification of aquifers and groundwater basins and an assessment of their safe yield, prime recharge areas, recharge capacity, consumptive limits and relationship to stream base flows.

(4) After consulting with the appropriate state and federal agencies, assess and project the existing and future nonconsumptive use needs of the water resources required to serve areas with important or unique natural, scenic, environmental or recreational values of national, regional, local or statewide significance, including national and state parks; designated wild, scenic and recreational rivers; national and state wildlife refuges; and the habitats of federal and state endangered or threatened species.

(5) Assessment and projection of existing and future consumptive use demands.

(6) Identification of potential problems with water availability or conflicts among water uses and users including, but not limited to, the following:

(A) A discussion of any area of concern regarding historical or current conditions that indicate a low-flow condition or where a

drought or flood has occurred or is likely to occur that threatens the beneficial use of the surface water or groundwater in the area; and

(B) Current or potential in-stream or off-stream uses that contribute to or are likely to exacerbate natural low-flow conditions to the detriment of the water resources.

(7) Establish criteria for designation of critical water planning areas comprising any significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe yield of available water resources.

(8) An assessment of the current and future capabilities of public water supply agencies and private water supply companies to provide an adequate quantity and quality of water to their service areas.

(9) An assessment of floodplain and stormwater management problems.

(10) Efforts to improve data collection, reporting and water monitoring where prior reports have found deficiencies.

(11) A process for identifying projects and practices that are being, or have been, implemented by water users that reduce the amount of consumptive use, improve efficiency in water use, provide for reuse and recycling of water, increase the supply or storage of water or preserve or increase groundwater recharge and a recommended process for providing appropriate positive recognition of ~~such~~ those projects or practices in actions, programs, policies, projects or management activities.

(12) An assessment of both structural and nonstructural alternatives to address identified water availability problems, adverse impacts on water uses or conflicts between water users, including potential actions to develop additional or alternative supplies, conservation measures and management techniques.

(13) A review and evaluation of statutes, rules, policies and institutional arrangements for the development, conservation, distribution and emergency management of water resources.

(14) A review and evaluation of water resources management alternatives and recommended programs, policies, institutional arrangements, projects and other provisions to meet the water resources needs of each region and of this state.

(15) Proposed methods of implementing various recommended actions, programs, policies, projects or management activities.

(d) The State Water Resources Management Plan shall consider:

(1) The interconnections and relationships between groundwater and surface water as components of a single hydrologic resource.

(2) Regional or watershed water resources needs, objectives and priorities.

(3) Federal, state and interstate water resource policies, plans, objectives and priorities, including those identified in statutes, rules, regulations, compacts, interstate agreements or comprehensive plans adopted by federal and state agencies and compact basin commissions.

(4) The needs and priorities reflected in comprehensive plans and zoning ordinances adopted by a county or municipal government.

(5) The water quantity and quality necessary to support reasonable and beneficial uses.

(6) A balancing and encouragement of multiple uses of water resources, recognizing that all water resources of this state are capable of serving multiple uses and human needs, including multiple uses of water resources for reasonable and beneficial uses.

(7) The distinctions between short-term and long-term conditions, impacts, needs and solutions to ensure appropriate and cost-effective responses to water resources issues.

(8) Application of the principle of equal and uniform treatment of all water users that are similarly situated without regard to established political boundaries.

(e) ~~In November of each year;~~ Each November, the secretary shall report to the Joint Legislative Oversight Commission on State Water Resources on the implementation of the State Water Resources Management Plan. ~~The report on the water resources plan shall include benchmarks for achieving the plan's goals and time frames for meeting them.~~

(f) ~~Upon adoption of the state Water Resources Management Plan by the Legislature, the report requirements of this article shall be superseded by the plan and subsequent reports shall be on the survey results and the water resources plan. If the plan is not adopted a detailed report discussing the provisions of this section as well as progress reports on the development of the plan shall be submitted every three years.~~ The State Water Resources Management Plan is adopted. Persons identified as large-quantity users prior to the effective date of this subsection shall report actual monthly water withdrawals, or monthly water withdrawals by a method approved by the secretary, for the previous calendar year by March 31 of each succeeding year. Persons identified as large-quantity users on or after the effective date of this subsection shall submit their initial annual report no later than March 31, 2016, and subsequent annual reports by March 31 of each year thereafter.

ARTICLE 30. THE ABOVEGROUND STORAGE TANK ACT.

§22-30-1. Short title.

This article may be known and cited as the Aboveground Storage Tank Act.

§22-30-2. Legislative findings.

(a) The West Virginia Legislature finds the public policy of the State of West Virginia is to protect and conserve the water resources for the state and its citizens. The state's water resources are vital natural resources that are essential to maintain, preserve and promote human health, quality of life and economic vitality of the state.

(b) The West Virginia Legislature further finds the public policy of the state is for clean, uncontaminated water to be made available for its citizens who are dependent on clean water as a basic need for survival, and who rely on the assurances from public water systems and the government that the water is safe to consume.

(c) The West Virginia Legislature further finds it in the public policy of the state that clean, uncontaminated water be available to its businesses and industries that rely on water for their economic survival, and the well-being of their employees. These include hospitals and the medical industry, schools and educational institutions, the food and hospitality industries, the tourism industry, manufacturing, coal, natural gas and other industries. Businesses and industries searching for places to locate or relocate consider the quality of life for their employees as well as the quality of the raw materials such as clean water.

(d) The Legislature further finds that large quantities of fluids are stored in aboveground storage tanks within the state and that emergency situations involving these fluids can and will arise that may present a hazard to human health, safety, the water resources, the environment and the economy of the state. The Legislature further recognizes that some of these fluids have been stored in aboveground storage tanks in a regulated manner insufficient to protect human health, safety, water resources, the environment and the economy of the state.

§22-30-3. Definitions.

For purposes of this article:

(1) “Aboveground storage tank” or “tank” means a device made to contain an accumulation of more than one thousand three hundred twenty gallons of fluids that are liquids at standard temperature and pressure, which is constructed primarily of noncarbon materials, including wood, concrete, steel, plastic or fiberglass reinforced plastic, which provide structural support, more than ninety percent capacity of which is above the surface of the ground, but does not include any process vessel. The term includes stationary devices which are permanently affixed, and mobile devices which remain in one location on a continuous basis for sixty or more days, and includes all ancillary aboveground pipes and dispensing systems up to the first point of isolation and all ancillary underground pipes and dispensing systems connected to the aboveground containers to the first point of isolation. Notwithstanding any other provision of this code to the contrary, shipping containers, including railroad freight cars, subject to federal regulation under the Federal Railroad Safety Act, 49 U.S.C. §§20101-2015, as amended, including, but not limited to, federal regulations promulgated thereunder at 49 CFR 172, 173 or 174, or subject to other federal law governing the transportation of hazardous materials are not subject to any provision of this article or of article thirty-one of this chapter. Notwithstanding any other provision of this code to the contrary, barges or boats subject to federal regulation under the United States Coast Guard, United States Department of Homeland Security, including but not limited to federal regulations promulgated at 33 CFR 1, et seq., or subject to other federal law governing the transportation of hazardous materials are not subject to any provision of this article or of article thirty-one of this chapter.

(2) “Department” means the West Virginia Department of Environmental Protection.

(3) “Nonoperational storage tank” means an empty aboveground storage tank in which fluids will not be deposited or from which fluids will not be dispensed on or after the effective date of this article.

(4) “Operator” means any person in control of, or having responsibility for, the daily operation of an aboveground storage tank.

(5) “Owner” means a person who holds title to, controls or owns an interest in an aboveground storage tank, including owners of tanks immediately preceding the discontinuation of a tank’s use. “Owner” does not mean a person who holds an interest in a tank for financial security, unless the holder has taken possession of and operated the tank.

(6) “Person”, “persons” or “people” means any individual, trust, firm, owner, operator, corporation or other legal entity, including the United States government, an interstate commission or other body, the state or any agency, board, bureau, office, department or political subdivision of the state, but does not include the Department of Environmental Protection.

(7) “Process vessel” means tanks, containers or other vessels utilized in a facility in the manufacturing process through which there is a steady, variable, recurring or intermittent flow of materials. This does not include tanks used for storage of materials prior to their introduction into the production process or for the storage of finished products or by-products of the production process.

(8) “Public groundwater supply source” means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine or other primary source of water supplies which is found underneath the surface of the state.

(9) “Public surface water supply source” means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments or other primary sources of water supplies which are found on the surface of the state.

(10) “Public surface water influenced groundwater supply source” means a source of water supply from a public water system which is directly drawn from an underground well, underground river or stream, underground reservoir or underground mine, and the

quantity or quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area.

(11) “Public water system” means:

(A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include:

(i) Any collection, treatment, storage and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

(B) A public water system does not include a system which meets all of the following conditions:

(i) Consists only of distribution and storage facilities and does not have any collection and treatment facilities;

(ii) Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

(iii) Does not sell water to any person; and

(iv) Is not a carrier conveying passengers in interstate commerce.

(12) “Release” means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of fluids from an aboveground storage tank into groundwater, surface water or subsurface soils. The term shall also include spilling, leaking, emitting, discharging, escaping, leaching or disposing of fluids from an aboveground

storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater: *Provided*, That the overflow or spillage of up to twenty gallons of fluid during the loading or unloading of liquids shall not be required to be reported if the overflow or spillage is wholly contained within a containment structure or facility, it is promptly cleaned up, and no portion of the overflow or spillage escapes onto the ground or into adjacent surface water.

(13) “Secondary containment” means a safeguard applied to one or more tanks that prevents the discharge into the waters of the state of the entire capacity of the largest single tank and sufficient freeboard to contain precipitation. In order to qualify as secondary containment, the barrier and containment field must be sufficiently impervious to contain fluids in the event of a release, and may include double-walled tanks, dikes, containment curbs, pits or drainage trench enclosures that safely confine the release from a tank in a facility catchment basin or holding pond.

(14) “Secretary” means the Secretary of the Department of Environmental Protection, or his or her designee.

(15) “Source water protection area” for a public groundwater supply source is the area within an aquifer that supplies water to a public water supply well within a five-year time-of-travel, and is determined by the mathematical calculation of the locations from which a drop of water placed at the edge of the protection area would theoretically take five years to reach the well.

(16) “Zone of critical concern” for a public surface water supply is a corridor along streams within a watershed that warrants more detailed scrutiny due to its proximity to the surface water intake and the intake’s susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the zone of critical concern is based on a five-hour time of travel of water in the streams to the water

intake, plus an additional one-fourth mile below the water intake. The width of the zone of critical concern is one thousand feet measured horizontally from each bank of the principal stream and five hundred feet measured horizontally from each bank of the tributaries draining into the principal stream.

§22-30-4. Inventory and registration of existing aboveground storage tanks.

(a) To assure protection of the water resources of the state, the secretary shall compile an inventory of all aboveground storage tanks in existence this state, regardless of whether it is an operational or nonoperational storage tank on the effective date of this article. The secretary shall prescribe an inventory and registration form for this purpose within thirty days of the effective date of the enactment of this article.

(b) At a minimum the inventory form shall identify the ownership of the tank, tank location, date of installation if known, type of construction, capacity and age of the tank, the type and volume of fluid stored therein, and the identity of and distance to the nearest groundwater public water supply intake and/or nearest surface water downstream public water supply intake.

(c) If the inventoried tank is regulated under any existing state or federal regulatory program, the owner of the tank shall be required to provide the identifying number of any license, registration or permit issued for the tank, and identify the regulatory standards and requirements the tank is required to meet.

(d) Any aboveground storage tank placed into service on or after the effective date of this section, but prior to the establishment of a permit program, shall complete and submit an inventory form with the secretary.

(e) Upon receipt of an inventory form, the secretary shall determine whether the storage tank is required to meet the minimum design, construction, inspection, secondary containment, leak reporting and

performance standards equivalent to or greater than the standards and requirements established under an existing license or permit issued for the individual storage tank, storage tank farm or site on which the storage tank is located.

(f) The secretary may charge a reasonable fee to cover the cost of maintaining and overseeing the inventory and registration program. The fee may be set by emergency and legislative rules proposed for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That for persons owning a commercial establishment which utilizes an aboveground storage tank for public sale of gasoline, diesel fuel, off road/heating oil or kerosene, if the tank has an adequate secondary containment system, or the tank is double walled, and the owner is submitting a tier II report to the local Emergency Medical Services 911 Center and to local first responders, and permitting of the establishment is as a retail facility and is not being regulated as a storage facility (tank farm), that tank shall only be subject to a one-time registration fee.

(g) On and after October 1, 2014, it shall be unlawful for any owner or operator to operate or use an aboveground storage tank subject to this article which has not been properly registered or for which any applicable registration fee has not been paid.

§22-30-5. Aboveground Storage Tank Regulatory Program; promulgation of appropriate aboveground tank standards; permitting procedures and waiver requirements; rulemaking requirements.

(a) The secretary shall promulgate for review and consideration by the West Virginia Legislature as legislative rules during the 2015 Regular Session of the West Virginia Legislature, on all matters related to this article.

(b) To assure further protection of the water resources of the state, the secretary shall develop a regulatory program for new and existing aboveground storage tanks incorporating nationally recognized tank standards such as those standards developed by the

American Petroleum Institute (API), the Steel Tank Institute (STI) or comparable authorities, and taking into account the size, location and contents of the tanks. At a minimum, the program shall include the following:

(1) A requirement to submit a verified application for a permit containing information as may be prescribed by the secretary;

(2) Performance standards for design, construction, installation, maintenance, corrosion detection and maintenance, release detection and prevention and secondary containment to ensure the structural integrity of the storage tank and the secondary containment;

(3) Requirements for maintaining a leak detection system, inventory control systems together with tank testing or a comparable system or method designed to identify releases from aboveground storage tanks in a manner consistent with the protection of human health, safety, water resources and the environment;

(4) Requirements for maintaining records of any monitoring or leak detection system, corrosion prevention, inventory control system or tank testing system;

(5) Requirements for early detection of releases and immediate reporting of releases;

(6) Requirements for developing a corrective action plan to expeditiously respond to any releases;

(7) Requirements for the closure of aboveground storage tanks and remediation to prevent future releases of fluids or materials to the state's water resources;

(8) Requirements for certification of installation, removal, retrofit, corrosion and other testing and inspection of aboveground storage tanks, leak detection systems and secondary containment by a qualified registered professional engineer regulated and licensed

by the State Board of Registration for Professional Engineers, or by an individual certified to perform tank inspections by the American Petroleum Institute, or by a person holding certification under another program approved by the secretary;

(9) Requirements for life-cycle management of aboveground storage tanks that include mitigation and corrosion prevention plans that include, but are not limited to:

(A) A life-cycle maintenance schedule for the use of protective coatings and or other repair, rehabilitation, and maintenance methods used for the preservation of aboveground storage tanks;

(B) A process for ensuring that corrosion prevention and mitigation is carried out according to corrosion prevention industry standards adopted by the secretary for aboveground storage tanks that includes the use of industry trained and certified:

(i) Protective coatings personnel to carry out surface preparation operations and coating application on any type of substrate and or surface, but especially concrete and steel;

(ii) Cathodic protection experts for all aspects of corrosion prevention projects requiring knowledge of the design, installation, monitoring or maintenance of a cathodic protection system; and

(iii) Inspectors to ensure best practices and standards are adhered to on a corrosion prevention and mitigation project;

(C) A plan to prevent environmental degradation that could occur as a result of carrying out corrosion prevention and mitigation including, but not limited to, the careful handling and containment of hazardous materials, not including the contaminant within, removed from the interior and or exterior of an aboveground storage tank; and

(D) Use of industry experts for consultation and direct to determine whether to approve a corrosion prevention and mitigation

plan, or any part therein, the secretary shall consult, and interact directly with, corrosion industry experts specializing in the training and certification of personnel to carry out corrosion prevention and mitigation methods.

(10) The assessment of permit application and registration fees as determined by the secretary;

(11) Permit issuance only after the application and any other supporting documents have been submitted, reviewed and approved by the secretary, and that permits may be issued with certain conditions or contingencies;

(12) A requirement that any aboveground storage tank maintenance work shall commence within six months from the date the permit was issued and must be completed within one year of commencement. If the work has not started or is not completed during the stated time periods, the permit shall expire and a new permit shall be required unless a written extension is granted by the secretary. An extension may be granted only if the applicant can demonstrate that the delay was not deliberate and that the delay will not present harm to human health, safety, water resources or the environment;

(13) A procedure for the administrative resolution of violations including the assessment of administrative civil penalties;

(14) A procedure for any person adversely affected by a decision or order of the secretary relating to the aboveground storage tank program to appeal to the Environmental Quality Board, pursuant to the provisions of article one, chapter twenty-two-b of this code;

(15) In coordination and cooperation with the Bureau for Public Health and the Division of Homeland Security and Emergency Management, create a process and procedure for identifying any aboveground storage tanks which are located within a defined zone of critical concern for a public water system's surface water intake

or within a defined source water protection area for a public water system's groundwater intake, and determining whether additional permit requirements and inspections should be imposed on that tank or facility by requiring the issuance of any new permit pursuant to this article, or by amending any existing permit which may pertain to that tank or facility, under this chapter, or by any other article of this chapter;

(16) Requirements for maintaining written or electronic records that log at least the following information for each aboveground storage tank: Tank numbers, additives, verifiable content levels, deliveries, amounts and quantities, dispensing, repairs and maintenance; and including the requirement that such logs be signed by the owner or a designated responsible supervisor, and be available for inspection upon request of the secretary; and

(17) Compliance with a nationally recognized tank standard as solely determined by the department, shall be deemed compliance with the requirements that are developed in accordance with subsection (9) of this section.

§22-30-6. Annual inspection and certification.

(a) Every owner or operator of an aboveground storage tank regulated herein shall have an annual inspection of each tank performed by a qualified registered professional engineer or a qualified person working under the direct supervision of a registered professional engineer, regulated and licensed by the State Board of Registration for Professional Engineers, or by an individual certified to perform tank inspections by the American Petroleum Institute, or by a person holding certification under another program approved by the secretary. Every owner or operator shall submit, on a form prescribed by the secretary, a certification from the engineer that each tank, associated equipment, leak detection system and secondary containment structure meets the minimum standards established by this article or by the secretary by rule.

(b) The certification form shall be submitted to the secretary on or before January 1, 2015, and each year thereafter.

§22-30-7. Financial responsibility.

The secretary shall promulgate rules requiring owners and operators to provide evidence of adequate financial resources to undertake reasonable corrective action for releases of fluid from aboveground storage tanks. The means of demonstrating adequate financial responsibility may include, but not be limited to, providing evidence of current insurance, guarantee, surety bond, letter of credit, proof of assets, trust fund or qualification as a self insurer.

§22-30-8. Corrective action.

(a) Prior to the effective date of the emergency and legislative rules promulgated pursuant to the authority granted under this article, the secretary is authorized to:

(1) Require the owner or operator to develop a preliminary corrective action plan taking into consideration the types of fluids and types of tanks on the premises;

(2) Require the owner or operator of an aboveground storage tank to undertake prompt corrective action to protect human health, safety, water resources or the environment from contamination caused by a release; or

(3) Undertake immediate corrective action with respect to any release or threatened release of fluid from an aboveground storage tank when, in the judgment of the secretary, the action is necessary to protect human health, safety, water resources or the environment from contamination caused by a release.

(b) The corrective action undertaken or required by this section shall be what may be necessary to protect human health, water resources and the environment from contamination caused by a release, including the ordered cessation or closure of a source of

contamination and the ordered remediation of a contaminated site. The secretary shall use funds in the Protect Our Water Fund established pursuant to this article for payment of costs incurred for corrective action taken by the secretary in accordance with this article. In undertaking corrective actions under this section and in issuing orders requiring owners or operators to undertake the actions, the secretary shall give priority to releases or threatened releases of fluid from aboveground storage tanks that pose the greatest threat to human health, water resources or the environment.

(c) Following the effective date of rules promulgated pursuant to this article, all actions or orders of the secretary shall be in conformity with those rules. Following the effective date of the rules, the secretary may undertake corrective action with respect to any release or threatened release of fluid from an aboveground storage tank only if, in the judgment of the secretary, the action is necessary to protect human health, safety, water resources or the environment from contamination, and one or more of the following situations exists:

(1) If no person can be found within thirty days, or a shorter period as may be necessary to protect human health, safety, water resources and the environment, who is an owner or operator of the aboveground storage tank at issue and who is capable of carrying out the corrective action properly;

(2) A situation exists that requires immediate action by the secretary under this section to protect human health, safety, water resources or the environment;

(3) The cost of corrective action to be expended on an aboveground storage tank exceeds the amount of resources that the owner or operator can reasonably be expected to possess based on the information required to be submitted pursuant to this article and, considering the fluid being stored in the aboveground storage tank in question, expenditures from the Protect Our Water Fund are necessary to assure an effective corrective action; or

(4) The owner or operator of the tank has failed or refused to comply with an order of the secretary under this article or of the Environmental Quality Board under article one, chapter twenty-two-b of this code to comply with appropriate corrective action measures ordered by the secretary or the Environmental Quality Board.

(d) The secretary may draw upon the Protect Our Water Fund in order to take action under subdivision (1) or (2), subsection (c) of this section if the secretary has made diligent good-faith efforts to determine the identity of the owner or operator responsible for the release or threatened release and:

(1) The secretary is unable to determine the identity of the owner or operator in a manner consistent with the need to take timely corrective action; or

(2) The owner or operator determined by the secretary to be responsible for the release or threatened release has been informed in writing of the secretary's determination and has been requested by the secretary to take appropriate corrective action but is unable or unwilling to take proper action in a timely manner.

(e) The written notice to the owner or operator must inform the owner or operator that if it is subsequently found liable for releases pursuant to this section, the owner or operator will be required to reimburse the Protect Our Water Fund for the costs of the investigation, information gathering and corrective action taken by the secretary.

(f) If the secretary determines that immediate response to an imminent threat to human health, safety, water resources or the environment is necessary to avoid substantial injury or damage thereto, corrective action may be taken pursuant to this section without the prior written notice required by subdivision (2), subsection (d) of this section. In that case, the secretary must give subsequent written notice to the owner or operator within fifteen

days after the action is taken describing the circumstances that required the action to be taken and setting forth the matters identified in subsection (e) of this section.

§22-30-9. Spill prevention response plan.

(a) Within one hundred eighty days of the effective date of this article, each owner or operator of an aboveground storage tank shall submit a spill prevention response plan for each aboveground storage tank. Owners and operators of aboveground storage tanks shall file updated plans required to be submitted by this section no less frequently than every three years. Each plan shall be site-specific, consistent with the requirements of this article, and developed in consultation with Bureau for Public Health, county and municipal emergency management agencies. The spill prevention response plan shall at a minimum:

(1) Identify and describe the activity that occurs at the site and identify applicable hazard and process information, including a specific listing and inventory of all types of fluids stored, amount of fluids stored, and wastes generated that are stored in aboveground storage tanks at the facility. The plan shall include the material safety data sheets (MSDS) required by the Occupational Safety and Health Administration for all fluids in use or stored in aboveground storage tanks at the facility. The material safety data sheets must include the health hazard number identified by the National Fire Protection Association. The plan shall also include drawings of the aboveground storage tank facility, including the locations of all drainage pipes and water outlets;

(2) Identify all facility-related positions with duties and responsibilities for developing, implementing and maintaining the facility's plan. The plan shall describe in detail the chain of command at the aboveground storage tank facility and list all facility emergency coordinators and all known emergency response contractors;

(3) Provide a preventive maintenance program that includes monitoring and inspection procedures, including identification of stress points, employee training programs and security systems. The plan shall include a description of potential sources and areas where spills and leaks may occur by drawings and plot plans and shall identify specific spill prevention measures for those identified areas;

(4) Detail the specific response that the aboveground storage tank facility and contract emergency personnel shall take upon the occurrence of any release of fluids from an aboveground storage tank at the facility;

(5) Provide contact information obtained by the owner or operator of the aboveground storage tanks from the county and municipal emergency management agencies and the nearest downstream public water supply intake, and designate the person or persons to be notified in the event of a release from an aboveground storage tank; and

(6) Provide the secretary with all other requested information.

(b) Each owner of an aboveground storage tank with an approved spill prevention response plan shall submit to the secretary a revised plan or addendum to the plan in accordance with the requirements of this article if any of the following occur:

(1) There is a substantial modification in design, construction, operation or maintenance of any aboveground storage tank or associated equipment, or there are other circumstances that increase the potential for fires, explosions or releases of fluids;

(2) There is a substantial modification in emergency equipment at the facility;

(3) There are substantial changes in emergency response protocols at the aboveground storage tank facility;

(4) The plan fails in an emergency;

(5) The removal or the addition of any aboveground storage tank;
or

(6) Other circumstances occur about which the secretary requests an update.

(c) The secretary shall approve the spill prevention response plan or reject the plan and require modifications as may be necessary and reasonable to assure the protection of the source water of a public water system from a release of fluids from an aboveground storage tank. If rejected, the owner of the aboveground storage tank shall submit a revised plan to the secretary for approval within thirty days of receipt of notification of the secretary's decision. Failure to comply with a plan approved by the secretary pursuant to this section is a violation of this article.

(d) Nothing contained in this section relieves the owner or operator of an aboveground storage tank from his or her obligation to report any release immediately to the department's emergency notification telephone number.

§22-30-10. Notice to local governments and water companies.

The owner or operator of an aboveground storage tank facility shall provide as required by the secretary public notice to any public water system where the facility is located within the system's identified groundwater supply's source water protection area or within the system's surface water supply's zone of critical protection, to the local municipality, if any, and to the county in which the facility is located. The notice shall provide a detailed inventory of the type and quantity of fluid stored in aboveground storage tanks at the facility and the material safety data sheets (MSDS) associated with the fluid in storage. The owner or operator shall also provide as required by the secretary a copy of the spill prevention response plan and any updates thereto, which have been approved by the secretary pursuant to this act, to the applicable

public water systems and county and municipal emergency management agencies.

§22-30-11. Required signage.

Every aboveground storage tank shall display the signage, if any, required by the Occupational Safety and Health Administration; the tank registration number, when issued by the secretary; and the emergency contact number for the owner or operator of the tank and the emergency contact number for the Department of Environmental Protection's Spill Reporting Hotline. For the purposes of this section, the requirements for prominently posted signage shall be specified in the rules proposed for promulgation by the secretary pursuant to this article and article three, chapter twenty-nine-a of this code.

§22-30-12. Aboveground Storage Tank Administrative Fund.

(a) The secretary shall collect annual registration fees from owners or operators of each aboveground storage tank in an amount to be promulgated in the legislative rules authorized by this article to be used by the secretary to defray the costs of administering this article: *Provided*, That for facilities covered by an individual National Pollutant Discharge Elimination System (NPDES) permit, a permit issued under article six or six-a of this chapter or a Spill Prevention Control and Countermeasure plan, no separate registration fee or permit fee shall be assessed pursuant to this article. All registration and permit fees and the net proceeds of all fines, penalties and forfeitures collected under this article, including accrued interest, shall be paid into a special revenue account, hereby created within the State Treasury, designated the Aboveground Storage Tank Administrative Fund.

(b) At the end of each fiscal year, any unexpended balance, including accrued interest, on deposit in the Aboveground Storage Tank Administrative Fund shall not be transferred to the General Revenue Fund, but shall remain in the Aboveground Storage Tank Administrative Fund for expenditure pursuant to this section.

§22-30-13. Protect Our Water Fund.

(a) Each owner or operator of an aboveground storage tank located in this state shall pay an annual fee to establish a fund to assure adequate response to leaking aboveground storage tanks: *Provided*, That for facilities covered by an individual National Pollutant Discharge Elimination System (NPDES) permit, a permit issued under article six or six-a of this chapter or a Spill Prevention Control and Countermeasure plan, no separate registration fee or permit fee shall be assessed pursuant to this article. The amount of fees assessed pursuant to this section shall be set forth by rule. The fees must be sufficient to cover the regulatory oversight and services to be provided by designated agencies, including necessary technical and administrative personnel. The proceeds of the assessment shall be paid into a special revenue account, hereby created within the State Treasury, designated the Protect Our Water Fund. The fund shall be administered by the secretary. Expenditures from the fund shall be solely to respond to leaking aboveground storage tanks, 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 eleven-b of this code: *Provided*, That for the fiscal years ending June 30, 2014 and 2015, expenditures are authorized from collections rather than pursuant to an explicit appropriation by the Legislature. At the end of each fiscal year, any unexpended balance, including accrued interest, on deposit in the Protect Our Water Fund shall not be transferred to the General Revenue Fund, but shall remain in the Protect Our Water Fund for expenditure pursuant to this section.

(b) Each owner or operator of an aboveground storage tank subject to a fee assessment under subsection (a) of this section shall pay a fee based on the number of aboveground storage tanks he or she owns or operates, as applicable. The secretary shall vary the fees annually to a level necessary to produce a sufficient fund at the beginning of each calendar year.

(c) At the end of each fiscal year, any unexpended balance, including accrued interest, on deposit in the Protect Our Water Fund shall not be transferred to the General Revenue Fund, but shall remain in the Protect Our Water Fund.

(d) The secretary may enter into agreements and contracts and to expend the moneys in the fund for the following purposes:

(1) Responding to aboveground storage tank releases when, based on readily available information, the secretary determines that immediate action is necessary to prevent or mitigate significant risk of harm to human health, safety, water resources or the environment from contamination caused by a release of fluid from aboveground storage tanks in situations for which no federal funds are immediately available for the response, cleanup or containment: *Provided*, That the secretary shall apply for and diligently pursue all available federal funds at the earliest possible time;

(2) Reimbursing any nonresponsible parties for reasonable cleanup costs incurred with the authorization of the secretary in responding to an aboveground storage tank release; or

(3) Reimbursing any nonresponsible parties for reasonable costs incurred with the authorization of the secretary responding to perceived, potential or threatened releases from aboveground storage tanks.

(e) The secretary, through a cooperative agreement with another state regulatory agency, in this or another state, may use the fund to compensate the cooperating agency for expenses the cooperating agency incurs in carrying out regulatory responsibilities that agency may have pursuant to this article.

§22-30-14. Public access to information.

(a) The public shall have access to all documents and information submitted to the agency, subject to the limitations contained in the state Freedom of Information Act, article one, chapter twenty-nine-b

of this code. Records, reports or information obtained from any persons under this article may be disclosed to other officers, employees or authorized representatives of this state or federal agency implementing the provisions of this article or any other applicable law related to releases of fluid from aboveground storage tanks that impact the state's water resources.

(b) A list of the potential sources of significant contamination contained within the zone of critical concern as provided by the Department of Environmental Protection, the Bureau for Public Health and the Division of Homeland Security and Emergency Management may be disclosed. The exact location of the contaminants within the zone of critical concern is not subject to public disclosure in response to a Freedom of Information Act request under article one, chapter twenty-nine-b of this code. However, the location, characteristics and approximate quantities of potential sources of significant contamination within the zone of critical concern shall be made known to one or more designees of the public water utility, and shall be maintained in a confidential manner by the public water utility. In the event of a chemical spill, release or related emergency, information pertaining to any spill or release of contaminant shall be immediately disseminated to any emergency responders responding to the site of a spill or release, and the general public shall be promptly notified in the event of a chemical spill, release or related emergency.

§22-30-15. Inspections, monitoring and testing.

(a) For the purposes of developing or assisting in the development of any rule, conducting any study, taking any corrective action or enforcing any provision of this article, any owner or operator of an aboveground storage tank shall, upon request of the secretary:

(1) Furnish information relating to the aboveground storage tanks, their associated equipment and contents;

(2) Conduct reasonable monitoring or testing;

(3) Permit the secretary, at all reasonable times, to inspect and copy records relating to aboveground storage tanks; and

(4) Permit the secretary to have access to the aboveground storage tanks for corrective action.

(b) For the purposes of developing or assisting in the development of any rule, conducting any study, taking corrective action or enforcing any provision of this article, the secretary may:

(1) Enter at any time any establishment or other place where an aboveground storage tank is located;

(2) Inspect and obtain samples of any fluid contained in an aboveground storage tank from any person;

(3) Conduct monitoring or testing of the aboveground storage tanks, associated equipment, contents or surrounding soils, surface water or groundwater; and

(4) Take corrective action as specified in this article.

(c) Each inspection shall be commenced and completed with reasonable promptness.

(d) To ensure protection of the water resources of the state and compliance with any provision of this article or rule promulgated thereunder, the secretary shall inspect at least annually any aboveground storage tank facility located within the zone of critical concern of a public water system with a public surface water supply source or a public surface water influenced groundwater supply source.

§22-30-16. Administrative orders; injunctive relief.

(a) When the secretary determines, on the basis of any information, that a person is in violation of any requirement of this article or the rules promulgated thereunder, the secretary may issue

an order stating with reasonable specificity the nature of the violation and requiring compliance within a reasonable specified time period, or the secretary may commence a civil action in the circuit court of the county in which the violation occurred or in the circuit court of Kanawha County for appropriate relief, including a temporary or permanent injunction. The secretary may, except as provided in subsection (b) of this section, stay any order he or she issues upon application, until the order is reviewed by the Environmental Quality Board.

(b) In addition to the powers and authority granted to the secretary by this chapter to enter into consent agreements, settlements, and otherwise enforce this chapter, the secretary shall propose rules for legislative approval to establish a mechanism for the administrative resolution of violations set forth in this article through consent order or agreement as an alternative to instituting a civil action.

§22-30-17. Civil and criminal penalties.

(a) Any person who fails to comply with an order of the secretary issued under subsection (a), section sixteen of this article within the time specified in the order is liable for a civil penalty of not more than \$25,000 for each day of continued noncompliance.

(b) Any owner or operator of an aboveground storage tank who knowingly fails to register or obtain a permit required by this article for an aboveground storage tank or submits false information pursuant to this article is liable for a civil penalty not to exceed \$10,000 for each aboveground storage tank that is not registered or permitted or for which false information is submitted.

(c) Any owner or operator of an aboveground storage tank who fails to comply with any requirement of this article or any standard promulgated by the secretary pursuant to this article is subject to a civil penalty not to exceed \$10,000 for each day of violation.

(d) Any person who knowingly and intentionally violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in a regional jail for a period of time not exceeding one year, and be fined an amount not to exceed \$25,000.

(e) Any person convicted of a second or subsequent willful violation of subsection (d) of this section or knowingly and willfully violates any provision of any permit, rule or order issued under or subject to the provisions of this article is guilty of a felony and, upon conviction, shall be imprisoned in a correctional facility not less than one nor more than three years, or fined not more than \$50,000 for each day of violation, or both fined and imprisoned.

(f) Any person may be prosecuted and convicted under the provisions of this section notwithstanding that none of the administrative remedies provided in this article have been pursued or invoked against said person and notwithstanding that civil action for the imposition and collection of a civil penalty or an application for an injunction under the provisions of this article has not been filed against such person.

(g) Where a person holding a permit is carrying out a program of pollution abatement or remedial action in compliance with the conditions and terms of the permit, the person is not subject to criminal prosecution for pollution recognized and authorized by the permit.

(h) Civil penalties are payable to the secretary. All moneys collected under this section for civil fines collected under this article shall be deposited into a restricted account known as the Protect Our Water Fund. All money deposited into this account shall be used by the secretary solely to respond to leaking aboveground storage tanks.

§22-30-18. Appeal to Environmental Quality Board.

Any person aggrieved or adversely affected by an order of the secretary made and entered in accordance with the provisions of this

article may appeal to the Environmental Quality Board, pursuant to the provisions of article one, chapter twenty-two-b of this code.

§22-30-19. Duplicative enforcement prohibited.

No enforcement proceeding brought pursuant to this article may be duplicated by an enforcement proceeding subsequently commenced under some other article of this code with respect to the same transaction or event, unless the subsequent proceeding involves the violation of a permit or permitting requirement of other article.

§22-30-20. Reporting and accountability.

(a) Every year, the secretary shall submit a report to the Joint Legislative Oversight Commission on State Water Resources and the Joint Committee on Government and Finance which assesses the effectiveness of this article and provides other information as may be requested by the commission to allow it to assess the effectiveness of this article, including, without limitation, the secretary's observations concerning all aspects of compliance with this article and any legislative rules promulgated pursuant hereto, the regulatory process, and any pertinent changes to federal rules or regulations.

(b) The secretary shall keep accurate accounts of all receipts and disbursements related to the administration of the Aboveground Storage Tank Administrative Fund and shall make a detailed annual report to the Joint Legislative Oversight Commission on State Water Resources and the Joint Committee on Government and Finance addressing the administration of the fund.

(c) The secretary shall keep accurate accounts of all receipts and disbursements related to the administration of the Protect Our Water Fund and shall make a specific annual report to the Joint Legislative Oversight Commission on State Water Resources and the Joint Committee on Government and Finance addressing the administration of the fund.

§22-30-21. Interagency cooperation.

(a) In implementation of this article, the secretary shall coordinate with the Department of Health and Human Resources, the West Virginia Public Service Commission, the Division of Homeland Security and Emergency Management and local health departments to ensure the successful planning and implementation of this act, including consideration of the role of those agencies in providing services to owners and operators of aboveground storage tanks and public water systems.

(b) The secretary shall also coordinate with state and local emergency response agencies to prepare and issue appropriate emergency response plans to facilitate a coordinated emergency response and incident command and communication between the owner or operator of the aboveground storage tank, the state and local emergency response agencies and the affected public water system.

(c) The secretary shall also coordinate with the State Fire Marshal in addressing the periodic inspection of local fire departments to include a requirement for inspectors to examine and identify the status of National Incident Management System fire department personnel training.

§22-30-22. Imminent and substantial danger.

(a) Notwithstanding any other provision of this chapter to the contrary, upon receipt of evidence that an aboveground storage tank may present an imminent and substantial danger to human health, water resources or the environment, the secretary may bring suit on behalf of the State of West Virginia in the Circuit Court of Kanawha County against any owner or operator of an aboveground storage tank who has contributed or who is contributing to imminent and substantial danger to public health, safety, water resources or the environment to order the person to take action as may be necessary to abate the situation and protect human health, safety, water resources and the environment from contamination caused by a release of fluid from an aboveground storage tank.

(b) Upon receipt of information that there is any aboveground storage tank that presents an imminent and substantial danger to human health, safety, water resources or the environment, the secretary shall provide immediate notice to the appropriate state and local government agencies and any affected public water system. In addition, the secretary shall require notice of any danger to be promptly posted at the aboveground storage tank facility containing the aboveground storage tank at issue.

§22-30-23. Promulgation of rules.

The secretary shall promulgate emergency and legislative rules as necessary to implement the provisions of this article in accordance with the provisions of article three, chapter twenty-nine-a of this code.

§22-30-24. Powers and duties of secretary.

(a) In addition to the powers and duties prescribed in this chapter or otherwise provided by law, the secretary has the exclusive authority to perform all acts necessary to implement this article.

(b) The secretary may receive and expend money from the federal government or any other sources to implement this article.

(c) The secretary may revoke any registration, authorization or permit for a violation of this article or the rules promulgated hereunder.

(d) The secretary may issue orders, assess civil penalties, institute enforcement proceedings and prosecute violations of this article as necessary.

(e) The secretary, in accordance with this article, may order corrective action to be undertaken, take corrective action or authorize a third party to take corrective action.

(f) The secretary may recover the costs of taking corrective action, including costs associated with authorizing third parties to perform corrective action. Costs may not include routine inspection and administrative activities not associated with a release.

§22-30-25. Scope of article; waiving additional permitting requirements for certain categories of aboveground storage tanks; establishing a process for granting waivers for additional categories of ground storage tanks, by legislative rule, upon verification that the category of tanks are regulated under comparable or more rigorous protective state or federal standards.

(a) While all aboveground storage tanks shall be required to participate in the inventory and registration process set forth in section four of this article, the following categories of containers and tanks shall not be required to be permitted under section five of this article, either because they do not represent a substantial threat of contamination, or they are currently regulated under standards which meet or exceed the protective standards and requirements set forth in this article:

(1) An aboveground storage tank containing drinking water, filtered surface water, demineralized water, noncontact cooling water or water stored for fire or emergency purposes;

(2) Any natural gas or propane tanks regulated under NFPA 58-30A or NFPA 58-30B;

(3) Septic tanks and home aeration systems;

(4) A pipeline facility, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, or an intrastate pipeline facility regulated by the West Virginia Public Service Commission or otherwise regulated under any state law comparable to the provisions of either the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979;

(5) Equipment or machinery containing substances for operational purposes, including integral hydraulic lift tanks, lubricating oil reservoirs for pumps and motors, electrical equipment and heating and cooling equipment;

(6) A mobile tank, truck or rail car that is located on a site for less than sixty consecutive calendar days;

(7) Liquid traps or associated gathering lines related to oil or gas production and gathering operations;

(8) A surface impoundment, pit, pond or lagoon;

(9) Aboveground storage tanks for which spill prevention, control, and countermeasure plans are required by the Environmental Protection Agency (EPA) under 40 CFR Part 112 (oil pollution prevention), unless located within a zone of critical protection.

(b) The Department of Environmental Protection may designate, by legislative rule, additional categories of aboveground storage tanks which for which an individual aboveground storage tank permit may be waived, after confirming that the tank is regulated under an existing state or federal regulatory permit or enforceable standard which includes, but is not limited to, the following:

(1) Secondary containment with an impermeable base, which is sufficient to fully contain the contents of the tank or the contents of the largest tank in the group of tanks in the event of a leak from spilling out onto the ground or adjacent surface water;

(2) Spill prevention, leak detection and control and inspection requirements which meet or exceed the standards established by the article or by rules promulgated thereunder;

(3) Regular inspections and routine integrity testing requirements which are equally protective to the requirements established pursuant to this article or any rules promulgated thereunder; and

(4) Emergency response and notification requirements which are at least as prompt and comprehensive as the emergency response and notification requirements established by this article or any rules promulgated thereunder.

(c) In lieu of requiring a separate permit issued under this section, the secretary may adopt rules that would allow the requirements of this article to be incorporated into, and enforced through, the state-only portion of a National Pollutant Discharge Elimination System (NPDES) permit or a permit under article six or six-a of this chapter.

(d) If the aboveground storage tank or tanks' location is to be regulated pursuant to a general NPDES permit or an individual NPDES permit, the secondary containment, spill prevention, leak detection and control requirements, inspection requirements, reporting requirements and routine integrity testing requirements for that tank or tanks are to be specifically set forth as enforceable permit conditions and requirements.

ARTICLE 31. THE PUBLIC WATER SUPPLY PROTECTION ACT.

§22-31-1. Short title.

This article may be known and cited as the Public Water Supply Protection Act.

§22-31-2. Legislative findings.

(a) The West Virginia Legislature finds that it is in the public policy of the State of West Virginia to protect and conserve the water resources which are relied upon by the state and its citizens. The state's water resources are vital natural resources that are essential to maintain, preserve and promote human health, quality of life and economic vitality of the state.

(b) The West Virginia Legislature further finds that it is the public policy of the state that clean, uncontaminated water be available for its citizens who are dependent on clean water as a basic

need for survival, and who rely on the assurances from public water systems and the government that the water is safe to consume.

(c) The West Virginia Legislature further finds that it is the public policy of the state that clean, uncontaminated water be available to its businesses and industries that rely on water for their economic survival, and the well-being of their employees. These include hospitals and the medical industry, schools and educational institutions, the food and hospitality industries, the tourism industry, manufacturing, coal, natural gas and other industries. Businesses and industries searching for places to locate or relocate consider the quality of life for their employees as well as the quality of the raw materials such as clean water.

(d) The Legislature further finds that large quantities of fluids are stored in aboveground storage tanks, below ground storage tanks, in impoundments and other locations which pose a threat of potential contamination to surface waters and groundwaters which are relied upon as primary sources of public water supplies in the state. Emergency situations involving these fluids can and will arise that may present a hazard to human health, safety, the water resources, the environment and the economy of the state.

(e) It is important that the public water systems, the responding emergency providers and regulatory inspectors and personnel require complete and accurate information regarding the volume, identity, characteristics and qualities of each potential source of significant contamination to efficiently and accurately anticipate and respond to any associated threat to the public posed by a leak or spill event.

(f) The Legislature also finds it reasonable and appropriate to impose additional regulatory oversight and reporting requirements for potential contaminants which are in close proximity to a public water intake, due to the sudden and devastating impact that potential contaminants in that zone pose to a public water system's critical source of supply.

§22-31-3. Definitions.

For the purposes of this article:

(1) “Potential source of significant contamination” means a facility or activity that stores, uses or produces compounds with potential for significant contaminating impact if released into the source water of a public water supply.

(2) “Public water system” means:

(A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include:

(i) Any collection, treatment, storage and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

(B) A public water system does not include a system which meets all of the following conditions:

(i) Consists only of distribution and storage facilities and does not have any collection and treatment facilities;

(ii) Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

(iii) Does not sell water to any person; and

(iv) Is not a carrier conveying passengers in interstate commerce.

(4) “Public groundwater supply source” means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine or other primary source of water supplies which is found underneath the surface of the state.

(5) “Public surface water supply source” means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments or other primary sources of water supplies which are found on the surface of the state.

(6) “Public surface water influenced groundwater supply source” means a source of water supply from a public water system which is directly drawn from an underground well, underground river or stream, underground reservoir or underground mine, and the quantity and quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area.

(7) “Zone of critical concern” for a public surface water supply is a corridor along streams within a watershed that warrants more detailed scrutiny due to its proximity to the surface water intake and the intake’s susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient and area topography. The length of the zone of critical concern is based on a five-hour time of travel of water in the streams to the water intake, plus an additional one-fourth mile below the water intake. The width of the zone of critical concern is one thousand feet measured horizontally from each bank of the principal stream and five hundred feet measured horizontally from each bank of the tributaries draining into the principal stream.

§22-31-4. Inventory of potential sources of significant contamination in a zone of critical concern; registration; permitting; and notice.

(a) To assure protection of the water resources of the state, the secretary, working in collaboration with the Bureau for Public

Health and the Division of Homeland Security and Emergency Management, shall compile an inventory of all potential sources of significant contamination contained within a public water system's zone of critical concern for all public water systems whose source of supply is obtained from a surface water supply source or a surface water influenced groundwater supply source.

(b) If the secretary shall determine that a designated potential significant source of contamination is not currently permitted and subject to regulation by the secretary under one or more articles of this chapter, and the secretary determines that the public interest in protecting the public drinking waters of the state warrant additional regulation and inspection of the site to protect the public interests, the secretary may require the owner and operator of that facility to register and obtain a permit for its location pursuant to the provisions of this article.

(c) Within sixty days of the date receiving notice from the secretary of the facility's obligation to register pursuant to this article, the owner or operator shall register the location pursuant to the provisions of this section.

(d) The secretary shall prescribe a registration form for this purpose within thirty days of the effective date of the enactment of this article. Any potential significant sources of contamination within a public water system's defined zone of critical concern which are required to register with the Department of Environmental Protection pursuant to this section shall do so within sixty days from the receiving notice of their obligation to register.

(e) Any potential source of significant contamination placed into service on and after the effective date of this section, but prior to the establishment of a permit program, may be required to register by the secretary at any time.

(f) The secretary may charge a reasonable fee to cover the cost of the registration and permitting program. The fee may be set by

emergency and legislative rules proposed for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That for facilities covered by an individual National Pollutant Discharge Elimination System (NPDES) permit, a permit issued under article six or six-a of this chapter or a Spill Prevention Control and Countermeasure plan, no separate registration fee or permit fee shall be assessed pursuant to this article.

§22-31-5. Promulgation of rules.

The secretary shall promulgate emergency and legislative rules as necessary to implement the provisions of this article in accordance with the provisions of article three, chapter twenty-nine-a of this code.

§22-31-6. Powers and duties of secretary.

(a) In addition to the powers and duties prescribed in this chapter or otherwise provided by law, the secretary has the exclusive authority to perform all acts necessary to implement this article.

(b) The secretary is authorized to utilize his or her authority under the West Virginia Water Pollution Control Act to require appropriate permitting and any other conditions or limitations to assure protection of water intakes in zones of critical concern.

(c) The secretary may receive and expend money from the federal government or any other sources to implement this article.

(d) The secretary may revoke any registration, authorization or permit for a violation of this article or the rules promulgated hereunder.

(e) The secretary may issue orders, assess civil penalties, institute enforcement proceedings and prosecute violations of this article as necessary.

(f) The secretary, in accordance with this article, may order corrective action to be undertaken, take corrective action or authorize a third party to take corrective action.

(g) The secretary may recover the costs of taking corrective action, including costs associated with authorizing third parties to perform corrective action. Costs may not include routine inspection and administrative activities not associated with a release.

§22-31-7. Public access to information.

(a) Subject to the exemptions listed in section four, article one, chapter twenty-nine-b of this code, the public shall have access to all documents and information submitted to the agency in accordance with this section pursuant to the state Freedom of Information Act. Records, reports or information obtained from any persons under this article may be disclosed to other officers, employees or authorized representatives of this state or the United States Environmental Protection Agency or of this state if the officers, employees or authorized representatives are implementing the provisions of this article or any other applicable law related to releases of contaminants tanks that impact the state's water resources.

(b) In submitting data under this article, a person required to provide the data may designate the data that he or she believes is entitled to protection under this section and may submit the designated data separately from other data submitted under this article. A designation under this subsection shall be made in writing and in a manner as the secretary may prescribe.

(c) The Department of Environmental Protection shall provide a copy of the compiled list of contaminants in each zone of critical concern to the affected public water system, the Bureau for Public Health, the Department of Environmental Protection and the Division of Homeland Security and Emergency Management. This will enable those entities to possess a compiled list of the types, quantities, characteristics and locations of all of the known potential

contaminants within the zone of critical concern for each public water supply. If any of the submitted information is requested to be kept confidential and good cause is found to grant the request, for reasons of security or other legitimate public interest concern, the protected information shall be redacted from public view and kept confidential, and it shall not be subject to public release in response to a Freedom of Information Act request made under chapter twenty-nine-b of this code.

§22-31-8. Inspections, monitoring and testing.

(a) For the purposes of developing or assisting in the development of any rule, conducting any study, taking any corrective action or enforcing any provision of this article, any owner or operator of designated site of potential contamination within a zone of critical concern shall, upon request of the secretary:

(1) Furnish information relating to the site and potential contaminants on the site, their aboveground and underground storage tanks, their associated equipment and contents;

(2) Conduct reasonable monitoring or testing;

(3) Permit the secretary, at all reasonable times, to inspect and copy records relating to the facilities and equipment used to store or contain the potential contaminants; and

(4) Permit the secretary to have access to the site for corrective action.

(b) For the purposes of developing or assisting in the development of any rule, conducting any study, taking corrective action or enforcing any provision of this article, the secretary may:

(1) Enter at any time any establishment or other place on the site or where the potential contaminant is located;

(2) Inspect and obtain samples of any fluid contained or stored on the site from any person;

(3) Conduct monitoring or testing of the site and any associated aboveground storage tanks, underground storage tanks, associated equipment, contents or surrounding soils, surface, water or groundwater; and

(4) Take corrective action as specified in this article.

(c) Each inspection shall be commenced and completed with reasonable promptness.

(d) To ensure protection of the water resources of the state and compliance with any provision of this article or rule promulgated thereunder, the secretary shall inspect at least annually any designated site of potential contamination which is located within the zone of critical concern for a public water system's surface water intake.

(e) Due to the potential impact of contaminants within a zone of critical concern on public drinking water supplies, whenever there is an apparent spill of a chemical or substance within a zone of critical concern for a public water system, the Director of the Bureau for Public Health, and his or her representatives or designees, shall have the same right to enter, inspect and conduct sampling and monitoring at any site that is extended by this article to the Department of Environmental Protection.

§22-31-9. Prohibition of general NPDES permits within a zone of critical concern for sites with aboveground storage tanks; and authorizing the Division of Environmental Protection to require individual NPDES permit for any other site when deemed appropriate.

Because of the potential public health impact of pollution to downstream public water intakes in a watershed basin designated in an area of critical concern, on and after September 1, 2014, any

permittee which presently holds a National Pollutant Discharge Elimination System (NPDES) general permit pursuant to the West Virginia Water Pollution Control Act which has an aboveground storage tank as defined by article thirty of this chapter on a site which is located within any public water system's zone of critical concern must apply for and hold an individual permit under that act. The secretary shall also have the authority to require other holders of a general NPDES permit to obtain an individual NPDES permit, when deemed appropriate to protect the public water supply. Any general NPDES permit held currently under that act shall remain in effect until the individual NPDES permit is either issued or denied.

§22-31-10. Civil and criminal penalties.

(a) Any person who fails to comply with an order of the secretary issued pursuant to this article in the time specified in the order is liable for a civil penalty of not more than \$25,000 for each day of continued noncompliance.

(b) Any owner or operator of a site designated as a potential source of significant contamination within a zone of critical concern above a public water intake who knowingly fails to register or obtain a permit for an aboveground storage tank or submits false information pursuant to this article is liable for a civil penalty not to exceed \$10,000 for each aboveground storage tank that is not registered or permitted or for which false information is submitted.

(c) Any owner or operator of a site designated as a potential source of significant contamination within a zone of critical concern above a public water intake who fails to comply with any requirement of this article or any standard promulgated by the secretary pursuant to this article is subject to a civil penalty not to exceed \$10,000 for each day of violation.

(d) Any person who knowingly and intentionally violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in a regional jail for a period of

time not exceeding one year, and be fined an amount not to exceed \$25,000.

(e) Any person convicted of a second or subsequent willful violation of subsections (b) or (c) of this section or knowingly and willfully violates any provision of any permit, rule or order issued under or subject to the provisions of this article is guilty of a felony and, upon conviction, shall be imprisoned in a correctional facility not less than one nor more than three years, or fined not more than \$50,000 for each day of violation, or both fined and imprisoned.

(f) Any person may be prosecuted and convicted under the provisions of this section notwithstanding that none of the administrative remedies provided in this article have been pursued or invoked against said person and notwithstanding that civil action for the imposition and collection of a civil penalty or an application for an injunction under the provisions of this article has not been filed against such person.

(g) Where a person holding a permit is carrying out a program of pollution abatement or remedial action in compliance with the conditions and terms of the permit, the person is not subject to criminal prosecution for pollution recognized and authorized by the permit.

§22-31-11. Appeal to Environmental Quality Board.

A person aggrieved or adversely affected by an order of the secretary made and entered in accordance with the provisions of this article may appeal to the Environmental Quality Board, pursuant to the provisions of article one, chapter twenty-two-b of this code.

§22-31-12. Public Water System Supply Study Commission.

(a) There is hereby established the Public Water System Supply Study Commission which is created for the purpose of studying and reporting back to the Joint Committee on Government and Finance on the following subject matters:

(1) A review and assessment of the effectiveness and the quality of information contained in updated source water protection plans required for certain public water systems by the provisions of section nine-c, article one, chapter sixteen of this code;

(2) A review and assessment of the effectiveness of legislation enacted during the 2014 Regular Session of the West Virginia Legislature, as it pertains to assisting public water systems in identifying and reacting or responding to identified potential sources of significant contamination, and increasing public awareness and public participation in the emergency planning and response process;

(3) The extent of available financing and funding alternatives which are available to existing public water systems to pursue projects which are designed to create alternate sources of supply or increased stability of supply in the event of a spill, release or contamination event which impairs the water system's primary source of supply;

(4) A review and consideration of the recommendations of the U.S. Chemical Safety and Hazard and Investigation Board after its investigation of the Bayer CropScience incident of 2008; and

(5) Any recommendations or suggestions the Study Commission may offer to improve the infrastructure of existing public water systems, to provide safe and reliable sources of supplies, and to pursue other measures designed to protect the integrity of public water service.

(b) The study commission shall consist of the following twelve members, who shall be appointed and comprised as follows:

(1) Four members appointed by the Governor, one of whom shall be a professional engineer experienced in the design and construction of public water systems; one of whom shall be a hydrologist or other expert experienced in determining the flow characteristics of rivers and streams; one of whom shall be an

environmental toxicologist or other public health expert who is familiar with the impact of contaminants on the human body; and one citizen representative;

(2) One representative designated by the Rural Water Association;

(3) One representative designated by the Municipal League;

(4) The Secretary of the Department of Environmental Protection or his or her designee;

(5) The Commissioner of the Bureau for Public Health or his or her designee;

(6) The Director of the Division of Homeland Security and Emergency Management or his or her designee;

(7) The Chairman of the Public Service Commission or his or her designee;

(8) One nonvoting member appointed by the President of the Senate; and

(9) One nonvoting member appointed by the Speaker of the House of Delegates.

(c) Reports by the Commission shall be submitted to the Joint Committee on Government and Finance on or before December 15 of each year, beginning December 15, 2014.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2G. PUBLIC WATER UTILITIES MONITORING REQUIREMENTS.

§24-2G-1. Public water utilities required to install monitor for contaminants.

All public water utilities that provide water to more than one hundred thousand customers, including public service districts providing water service and municipally owned and operated utilities, subject to the requirements and limitations of this article, shall implement a regular monitoring system as specified to the same technical capabilities for detection as utilized by the Ohio River Valley Water Sanitation Commission.

§24-2G-2. Requirements.

(a) Each public water utility, public service district or municipal water system, as set forth in section one of this article, shall provide testing for contamination of its water supply by the following contaminants:

- (1) Salts or ions;
- (2) Metals, including heavy metals;
- (3) Polar organic compounds;
- (4) Nonpolar organic compounds;
- (5) Volatile compounds, oils and other hydrocarbons;
- (6) Pesticides; and
- (7) Biotoxins.

(b) Each public water utility is empowered to determine at its discretion which of the contaminants listed in subsection (a) are most likely to contaminate its water supply, and shall provide a monitoring system which shall detect the three of the listed contaminants deemed most likely to affect that water system: *Provided*, That each public water utility shall file its list with the commission: *Provided, however*, That any public water system serving over one hundred thousand customers from any one treatment plant is requested to test for all listed contaminants at each

treatment plant: *Provided further*, That if technology to adequately detect contaminants, as required by this section proves to be not feasible to implement, the public water utility shall report by January 1, 2015, such to the Joint Committee on Government and Finance with the reasons why such technology is not feasible to obtain or use, and suggest alternatives.;

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. 373—A Bill to amend and reenact §16-1-2 and §16-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §16-1-9c and §16-1-9d; to amend and reenact §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of said code; to amend said code by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24 and §22-30-25; and to amend said code by adding thereto a new article, designated §22-31-1, §22-31-2, §22-31-3, §22-31-4, §22-31-5, §22-31-6, §22-31-7, §22-31-8, §22-31-9, §22-31-10, §22-31-11 and §22-31-12, all relating to the protection of water resources generally; providing for the regulation of the public water systems by the Commissioner of the Bureau for Public Health; requiring legislative rules therefor; modifying definitions; providing for entry and evaluations of water systems; providing civil penalties; authorizing commissioner to seek injunctive relief; requiring public water utilities to provide source water protection plans to the commissioner; specifying contents of plan; requiring assessment and monitoring of plans; continuing wellhead and source water protection grant program and fund to provide water source protection; revising the Water Resources Protection and Management Act; modifying definitions; requiring state to protect

waters; modifying registration requirements; requiring reports to the Secretary of the Department of Environmental Protection; requiring reports by secretary to legislative entities; requiring continuation of providing matching funds for stream-gauging network; modifying duties of legislative commission; requiring water resources survey and registry; information required from drilling contractors for water systems; adopting state water resources management plan; requiring reports from water users; establishing the Aboveground Storage Tank Act; requiring the secretary to compile inventory of aboveground storage tanks in the state; requiring registration and authorizing registration fee; requiring secretary to develop regulatory program for the tanks; providing minimum factors to be included in program and authorizing fees; requiring annual inspection and certification of the tanks; requiring evidence of financial security; requiring correction action and plans to address contamination of water caused by release of fluids from the tanks; requiring spill prevention response plans for the tanks; requiring notice of inventory of tanks to local water systems and governments; requiring the posting of signs at the tanks; creating an administrative fund and a fund to respond to leaking tanks; authorizing public access to information; authorizing inspections, monitoring and testing by secretary; authorizing secretary to issue administrative orders and seek injunctive relief; providing civil and criminal penalties; allowing appeals to Environmental Quality Board; prohibiting duplicative enforcement; requiring secretary to report to legislative entities; requiring interagency coordination; duties of secretary upon imminent and substantial danger; providing additional duties and powers of secretary; providing categories of tanks not required to be permitted under the act; creating the Public Water Supply Protection Act; requiring inventories of sources of certain contaminants in the zones of critical concern of certain public water systems; requiring registration and permits; providing additional duties and powers of secretary; authorizing public access to information; authorizing inspections, monitoring and testing by secretary; authorizing secretary to require NPDES permits in certain circumstances; providing civil and criminal penalties; allowing appeals to Environmental Quality Board; and creating public water system supply study commission.

On motion of Senator Unger, the following amendments to the House of Delegates amendments to the bill were reported by the Clerk and considered simultaneously:

On page forty-six, section four, subsection (f), after the word “code” by changing the colon to a period and striking out the proviso;

On page sixty, section twelve, subsection (a), after the words “administering this article” by changing the colon to a period and striking out the proviso;

On page sixty-one, section thirteen, subsection (a), after the words “response to leaking aboveground storage tanks” by changing the colon to a period and striking out the proviso;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §16-1-2 and §16-1-9a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto three new sections, designated §16-1-9c, §16-1-9d and §16-1-9e; that §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of said code be amended and reenacted; that said code be amended by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24 and §22-30-25; that said code be amended by adding thereto a new article, designated §22-31-1, §22-31-2, §22-31-3, §22-31-4, §22-31-5, §22-31-6, §22-31-7, §22-31-8, §22-31-9, §22-31-10, §22-31-11 and §22-31-12; and that said code be amended by adding thereto a new article, designated §24-2G-1 and §24-2G-2, 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 Com. Sub. for Senate Bill No. 373—A Bill to amend and reenact §16-1-2 and §16-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §16-1-9c, §16-1-9d and §16-1-9e; to amend and reenact §22-26-2, §22-26-3, §22-26-5, §22-26-6, §22-26-7 and §22-26-8 of said code; to amend said code by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3, §22-30-4, §22-30-5, §22-30-6, §22-30-7, §22-30-8, §22-30-9, §22-30-10, §22-30-11, §22-30-12, §22-30-13, §22-30-14, §22-30-15, §22-30-16, §22-30-17, §22-30-18, §22-30-19, §22-30-20, §22-30-21, §22-30-22, §22-30-23, §22-30-24 and §22-30-25; to amend said code by adding thereto a new article, designated §22-31-1, §22-31-2, §22-31-3, §22-31-4, §22-31-5, §22-31-6, §22-31-7, §22-31-8, §22-31-9, §22-31-10, §22-31-11 and §22-31-12; and to amend said code by adding thereto a new article, designated §24-2G-1 and §24-2G-2, all relating to the protection of water resources and public health generally; defining terms generally; providing for rulemaking generally; providing for civil and criminal penalties generally; providing for the regulation of the public water systems by the Commissioner of the Bureau for Public Health; providing for entry into and evaluations of water systems; authorizing commissioner to seek injunctive relief; requiring source water protection plans; specifying contents of plan; requiring assessment and monitoring of plans; requiring Bureau of Public Health to coordinate the conduct of a long-term medical study; continuing wellhead and source water protection grant program; continuing grant fund to provide water source protection; revising the Water Resources Protection and Management Act; modifying registration requirements; requiring reports to the Secretary of the Department of Environmental Protection; requiring reports by secretary to legislative entities; requiring continuation of matching funds for stream-gauging network; modifying duties of legislative commission; requiring water resources survey and registry; requiring information from drilling contractors for water systems; adopting

state water resources management plan; requiring reports from certain water users; establishing the Aboveground Storage Tank Act; requiring the secretary to compile inventory of aboveground storage tanks in the state; requiring registration; authorizing certain fees; requiring secretary to develop regulatory program for the tanks; providing minimum factors to be included in program; requiring annual inspection and certification of the tanks; requiring evidence of financial security; requiring corrective action and plans; requiring spill prevention response plans; requiring notice of inventory of tanks to local water systems and governments; requiring the posting of signs at the tanks; creating an administrative fund; creating the Protect Our Water Fund; authorizing public access to certain information; authorizing inspections, monitoring and testing by secretary; authorizing secretary to issue administrative orders and seek injunctive relief; allowing appeals to Environmental Quality Board; prohibiting duplicative enforcement; requiring secretary to report to legislative entities; requiring interagency coordination; establishing duties of secretary upon imminent and substantial danger; providing additional duties and powers of secretary generally; providing certain exemptions; creating the Public Water Supply Protection Act; requiring inventories of sources of certain contaminants in the zones of critical concern of certain public water systems; requiring registration and permits; authorizing inspections, monitoring and testing by secretary; requiring individual National Pollutant Discharge Elimination System permits in certain circumstances; authorizing secretary to require National Pollutant Discharge Elimination System permits in certain circumstances; creating public water system supply study commission; membership of study commission; scope of study; establishing reporting requirements; requiring the establishment of advance warning, testing and monitoring at certain water utilities; requiring certain information be filed with the Public Water Commission; and requiring utility to report back to Legislature if technology is infeasible.

Following discussion,

The question being on the adoption of Senator Unger's amendments to the House of Delegates amendments to the bill, the same was put and prevailed.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373, 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 Com. Sub. for S. B. No. 373) passed with its Senate amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

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. 477, Providing teachers determine use of time during planning period.

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 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-14. Duty-free lunch and daily planning period for certain employees.

(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 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 the employee shall not be assigned any responsibilities during this recess. 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 the employee being granted a recess under the provisions of this section.

(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. No teacher 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 use of the entire period of time allotted for a planning period is determined by the teacher.

This does not prohibit any teacher from participating in school related activities or conducting school related meetings during a planning period at his or her discretion. Administrators may not require a teacher to attend meetings, training or any other work related event during a planning period. A planning period begins once students are physically delivered to another teacher or dismissed from a class.

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.

(c) Nothing in this section prevents any teacher from exchanging his or her lunch recess or a planning period or any service person from exchanging his or her lunch recess for any compensation or benefit mutually agreed upon by the employee and the county superintendent 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 those teachers within the individual school, and 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 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 title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 477—A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time of a planning period; prohibiting requiring teacher to attend meetings, training or work related event during planning period; and setting forth when a planning period begins.

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. 477) 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 July

1, 2014, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 507, Relating to Board of Barbers and Cosmetologists.

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 four, line thirty-two, by striking out the words “privately owned”;

On page three, section four, line thirty-four, after the word “Education;” by striking out the word “and”;

On page three, section four, after line thirty-four, by inserting a new subdivision, designated subdivision (7), to read as follows:

“(7) One representative from a privately owned beauty school licensed in West Virginia; and”;

And by renumbering the remaining subdivision.

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. 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.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on March 7, 2014, he had approved **Enr.**

Senate Bill No. 402, Enr. Senate Bill No. 443, Enr. Senate Bill No. 444, Enr. Senate Bill No. 452, Enr. Senate Bill No. 460, Enr. Committee Substitute for House Bill No. 4350, Enr. House Bill No. 4359, Enr. House Bill No. 4372 and Enr. House Bill No. 4504.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Unger, the Senate adjourned until tomorrow, Saturday, March 8, 2014, at 11 a.m.

SATURDAY, MARCH 8, 2014

The Senate met at 11 a.m.

(Senator Kessler, Mr. President, in the Chair.)

Prayer was offered by Dr. Monty Brown, St. Marks United Methodist 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”, “Kuku” and “Yacru”.

Pending the reading of the Journal of Friday, March 7, 2014,

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 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 Geological and Economic Survey, submitting its annual report as required by chapter twenty-nine, article two, section six 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 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 26, 2014, 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, Parkways Authority, William Cipriani, Wellsburg, Brooke County, for the term ending June 30, 2014.

2. For Member, Board of Banking and Financial Institutions, Larry Mazza, Bridgeport, Harrison County, for the term ending June 30, 2018.

3. For Member, Board of Banking and Financial Institutions, Brent Gray, Jodie, Fayette County, for the term ending June 30, 2018.

4. For Member, College Prepaid Tuition and Savings Program Board of Trustees, Phyllis Arnold, Charleston, Kanawha County, for the term ending June 30, 2014.

5. For Member, Public Service Commission, Michael Albert, Charleston, Kanawha County, for the term ending June 30, 2019.

6. For Secretary, Department of Health and Human Resources, Karen Bowling, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

7. For Executive Director, Public Defender Services, Dana Eddy, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

8. For Secretary, Department of Revenue, The Honorable Robert S. Kiss, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

9. For Secretary, Department of Veterans' Assistance, The Honorable Richard Thompson, Lavalette, Wayne County, to serve at the will and pleasure of the Governor.

10. For Member, New River Community and Technical College Board of Governors, Leslie Baker, Beckley, Raleigh County, for the term ending June 30, 2017.

11. For Member, New River Community and Technical College Board of Governors, Robert Farley, Princeton, Mercer County, for the term ending June 30, 2014.

12. For Member, New River Community and Technical College Board of Governors, Albert Martine III, Daniels, Raleigh County, for the term ending June 30, 2014.

13. For Member, New River Community and Technical College Board of Governors, Deborah Hill, Mt. Nebo, Nicholas County, for the term ending June 30, 2017.

14. For Member, New River Community and Technical College Board of Governors, Shirley Runyon, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

15. For Member, New River Community and Technical College Board of Governors, David Nalker, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

16. For Member, Marshall University Board of Governors, Dale Lowther, Parkersburg, Wood County, for the term ending June 30, 2017.

17. For Member, Marshall University Board of Governors, Dr. Joseph Touma, Huntington, Cabell County, for the term ending June 30, 2016.

18. For Member, Marshall University Board of Governors, Edward Howard III, Scottsdale, Arizona, for the term ending June 30, 2017.

19. For Member, Marshall University Board of Governors, James Bailes, Huntington, Cabell County, for the term ending June 30, 2016.

20. For Member, Marshall University Board of Governors, Tim Dagostine, Charleston, Kanawha County, for the term ending June 30, 2016.

21. For Member, Marshall University Board of Governors, Christie Kinsey, Lavalette, Wayne County, for the term ending June 30, 2016.

22. For Member, Marshall University Board of Governors, Phil Cline, Huntington, Cabell County, for the term ending June 30, 2017.

23. For Member, West Virginia University Board of Governors, Rob Alsop, Charleston, Kanawha County, for the term ending June 30, 2017.

24. For Member, West Virginia University Board of Governors, Diane Lewis, Morgantown, Monongalia County, for the term ending June 30, 2017.

25. For Member, West Virginia University Board of Governors, William Wilmoth, Wheeling, Ohio County, for the term ending June 30, 2017.

26. For Member, Pierpont Community and Technical College Board of Governors, Kyle Hamilton, Fairmont, Marion County, for the term ending June 30, 2016.

27. For Member, Pierpont Community and Technical College Board of Governors, Earl McConnell, Fairmont, Marion County, for the term ending June 30, 2016.

28. For Member, Pierpont Community and Technical College Board of Governors, Lewis Weaver, Fairmont, Marion County, for the term ending June 30, 2016.

29. For Member, Pierpont Community and Technical College Board of Governors, Jeff Tucker, Bridgeport, Harrison County, for the term ending June 30, 2016.

30. For Member, Pierpont Community and Technical College Board of Governors, Sharon Shaffer, Barrackville, Marion County, for the term ending June 30, 2016.

31. For Member, Pierpont Community and Technical College Board of Governors, Warren VanAlsborg, Bridgeport, Harrison County, for the term ending June 30, 2014.

32. For Member, West Virginia State University Board of Governors, Paul Konstanty, Hurricane, Putnam County, for the term ending June 30, 2017.

33. For Member, West Virginia State University Board of Governors, The Honorable Thomas Susman, Charleston, Kanawha County, for the term ending June 30, 2017.

34. For Member, West Virginia State University Board of Governors, Dr. Ann Brothers Smith, Detroit, Michigan, for the term ending June 30, 2017.

35. For Member, Glenville State College Board of Governors, Timothy Butcher, Glenville, Gilmer County, for the term ending June 30, 2017.

36. For Member, Glenville State College Board of Governors, Mike Fulks, Bridgeport, Harrison County, for the term ending June 30, 2017.

37. For Member, Glenville State College Board of Governors, Mike Forbes, Charleston, Kanawha County, for the term ending June 30, 2017.

38. For Member, West Liberty University Board of Governors, George Couch, Wheeling, Ohio County, for the term ending June 30, 2017.

39. For Member, West Liberty University Board of Governors, Sandra Chapman, Wheeling, Ohio County, for the term ending June 30, 2016.

40. For Member, West Liberty University Board of Governors, Joe Carey, New York, New York, for the term ending June 30, 2017.

41. For Member, Fairmont State University Board of Governors, Dixie Yann, Fairmont, Marion County, for the term ending June 30, 2017.

42. For Member, Fairmont State University Board of Governors, Bryan Towns, Fairmont, Marion County, for the term ending June 30, 2017.

43. For Member, Fairmont State University Board of Governors, John Schirripa, Bridgeport, Harrison County, for the term ending June 30, 2017.

44. For Member, Natural Resources Commission, Byron Chambers, Romney, Hampshire County, for the term ending June 30, 2020.

45. For Member, Veterans' Council, James DeCarlo, St. Albans, Kanawha County, for the term ending June 30, 2019.

46. For Member, Veterans' Council, Miles Epling, Point Pleasant, Mason County, for the term ending June 30, 2019.

47. For Member, Veterans' Council, Bill Harris, Glen Easton, Marshall County, for the term ending June 30, 2019.

48. For Member, Veterans' Council, James McCormick, New Haven, Mason County, for the term ending June 30, 2016.

49. For Member, Bluefield State College Board of Governors, Harold Wells, Bluefield, Mercer County, for the term ending June 30, 2017.

50. For Member, Bluefield State College Board of Governors, Roger Topping, Princeton, Mercer County, for the term ending June 30, 2017.

51. For Member, Bluefield State College Board of Governors, Richard Bezjak, Bluefield, Mercer County, for the term ending June 30, 2017.

52. For Member, School of Osteopathic Medicine Board of Governors, Dr. John Manchin II, Farmington, Marion County, for the term ending June 30, 2017.

53. For Member, School of Osteopathic Medicine Board of Governors, David Ramsey, Charleston, Kanawha County, for the term ending June 30, 2017.

54. For Member, Concord University Board of Governors, Steven Collins, Princeton, Mercer County, for the term ending June 30, 2017.

55. For Member, Concord University Board of Governors, Elliot Hicks, Charleston, Kanawha County, for the term ending June 30, 2017.

56. For Member, Concord University Board of Governors, Robert Foglesong, Red Lodge, Montana, for the term ending June 30, 2016.

57. For Member, Concord University Board of Governors, The Honorable Frank Blackwell, Mullens, Wyoming County, for the term ending June 30, 2016.

58. For Member, Concord University Board of Governors, William McKee, Jr., Charleston, Kanawha County, for the term ending June 30, 2017.

59. For Member, Shepherd University Board of Governors, John Beatty, Martinsburg, Berkeley County, for the term ending June 30, 2017.

60. For Member, Shepherd University Board of Governors, Douglas Scott Roach, Martinsburg, Berkeley County, for the term ending June 30, 2017.

61. For Member, Shepherd University Board of Governors, Tia McMillan, Martinsburg, Berkeley County, for the term ending June 30, 2016.

62. For Member, Mountwest Community and Technical College Board of Governors, Mark George, Huntington, Cabell County, for the term ending June 30, 2016.

63. For Member, Mountwest Community and Technical College Board of Governors, Jim Hale, Huntington, Cabell County, for the term ending June 30, 2016.

64. For Member, Mountwest Community and Technical College Board of Governors, Mike Herron, Weston, Lewis County, for the term ending June 30, 2016.

65. For Member, Mountwest Community and Technical College Board of Governors, Ruth Cline, Huntington, Cabell County, for the term ending June 30, 2016.

66. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2016.

67. For Member, West Virginia University-Parkersburg Board of Governors, Joe Campbell, Parkersburg, Wood County, for the term ending June 30, 2016.

68. For Member, West Virginia University-Parkersburg Board of Governors, Gerard El Chaar, Vienna, Wood County, for the term ending June 30, 2014.

69. For Member, West Virginia University-Parkersburg Board of Governors, Curtis Miller, Vienna, Wood County, for the term ending June 30, 2016.

70. For Member, West Virginia University-Parkersburg Board of Governors, Rock Wilson, Williamstown, Wood County, for the term ending June 30, 2014.

71. For Member, West Virginia University-Parkersburg Board of Governors, The Honorable Karen L. Facemyer, Ripley, Jackson County, for the term ending June 30, 2016.

72. For Member, West Virginia University-Parkersburg Board of Governors, Sam Winans, Vienna, Wood County, for the term ending June 30, 2014.

73. For Member, Board of Directors of the West Virginia United Health System, Inc., Richard Pill, Martinsburg, Berkeley County, for the term ending October 15, 2018.

74. For Member, Board of Directors of the West Virginia United Health System, Inc., Thomas Heywood, Charleston, Kanawha County, for the term ending October 15, 2018.

75. For Member, Northern Community College Board of Governors, Robert Contraguerro, Jr., Wheeling, Ohio County, for the term ending June 30, 2015.

76. For Member, Northern Community College Board of Governors, Gus Monezis, Weirton, Brooke County, for the term ending June 30, 2017.

77. For Member, Northern Community College Board of Governors, Mary K. Hervey DeGarmo, Wellsburg, Brooke County, for the term ending June 30, 2016.

78. For Member, Higher Education Policy Commission, Gary White, Logan, Logan County, for the term ending June 30, 2017.

79. For Member, Higher Education Policy Commission, Michael Farrell, Huntington, Cabell County, for the term ending June 30, 2017.

80. For Member, Higher Education Policy Commission, Dr. Bruce Berry, Morgantown, Monongalia County, for the term ending June 30, 2017.

81. For Member, Higher Education Policy Commission, Dr. John Leon, Fairmont, Marion County, for the term ending June 30, 2017.

82. For Member, Northern Community College Board of Governors, Darrell Cummings, Wheeling, Ohio County, for the term ending June 30, 2017.

84. For Member, Northern Community College Board of Governors, Toni Shute, Follansbee, Brooke County, for the term ending June 30, 2016.

85. For Member, Parole Board, Dennis Foreman, Barboursville, Cabell County, for the term ending June 30, 2019.

86. For Member, Parole Board, Brenda Stucky, Charleston, Kanawha County, for the term ending June 30, 2019.

87. For Member, Parole Board, Michael Trupo, Bridgeport, Harrison County, for the term ending June 30, 2019.

88. For Member, Commission for the Deaf and Hard of Hearing, George Blakely, Springfield, Hampshire County, for the term ending June 30, 2016.

89. For Member, Commission for the Deaf and Hard of Hearing, Jamie Mallory, Dunbar, Kanawha County, for the term ending June 30, 2016.

90. For Member, Commission for the Deaf and Hard of Hearing, John Burdette, Ronceverte, Greenbrier County, for the term ending June 30, 2014.

91. For Member, Commission for the Deaf and Hard of Hearing, Elizabeth Leisure, Parkersburg, Wood County, for the term ending June 30, 2014.

92. For Member, Commission for the Deaf and Hard of Hearing, Dr. Karen McNealy, Huntington, Cabell County, for the term ending June 30, 2016.

93. For Member, Board of Control for Southern Regional Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending June 30, 2017.

94. For Member, Broadband Deployment Council, Matthew Ballard, Elkview, Kanawha County, to serve at the will and pleasure of the Governor.

95. For Member, Statewide Independent Living Council, Ronald Brown, Charleston, Kanawha County, for the term ending June 30, 2016.

96. For Member, Statewide Independent Living Council, Kentia Smith, Beckley, Raleigh County, for the term ending June 30, 2016.

97. For Member, Statewide Independent Living Council, Nathan Parker, Huntington, Cabell County, for the term ending June 30, 2016.

98. For Member, Statewide Independent Living Council, John Taylor, Charleston, Kanawha County, for the term ending June 30, 2016.

99. For Member, Statewide Independent Living Council, Jan Lilly-Stewart, Charleston, Kanawha County, for the term ending June 30, 2016.

100. For Member, Statewide Independent Living Council, Carissa Davis, St. Albans, Kanawha County, for the term ending June 30, 2016.

101. For Member, Board of Examiners for Speech-Language Pathology and Audiology, Dr. Vernon Mullins, Logan, Logan County, for the term ending June 30, 2016.

102. For Member, Board of Examiners for Speech-Language Pathology and Audiology, Erin Ball, Slatyfork, Pocahontas County, for the term ending June 30, 2016.

103. For Member, Design-Build Board, John Goetz IV, Dunbar, Kanawha County, for the term ending July 7, 2016.

104. For Member, Design-Build Board, Roy Smith, Beckley, Raleigh County, for the term ending July 7, 2016.

105. For Member, Design-Build Board, Mary Jo Klempa, Wheeling, Ohio County, for the term ending July 7, 2016.

106. For Member, Design-Build Board, Ronnie Spradling, St. Albans, Kanawha County, for the term ending July 7, 2016.

107. For Member, Eastern West Virginia Community and Technical College Board of Governors, George Sponaugle, Franklin, Pendleton County, for the term ending June 30, 2017.

108. For Member, Eastern West Virginia Community and Technical College Board of Governors, Scott Staley, Augusta, Hampshire County, for the term ending June 30, 2017.

109. For Member, Eastern West Virginia Community and Technical College Board of Governors, Faron Shanholtz, Petersburg, Grant County, for the term ending June 30, 2017.

110. For Member, Board of Dentistry, Dr. Stan Kaczowski, Cross Lanes, Kanawha County, for the term ending June 30, 2018.

112. For Member, Board of Dentistry, Mary Beth Shea, Parkersburg, Wood County, for the term ending June 30, 2017.

113. For Member, Board of Dentistry, William Ford III, Clarksburg, Harrison County, for the term ending June 30, 2017.

114. For Member, Board of Medicine, Richard Bowyer, Fairmont, Marion County, for the term ending September 30, 2018.

115. For Member, Board of Medicine, Beth Hays, Bluefield, Mercer County, for the term ending September 30, 2017.

116. For Member, Board of Medicine, Dr. Rusty Cain, Fairmont, Marion County, for the term ending September 30, 2017.

117. For Member, Board of Medicine, Cheryl Henderson, Huntington, Cabell County, for the term ending September 30, 2017.

118. For Member, Board of Medicine, Dr. Matthew Upton, Dunbar, Kanawha County, for the term ending September 30, 2018.

119. For Member, Board of Medicine, Kenneth Dean Wright, Huntington, Cabell County, for the term ending September 30, 2017.

120. For Member, Board of Optometry, Dr. Steven Odekirk, Charleston, Kanawha County, for the term ending June 30, 2014.

121. For Member, Ethics Commission, The Honorable Jack Buckalew, Charleston, Kanawha County, for the term ending June 30, 2014.

122. For Member, Ethics Commission, The Honorable Betty Ireland, Charleston, Kanawha County, for the term ending June 30, 2016.

123. For Member, Ethics Commission, Monte Williams, Morgantown, Monongalia County, for the term ending June 30, 2017.

124. For Member, Ethics Commission, Reverend Father Douglas Sutton, Mannington, Marion County, for the term ending June 30, 2016.

125. For Member, Ethics Commission, Robert Wolfe, Man, Logan County, for the term ending June 30, 2018.

126. For Member, Ethics Commission, The Honorable Michael Greer, Bridgeport, Harrison County, for the term ending June 30, 2017.

127. For Member, Ethics Commission, Suzan Singleton, Moundsville, Marshall County, for the term ending June 30, 2018.

128. For Member, Design-Build Board, Richard Forren, Fairmont, Marion County, for the term ending July 7, 2014.

129. For Member, Real Estate Commission, Kathy Zaferatos, Daniels, Raleigh County, for the term ending June 30, 2017.

130. For Member, Board of Registration for Professional Engineers, Richard Plymale, Jr., Charleston, Kanawha County, for the term ending June 30, 2017.

131. For Member, Board of Registration for Professional Engineers, Bhajan Saluja, Charleston, Kanawha County, for the term ending June 30, 2016.

132. For Member, Board of Registration for Professional Engineers, William Pierson, Scott Depot, Putnam County, for the term ending June 30, 2018.

133. For Member, Consolidated Public Retirement Board, Jeff Vallet, Logan, Logan County, for the term ending June 30, 2017.

134. For Member, Real Estate Commission, Joe Ellison, Greenville, Monroe County, for the term ending June 30, 2015.

135. For Member, Board of Optometry, Dr. William Ratcliff, Huntington, Cabell County, for the term ending June 30, 2016.

136. For Member, Board of Optometry, Dr. Matthew Berardi, Farmington, Marion County, for the term ending June 30, 2014.

137. For Member, Solid Waste Management Board, Steve Pilato, Fayetteville, Fayette County, for the term ending June 30, 2017.

138. For Member, Solid Waste Management Board, Roger Bryant, Logan, Logan County, for the term ending June 30, 2018.

139. For Member, Solid Waste Management Board, Alice Jo Buzzard, Cameron, Marshall County, for the term ending June 30, 2016.

140. For Member, Solid Waste Management Board, Mallie Combs, Moorefield, Hardy County, for the term ending June 30, 2014.

141. For Member, Solid Waste Management Board, Tim Blankenship, Baisden, Mingo County, for the term ending June 30, 2015.

142. For Member, Public Employees Insurance Agency Finance Board, Joshua Sword, South Charleston, Kanawha County, for the term ending June 30, 2016.

143. For Member, Public Employees Insurance Agency Finance Board, Brian Donat, Winfield, Putnam County, for the term ending June 30, 2018.

144. For Member, Public Employees Insurance Agency Finance Board, Bill Ihlenfeld, Wheeling, Ohio County, for the term ending June 30, 2016.

145. For Member, Public Employees Insurance Agency Finance Board, William Milam, Charleston, Kanawha County, for the term ending June 30, 2016.

146. For Member, Veterans' Council, Mary Byrd, Nitro, Kanawha County, for the term ending June 30, 2014.

147. For Member, Board of Veterinary Medicine, Monica Patton, Charleston, Kanawha County, for the term ending June 30, 2019.

148. For Member, Board of Veterinary Medicine, Dr. Mark Ayers, Huntington, Cabell County, for the term ending June 30, 2018.

149. For Member, Tourism Commission, Richard Atkinson III, South Charleston, Kanawha County, for the term ending May 1, 2016.

150. For Member, Tourism Commission, Kelly Palmer, Morgantown, Monongalia County, for the term ending May 1, 2015.

151. For Member, Tourism Commission, Peggy Myers-Smith, Morgantown, Monongalia County, for the term ending May 1, 2015.

152. For Commissioner, Tax Department, Mark Matkovich, Hurricane, Putnam County, to serve at the will and pleasure of the Governor.

153. For Member, Board of Veterinary Medicine, Dr. Keith Berkeley, Ranson, Jefferson County, for the term ending June 30, 2014.

154. For Member, Board of Veterinary Medicine, Dr. John Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

155. For Member, Board of Veterinary Medicine, Dr. Barbara Jean Meade, Morgantown, Monongalia County, for the term ending June 30, 2017.

156. For Member, West Virginia University Board of Governors, J. Thomas Jones, Morgantown, Monongalia County, for the term ending June 30, 2016.

157. For Member, Board of Directors of the West Virginia United Health System, Inc., William Stone, Danville, Boone County, for the term ending October 15, 2014.

158. For Member, Board of Directors of the West Virginia United Health System, Inc., Jose Sartarelli, Morgantown, Monongalia County, for the term ending October 15, 2014.

159. For Member, Board of Accountancy, Louis Costanzo III, Wheeling, Ohio County, for the term ending June 30, 2015.

160. For Member, Board of Accountancy, Barry Burgess, Huntington, Cabell County, for the term ending June 30, 2016.

161. For Member, Board of Accountancy, Jon Cain, Sr., Parkersburg, Wood County, for the term ending June 30, 2016.

162. For Member, Nursing Home Administrators Licensing Board, Tammy Jo Painter, Charleston, Kanawha County, for the term ending June 30, 2018.

163. For Member, Nursing Home Administrators Licensing Board, Matthew Keefer, Leon, Mason County, for the term ending June 30, 2017.

164. For Member, Nursing Home Administrators Licensing Board, Beverly Jezioro, Flemington, Taylor County, for the term ending June 30, 2018.

165. For Member, Board of Acupuncture, Dr. David Didden, Shepherdstown, Jefferson County, for the term ending June 30, 2016.

166. For Member, Board of Acupuncture, Marian Hollinger, Morgantown, Monongalia County, for the term ending June 30, 2014.

167. For Member, Board of Acupuncture, Dr. Darrell Samples, Huntington, Cabell County, for the term ending June 30, 2015.

168. For Member, Board of Acupuncture, Michelle DeStefano, Shepherdstown, Jefferson County, for the term ending June 30, 2014.

169. For Member, Council for Community and Technical College Education, William Baker, Daniels, Raleigh County, for the term ending December 20, 2016.

170. For Member, Council for Community and Technical College Education, John Panza, Fairmont, Marion County, for the term ending December 20, 2014.

171. For Member, Council for Community and Technical College Education, Clarence Pennington, Martinsburg, Berkeley County, for the term ending December 20, 2017.

172. For Member, Council for Community and Technical College Education, John Walker, Chapmanville, Logan County, for the term ending December 20, 2016.

173. For Member, Council for Community and Technical College Education, Christina Cameron, Charleston, Kanawha County, for the term ending December 20, 2015.

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, the special order thereon was called by the President.

Thereupon, Senator Kessler (Mr. President) laid before the Senate the following executive message:

Senate Executive Message No. 2, dated February 26, 2014 (*shown in the Senate Journal of that day, pages 1119 to 1137, inclusive*).

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.

On motion of Senator Prezioso, Senator Green's motion was amended to provide that the nomination of Karen Bowling as Secretary of the Department of Health and Human Resources (being nomination number 6 in Executive Message No. 2) be considered separately.

The question being on the adoption of Senator Green's motion, as amended,

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, as amended, had prevailed.

Senator Green then moved that the nomination of Karen Bowling as Secretary of the Department of Health and Human Resources (being nomination number 6 in Executive Message No. 2) be confirmed.

Following discussion,

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 and the nomination of Karen Bowling as Secretary for the Department of Health and Human Resources had been confirmed.

Consideration of executive nominations having been concluded,

At the request of Senator Unger, and by unanimous consent, 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 Com. Sub. for Senate Bill No. 373,
Relating to water resources protection.

Passed by the Senate on yesterday, Friday, March 7, 2014,

The bill now 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, as amended (*shown in the Senate Journal of yesterday, Friday, March 7, 2014, pages 2030 to 2106, 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, as amended.

Thereafter, at the request of Senator Unger, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Unger, the following amendments to the House of Delegates amendments to the bill, as amended, were reported by the Clerk, considered simultaneously, and adopted:

On page forty, section three, subdivision (1), after the word "chapter." by inserting the following: Notwithstanding any other provision of this code to the contrary, swimming pools are not subject to any provision of this article or article thirty-one of this chapter.;

And,

On page eighty-one, section four, subsection (f), after the word "code" by changing the colon to a period and striking out the remainder of the subsection.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373, 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 Com. Sub. for S. B. No. 373) passed with its Senate amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

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. 3, Creating Uniform Real Property Transfer on Death Act.

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. 133, 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 May 6, 2013, authorized under the authority of section six, article six-a, chapter twenty-two of this code, approved for promulgation by the Legislature on April 12, 2013, relating to the Department of Environmental Protection (horizontal well development, 35 CSR 8), is authorized with the following amendment:

On pages ten and eleven, by striking out all of subdivision 5.7.a. and inserting in lieu thereof a new subdivision 5.7.a. to read as follows:

5.7.a. All applications for well work permits shall be accompanied by a well site safety plan to address proper safety measures to be employed for the protection of persons on the well site, as well as the general public in the area surrounding the well site. Each plan shall be specific to the well site described in the permit application and include the surrounding area. The plan shall encompass all aspects of the operation, including the actual well work for which the permit is sought, the anticipated MSDS for the chemical components added to the hydraulic fracturing fluid, and

completion, production, and work-over activities. It shall be made available on the well site during all phases of the operation and provide an emergency point of contact and twenty-four (24)-hour contact information for the well operator. At least seven (7) days before commencement of well work or site preparation work that involves any disturbance of the land, the well operator shall provide a copy of the well site safety plan to the local emergency planning committee (LEPC) for the emergency planning district in which the well work will occur or to the county office of emergency services. The operator shall also provide one copy of the Well Site Safety Plan to the surface owner, any water purveyor and any surface owner subject to notice and water testing as provided in section 15 of this rule: *Provided*, That in the event the Well Site Safety Plan previously provided to a surface owner, water purveyor or surface owner, is later amended, in whole or in part, the operator shall provide a copy of the amendments to the surface owner, water purveyor or surface owner. The operator should work closely with the local first responders to familiarize them with potential incidents that are related to oil and gas development, so that the local first responders have the information they need to provide the support necessary for the operator to implement the well site safety plan. The well site safety plan shall include, at a minimum, the information contained in subdivisions 5.7.b. through 5.7.h.

(b) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section four, article five, chapter twenty-two of this code, relating to the Department of Environmental Protection (ambient air quality standards, 45 CSR 8), is authorized.

(c) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section four, article five, 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 September 4, 2013, 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.

(d) The legislative rule filed in the State Register on July 22, 2013, 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.

(e) The legislative rule filed in the State Register on July 22, 2013, 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.

(f) The legislative rule filed in the State Register on July 22, 2013, 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 which cause or contribute to nonattainment areas, 45 CSR 19), is authorized.

(g) The legislative rule filed in the State Register on July 22, 2013, 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 July 22, 2013, 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.

(i) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section four, article eleven,

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 November 27, 2013, relating to the Department of Environmental Protection (requirements governing water quality standards, 47 CSR 2), is authorized with the following amendment:

On page thirty-seven, parameter 8.1, by striking out the words “For water with pH <6.5 or >9.0”;

And,

On page thirty-seven, by striking out all of parameters 8.1.1 and 8.1.2.

(j) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section seven, article eleven, 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 18, 2013, relating to the Department of Environmental Protection (state certification of activities requiring federal licenses and permits, 47 CSR 5A), is authorized.

(k) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section three, article twenty-two, 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 17, 2013, relating to the Department of Environmental Protection (voluntary remediation and redevelopment, 60 CSR 3), is authorized, with the following amendments:

On page two, subsection 2.22., line twenty-one, following the words “refers to a”, by striking out the “A”;

On page three, subsection 2.35., line twenty-six, by striking the words “Section 3 of Article 22”;

On page nine, paragraph 4.3.d.6., line thirty-five, by striking out the character “2” at the beginning of the line;

On page nine, paragraph 4.3.d.6., line forty-five, following the words “greater than”, by striking out the character “2”;

On page ten, subdivision 5.1.d., line three, following the words “W.Va. Code §22-22”, by inserting a hyphen and the words “1, et seq.”;

On page fourteen, subdivision 5.3.k., line four, following the words “and practical knowledge” by striking out the semicolon;

On page fifteen, subdivision 5.5.e., line three, by striking out the word “thirty” at the beginning of the line;

On page nineteen, subparagraph 7.4.b.21.A., line twenty, by renumbering the subparagraph as 7.4.b.1.A.;

On page nineteen, subparagraph 7.4.b.31.B., line twenty-four, by renumbering the subparagraph as 7.4.b.1.B.;

On page nineteen, subparagraph 7.4.b. .1.C., line twenty-nine, by renumbering the subparagraph as 7.4.b.1.C.;

On page nineteen, paragraph 7.4.b.52., line thirty-three, by renumbering the paragraph as 7.4.b.2.;

On page nineteen, subparagraph 7.4.b.62.A., line thirty-eight, by renumbering the subparagraph as 7.4.b.2.A.;

On page twenty, subparagraph 7.4.b.72.B, line one, by renumbering the subparagraph as 7.4.b.2.B.;

On page twenty, paragraph 7.4.b.83., line five, by renumbering the it as subparagraph 7.4.b.2.C.;

On page twenty, subparagraph 7.4.b.105, line fifteen, by renumbering the subparagraph as 7.4.b.2.D.;

On page thirty-six, paragraph 10.2.b., at the beginning of line sixteen, by striking out the “5”, before the words “five days”;

On page thirty-eight, subdivision 11.4., line six, following the words “have been submitted to the”, by striking out the word “Division” and inserting in lieu thereof the word “Department”;

On page thirty-eight, paragraph 12.2.a., line thirty-six, following the words “applicant and determine within”, by striking out the word “sixty”;

And,

On page thirty-nine, paragraph 12.2.c., line fifteen, following the words “final report was properly issued, he”, by inserting the words “or she”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 133, 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. 133) 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. 133) 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. Com. Sub. for Senate Bill No. 155, 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 amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

§64-5-1. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section eleven, article five-o, 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 8, 2013, relating to the Department of Health and Human Resources (medication administration by unlicensed personnel, 64 CSR 60), is authorized with the following amendment:

On page four, paragraph 2.13.a.4 after the word “appliances” by changing the semicolon to a period striking out the word “and”.

(b) The legislative rule filed in the State Register on July 29, 2013, 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 December 3, 2013, relating to the Department of Health and Human Resources (child care centers’ licensing, 78 CSR 1), is authorized, with the following amendments:

On page nine, subdivision 4.2.b, by removing the word “thirty”, the left parenthesis, the number “30” and the right parenthesis, and inserting in lieu thereof, the word “ninety”, the left parenthesis, the number “90” and the right parenthesis;

On page forty, subparagraph 13.3.a.3, line two, after the word, “served” by striking out the semicolon and the following underlined words “provided that the center shall not use tables with built-in multiple bucket-type seats after June 30, 2015”;

On page forty, by striking subdivision 13.3.b in its entirety, and in lieu thereof, inserting a new subdivision 13.3.b to read as follows:

“13.3.b. Jumpers, and infant walkers are prohibited.”;

On page forty, after subdivision 13.3.b, by inserting a new subdivision 13.3.c to read as follows:

“13.3.c. Play pens and play yards, if used, must be manufactured after February 28, 2013, properly disinfected after each use and not used for multiple children at the same time.”;

On page forty-three, subparagraph 13.4.i.5, line three, after the word “worn” by striking out the comma, and the following words, “but the use of a blanket is prohibited in the crib” and by unstriking and restoring the following words, “or a thin blanket used for a covering. If a blanket is used, it shall be tucked around the mattress of the crib and only cover the child high as his or her chest”;

And,

On page forty-eight, by striking out in its entirety subdivision 14.3.d and inserting in lieu thereof a new subdivision 14.3.d, to read as follows:

“14.3.d. Restrictive equipment. Infant equipment that restricts movement such as swings, play pens, play yards, stationary activity centers (exersaucers), infant seats, etc., if used, shall only be used for short periods of time not to exceed fifteen (15) minutes in a four (4) hour period.”

§64-5-2. Bureau for Public Health.

(a) The legislative rule filed in the State Register on July 24, 2013, 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 5, 2013, relating to the Department of Health and Human Resources (clinical laboratory technician and technologist licensure and certification, 64 CSR 57), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2013, 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 December 9, 2013, relating to the Department of Health and Human Resources (AIDS-related medical testing and confidentiality, 64 CSR 64), is authorized with the following amendments:

On page two, subdivision 4.1.e, by inserting the following after the period, “The cost of the test not be passed through to the patient by a public health department.”

On page six, paragraph 4.3.b.1., by striking out the words “an oral” and inserting in lieu thereof the word “a”;

On page six, by striking out all of subparagraph 4.3.b.1.A. and inserting in lieu thereof the following:

4.3.b.1.A. The court shall require the defendant or juvenile respondent to submit to the testing not later than forty-eight hours after the issuance of the order described in paragraph 4.3.b.1 of this subsection, unless good cause for delay is shown upon a request for a hearing: *Provided*, That no such delay shall cause the HIV-related testing to be administered later than forty-eight hours after the filing of any indictment or information regarding an adult defendant or the filing of a petition regarding a juvenile respondent.

4.3.b.1.B. The prosecuting attorney may, upon the request of the victim or the victim’s parent or legal guardian, and with notice to the defendant or juvenile respondent, apply to the court for an order directing that an appropriate human immunodeficiency virus (HIV) test or other STD test be performed on a defendant charged with or

a juvenile subject to a petition involving the offenses of prostitution, sexual abuse, sexual assault or incest.;

On page six, by striking out all of part 4.3.b.1.A.1.;

On page six, by striking out all of paragraph 4.3.b.2.;

And renumbering the remaining paragraphs;

On page six, by striking out all of paragraph 4.3.b.6. and inserting in lieu thereof the following:

4.3.b.5. The costs of testing may be charged to the defendant or juvenile respondent, or to that person's medical insurance provider, unless determined unable to pay by the court having jurisdiction over the matter. If the defendant or juvenile is unable to pay, the cost of laboratory testing for HIV testing may be borne by the bureau or the local health department.

4.3.b.5.A. The commissioner designates and authorizes all health care providers operating in regional jails, correctional or juvenile facilities to administer HIV tests, either by taking blood or oral specimens, and transmitting those specimens to the Office of Laboratory Services in accordance with instructions set forth at: <http://www.wvdhhr.org/labservices/labe/HIV/index.cfm>.

4.3.b.5.B. Laboratory testing done on specimens sent to the Office of Laboratory Services by health care providers for regional jails, correctional or juvenile facilities shall be performed at no cost to the jails, facilities or health care providers.;

And,

On page seven, by striking out all of subdivision 4.3.d. and inserting in lieu thereof a new subdivision, designated subdivision 4.3.d., to read as follows:

4.3.d. A person convicted or a juvenile adjudicated of the offenses described in this subsection may be required to undergo HIV-related testing and counseling immediately upon conviction or adjudication: *Provided*, That if the person convicted or adjudicated has been tested in accordance with the provisions of subdivision 4.3.b. of this subsection, that person need not be retested.

(c) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section two-a, article five-a, 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 October 7, 2013, relating to the Department of Health and Human Resources (Cancer Registry, 64 CSR 68), is authorized.

(d) The legislative rule filed in the State Register on July 24, 2013, authorized under the authority of section three, article twelve, chapter sixty-one 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 5, 2013, relating to the Department of Health and Human Resources (Medical Examiner rule for post-mortem inquiries, 64 CSR 84), is authorized.

§64-5-3. Health Care Authority.

The legislative rule filed in the State Register on July 26, 2013, 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 September 4, 2013, relating to the Health Care Authority (West Virginia Health Information Network, 65 CSR 28), is authorized.

§64-5-4. Bureau for Child Support Enforcement.

(a) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section one hundred five,

article eighteen, chapter forty-eight of this code, modified by the Bureau for Child Support Enforcement to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2013, relating to the Bureau for Child Support Enforcement (the Bureau for Child Support Enforcement, 97 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section one hundred five, article eighteen, chapter forty-eight of this code, relating to the Bureau for Child Support Enforcement (obtaining support from federal and state tax refunds, 97 CSR 3), is repealed.

(c) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section one hundred five, article eighteen, chapter forty-eight of this code, relating to the Bureau for Child Support Enforcement (interstate income withholding, 97 CSR 4), is repealed.

(d) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section one hundred five, article eighteen, chapter forty-eight of this code, modified by the Bureau for Child Support Enforcement to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2013, relating to the Bureau for Child Support Enforcement (support enforcement activities undertaken by the Bureau for Child Support Enforcement, 97 CSR 6), is authorized.

(e) The legislative rule filed in the State Register on July 29, 2013, authorized under the authority of section one hundred five, article eighteen, chapter forty-eight of this code, modified by the Bureau for Child Support Enforcement to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2013, relating to the Bureau for Child Support Enforcement (distribution of support payments, 97 CSR 7), is authorized.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 155, 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. 155) 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. 155) 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. Com. Sub. for Senate Bill No. 165, Authorizing Department of Transportation promulgate legislative rules.

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 No. 167, 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. State Tax Department.

(a) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section eleven-c, article ten, 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 November 26, 2013,

relating to the State Tax Department (municipal sales and service and use tax administration, 110 CSR 28), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section eleven, article three, chapter twenty-two 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 November 26, 2013, relating to the State Tax Department (special reclamation tax credit, 110 CSR 29), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section two-c, article three, chapter fifty 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 November 26, 2013, relating to the State Tax Department (withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs, 110 CSR 40), is authorized.

§64-7-2. Insurance Commissioner.

(a) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section four, article sixteen-h, 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 November 1, 2013, relating to the Insurance Commissioner (utilization review and benefit determination, 114 CSR 95), is authorized with the following amendments:

On page one, subsection 1.1., after the words “and benefit determinations” by inserting a comma;

On page one, subsection 2.1., by striking out the word “healthcare” and inserting in lieu thereof the words “health care”;

On page two, subsection 2.6., after the word “specialty” by striking out the word “as” and inserting in lieu thereof the word “that”;

On page three, subsection 2.15., by striking out the word “no” and inserting in lieu thereof the word “not”;

On page three, subsection 2.16., by striking out the words “except as otherwise specifically exempted in this definition” and inserting in lieu thereof the words “but excluding the excepted benefits defined in 42 U. S. C. §300gg-91 and as otherwise specifically excepted in this rule”;

On page five, subsection 2.17., by striking out the word “state” and inserting in lieu thereof the words “West Virginia”;

On page five, subsection 2.24., by striking out the word “in” and inserting in lieu thereof the word “an”;

On page six, subsection 2.28., by striking out the word “that” and inserting in lieu thereof the words “the one”;

On page six, subdivision 2.30.a., by striking out the words “the covered person’s life, health or ability to regain maximum function or in the opinion of an attending health care professional with knowledge of the covered person’s medical condition, would subject the covered person to severe pain that cannot be adequately managed without the health care service or treatment that is the subject of the request.” and inserting in lieu thereof the words “the life or health of the covered person or the ability of the covered person to regain maximum function; or”;

On page six, after subdivision 2.30.a., by inserting a new subdivision, designated subdivision 2.30.b., to read as follows:

2.30.b. In the opinion of an attending health care professional with knowledge of the covered person’s medical condition, would

subject the covered person to severe pain that cannot be adequately managed without the health care service or treatment that is the subject of the request.;

And by relettering the remaining subdivisions;

On page six, subdivision 2.30.b., by striking out “2.30.a” and inserting in lieu thereof “2.30.d”;

On page eight, subsection 6.1., by striking out the words “an entity” and inserting in lieu thereof the words “a person”;

On page eight, subsection 6.1., after the word “Commissioner” by inserting the words “or by statute or legislative rule”;

On page nine, after paragraph 6.3.a.4., by inserting a new paragraph, designated paragraph 6.3.a.5., to read as follows:

6.3.a.5. For purposes of calculating the time period for refiling the benefit request or claim, the time period shall begin to run upon the covered person’s receipt of the notice of opportunity to resubmit.;

On page ten, subdivision 7.1.b., by striking out the words “a determination is required to be made under subsections 7.2 and 7.4” and inserting in lieu thereof the words “prospective and retrospective review determinations are required to be made”;

On page eleven, paragraph 7.1.e.1., after the word “number” by inserting the word “of”;

On page twelve, subdivision 7.2.b., by striking out the words “health carrier” and inserting in lieu thereof the word “issuer”;

On page fourteen, subdivision 7.3.c., by striking out the comma and the word “and”;

On page fifteen, subdivision 8.1.a., by striking out the words “health carrier” and inserting in lieu thereof the word “issuer”;

On page fifteen, after subdivision 8.1.b., by inserting a new paragraph, designated paragraph 8.1.b.1., to read as follows:

8.1.b.1. If the covered person has failed to provide sufficient information for the issuer to determine whether, or to what extent, the benefits requested are covered benefits or payable under the issuer’s health benefit plan, the issuer shall notify the covered person as soon as possible, but in no event later than twenty-four (24) hours after receipt of the request, either orally or, if requested by the covered person, in writing of this failure and state what specific information is needed. The issuer shall provide the covered person a reasonable period of time to submit the necessary information, taking into account the circumstances, but in no event less than forty-eight (48) hours after notifying the covered person or the covered person’s authorized representative of the failure to submit sufficient information.;

And by renumbering the remaining paragraphs;

On page seventeen, subparagraph 8.2.a.9.A., by striking out “8.2.a.8” and inserting in lieu thereof “8.2.a.7”;

On page seventeen, subparagraph 8.2.a.9.B., by striking out “subparagraph 8.2.a.9.A” and inserting in lieu thereof “paragraph 8.2.a.8”;

On page nineteen, subdivision 9.3.d., after the words “providers, paragraph” by striking out “9.3.c.3” and inserting in lieu thereof “9.3.c.1”;

On page nineteen, subdivision 9.3.d., after the words “amount in paragraph” by striking out “9.3.c.3” and inserting in lieu thereof “9.3.c.1”;

And,

On page nineteen, paragraph 9.3.d.2., after the word “benefits” by adding a period.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section four, article sixteen-h, 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 November 1, 2013, relating to the Insurance Commissioner (health plan insurer internal grievance procedure, 114 CSR 96), is authorized with the following amendments:

On page one, section two, by striking out the heading “§114-96-1. Definitions.” and inserting in lieu thereof the heading “§114-96-2. Definitions.”;

On page one, subsection 2.1., by striking out the word “healthcare” and inserting in lieu thereof the words “health care”;

On page one, subsection 2.1., after the word “terminated” by adding a period;

On page two, subdivision 2.3.a., by striking out the word “external” and inserting in lieu thereof the word “internal”;

On page two, subdivision 2.3.c., after the word “professional” by adding a semicolon;

On page two, subsection 2.6., by striking out the word “as” and inserting in lieu thereof the word “that”;

On page three, subsection 2.15., by striking out the word “no” and inserting in lieu thereof the word “not”;

On page four, subsection 2.18., by striking out the words “except as otherwise specifically exempted in this definition” and inserting

in lieu thereof the words “but excluding the excepted benefits defined in 42 U. S. C. §300gg-91 and as otherwise specifically excepted in this rule”;

On page five, subsection 2.19., by striking out the word “state” and inserting in lieu thereof the words “West Virginia”;

On page six, subsection 2.26., by striking out the word “in” and inserting in lieu thereof the word “an”;

On page seven, subsection 2.30., by striking out the word “that” and inserting in lieu thereof the words “the one”;

On page seven, subdivision 2.32.c., by striking out “2.35.b” and inserting in lieu thereof “2.32.d”;

On page nine, subsection 4.2., by striking out the words “subdivision a of”;

On page ten, subdivision 5.4.a., after “5.4.a.” by striking out the period;

On page eleven, after subdivision 5.6.c., by inserting a new subdivision, designated subdivision 5.6.d., to read as follows:

5.6.d. The issuer shall make the provisions of subsection 5.4 known to the covered person within three working days after the date of receipt of the grievance.;

On page thirteen, subdivision 5.8.g., by striking out the word “upholds” and inserting in lieu thereof the word “denies”;

On page thirteen, paragraph 5.8.g.4., after the word “either” by inserting the word “the”;

On page thirteen, paragraph 5.8.g.5., after the word “circumstances” by inserting a comma;

On page thirteen, paragraph 5.8.g.5., by striking out the word “provide” and inserting in lieu thereof the word “provided”;

On page thirteen, subparagraph 5.8.g.6.A., by striking out “5.4.g.4” and inserting in lieu thereof “5.8.g.4”;

On page thirteen, subparagraph 5.8.g.6.B., by striking out “5.4.g.5” and inserting in lieu thereof “5.8.g.5”;

On page thirteen, by striking out paragraph 5.8.h.1. in its entirety;

On page fourteen, by striking out paragraph 5.8.h.2. in its entirety;

And by renumbering the remaining paragraphs;

On page fourteen, paragraph 5.8.h.3., by striking out “if the covered person decides not to file for an additional voluntary review of the first level review decision involving an adverse determination”;

On page fourteen, paragraph 5.9.a.3., after the words “notices” by striking out the comma;

On page fifteen, subdivision 6.4.b., after “6.4.b.” by striking out the period;

On page sixteen, subdivision 6.5.d., after the semicolon by adding the word “and”;

On page sixteen, by striking out subdivision 6.5.e. in its entirety;

And by relettering the remaining subdivision;

On page sixteen, by striking out paragraphs 6.5.e.1 and 6.5.e.2 in their entirety;

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIRST LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2014

First Extraordinary Session, 2014

Second Extraordinary Session, 2014

VOLUME III



NOTE: The third volume continues with Journal proceedings proper (page 2157) of March 8 through March 14, 2014, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular and Extended Session, 2014; 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 (March 14) and Second Extraordinary Session (May 19-21) of the Eighty-First Legislature, 2014.



CHAPMAN PRINTING COMPANY
A DIVISION OF CHAMPION INDUSTRIES, INC.

On page sixteen, subsection 7.2., by striking out “5.1” and inserting in lieu thereof “7.1”;

On page eighteen, subparagraph 7.8.a.7.A., after the words “as well as” by inserting the word “a”;

On page eighteen, subparagraph 7.8.a.7.A., after the word “reaching” by inserting the word “the”;

On page nineteen, subparagraph 7.8.a.7.E., after the word “circumstances” by inserting a comma;

On page nineteen, part 7.8.a.7.F.3., after the word “et” by striking out the period;

On page nineteen, part 7.8.a.7.F.6., after the word “claim” by inserting a comma;

And,

On page twenty, after subparagraph 7.8.b.1.B., by inserting a new subparagraph, designated subparagraph 7.8.b.1.C., to read as follows:

7.8.b.1.C. Include in the English versions of all notices a statement prominently displayed in any applicable non-English language clearly indicating how to access the language services provided by the carrier.

(c) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section four, article sixteen-h, 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 November 1, 2013, relating to the Insurance Commissioner (external review of adverse health insurance determinations, 114 CSR 97), is authorized with the following amendments:

On page one, subsection 2.1., after the word “terminated” by adding period;

On page two, subdivision 2.3.c., after the word “professional” by adding a semicolon;

On page two, subdivision 2.4.c., by striking out “2.4a and 2.4b” and inserting in lieu thereof “2.4.a and 2.4.b”;

On page two, subdivision 2.4.d., by striking out “2.4a, 2.4b and 2.4c” and inserting in lieu thereof “2.4.a, 2.4.b and 2.4.c”;

On page three, subsection 2.7., after the word “Commissioner” by adding a period;

On page three, subsection 2.12., after the words “Emergency medical condition” by striking out the single quotation mark and inserting in lieu thereof a double quotation mark;

On page four, subsection 2.17., by striking out the words “except as otherwise specifically exempted in this definition” and inserting in lieu thereof the words “but excluding the excepted benefits defined in 42 U. S. C. §300gg-91 and as otherwise specifically excepted in this rule”;

On page eight, subsection 3.1., by striking out the words “A written” and inserting in lieu thereof the words “An issuer shall notify the covered person in writing of the covered person’s right to request an external review. Such a written”;

On page eight, subdivision 3.1.c., by striking out the words “subsection 15.1” and inserting in lieu thereof the words “section 14”;

On page nine, paragraph 3.1.e.1., before the words “would seriously” by striking out the comma;

On page nine, paragraph 3.1.f.1., after the word “life” by striking out the comma and inserting in lieu thereof the words “or health or”;

On page ten, subsection 5.3., by striking out the words “expedited review of a grievance involving an adverse determination” and inserting in lieu thereof the words “expedited internal review of a grievance involving an adverse determination pursuant to W. Va. Code of St. R. §114-96”;

On page ten, subdivision 5.3.a., after the word “Code” by inserting the word “of”;

On page eleven, subsection 6.2., after the word “consideration” by striking out the word “on” and inserting in lieu thereof the word “of”;

On page twelve, subdivision 6.5.a, by striking out the words “two business days” and inserting in lieu thereof the words “one business day”;

On page thirteen, subdivision 6.6.d., by striking out the word “internal” and inserting in lieu thereof the word “independent”;

On page thirteen, subsection 6.8., after the words “receipt of the request for an external review” by inserting the words “and no later than one business day after making the decision”;

On page seventeen, subdivision 8.5.b., after “8.5.b.” by striking out the period;

On page seventeen, subdivision 8.5.c., by striking out “8.8” and inserting in lieu thereof “8.9”;

On page eighteen, subsection 8.6., after “IRO” by striking out the comma;

On page eighteen, subdivision 8.6.a., by striking out the word “dely” and inserting in lieu thereof the word “delay”;

On page nineteen, paragraph 8.9.a.2., after the words “services or treatments” by inserting the words “would not be substantially increased over those of available standard health care services or treatments”;

On page twenty, subdivision 8.11.b., by striking out “8.12.d” and inserting in lieu thereof “8.11.d”;

On page twenty-one, subdivision 8.11.c., after “8.11.c”, by inserting a period;

On page twenty-one, subdivision 8.11.d., after “8.11.d”, by inserting a period;

On page twenty-one, paragraph 8.11.d.1., after “8.11.d.1”, by inserting a period;

On page twenty-one, paragraph 8.11.d.2., after “8.11.d.2”, by inserting a period;

On page twenty-one, paragraph 8.11.d.3., after “8.11.d.3”, by inserting a period;

On page twenty-one, paragraph 8.11.d.3., by striking the words “pursuant to subdivision 8.11.a”;

On page twenty-two, subsection 8.12., by striking out the word “amount” and inserting in lieu thereof the word “among”;

On page twenty-three, subdivision 9.2.f., after the word “parties” by striking out the comma;

On page twenty-three, paragraph 9.2.f.1., after “IRO” by striking out the comma and the words “except that a party that unreasonably refuses to stipulate to limit the record may be taxed by the court for the additional costs involved”;

On page twenty-four, subsection 10.2, by striking out the word “as” and inserting in lieu thereof a comma;

On page twenty-five, subdivision 10.4.c., by striking out subdivision 10.4.c. in its entirety;

On page twenty-seven, paragraph 11.4.a.2., after the word “review” by inserting a comma and the words “any known close relative of the covered person,”;

On page twenty-seven, after paragraph 11.4.a.3., by inserting two new paragraphs, designated paragraphs 11.4.a.4. and 11.4.a.5., to read as follows:

“11.4.a.4. Any administrator, fiduciary, employee or sponsor of an employee welfare benefit plan as defined in 29 U. S. C. 1002(1), if any, under which the covered person’s request for external review arises;

11.4.a.5. A trade association of group health plans or issuers, or a trade association of health care providers;”;

And by renumbering the remaining paragraphs;

On page twenty-seven, subdivision 11.4.b., by striking out all of subdivision 11.4.b. and inserting in lieu thereof a new subdivision, designated subdivision 11.4.b., to read as follows:

11.4.b. In determining whether an IRO or a clinical reviewer of the IRO has a material professional, familial or financial conflict of interest for purposes of subdivision 11.4.a, the Commissioner may disregard the mere appearance of a conflict of interest.;

On page twenty-eight, section twelve, by striking out section twelve in its entirety;

And by renumbering the remaining sections;

On page twenty-eight, subsection 13.1., by striking out “13.1.a” and inserting in lieu thereof “12.1.a”;

On page twenty-nine, paragraph 13.2.b.2., by striking out “paragraph 13.2.b.2” and inserting in lieu thereof “paragraph 12.2.b.1”;

On page thirty, subsection 15.2, by striking out “15.1” and inserting in lieu thereof “14.1”;

On page thirty, subsection 15.3, by striking out “15.2” and inserting in lieu thereof “14.2”;

And,

On page thirty, after subsection 15.3, by adding a new section, designated section fifteen, to read as follows:

§114-97-15. Penalties. Any issuer failing to comply with the requirements of this rule is subject to the penalties prescribed in W. Va. Code §33-3-11.

§64-7-3. Alcohol Beverage Control Commission.

(a) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section ten, article seven, chapter sixty of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2013, relating to the Alcohol Beverage Commission (private club licensing, 175 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section sixteen, article two, chapter sixty of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

October 31, 2013, relating to the Alcohol Beverage Commission (farm wineries, 175 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section twenty-three, article eight, chapter sixty of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2013, relating to the Alcohol Beverage Commission (sale of wine, 175 CSR 4), is authorized.

(d) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 31, 2013, relating to the Alcohol Beverage Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), is authorized.

§64-7-4. Racing Commission.

The legislative rule filed in the State Register on July 26, 2013, 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 October 31, 2013, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the following amendments:

On page fifteen, subsection 8.5.b., line twenty-two, following the words “stewards shall have authority to” by striking out the word “charge”, and inserting in lieu thereof “issue a ruling citing”;

And,

On page eighteen, subsection 9.2., line six, following the words “health certificates”, by striking out the word “Coggins” and

inserting in lieu thereof “current negative Coggins test for equine infectious anemia (EIA)”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 167, 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. 167) 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. 167) 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, 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. 181, Authorizing Department of Administration 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 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-1. Department of Administration.

The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section forty-eight, article three, chapter five-a of this code, relating to the Department of Administration (state-owned vehicles, 148 CSR 3), is authorized.

§64-2-2. Consolidated Public Retirement Board.

The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section one, article ten-d, chapter five of this code, modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 30, 2013, relating to the Consolidated Public Retirement Board (Public Employees Retirement System, 162 CSR 5), is authorized with the following amendments:

On page three, subsection 8.1, line seventeen, following the word “System”, by inserting a colon and the following: And provided further, That beginning July 1, 2014, each participating public employer shall contribute fourteen percent (14%) of each compensation payment of all its employees who are members of the Public Employees Retirement System.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 181, 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. 181) 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. 181) 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. Com. Sub. for Senate Bill No. 196, Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2014, of

Eng. Senate Bill No. 202, Creating Benefit Corporation Act.

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. 357, Relating to Logging Sediment Control Act civil and criminal penalties.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2014, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 376, Requiring certain construction workers complete OSHA safety program.

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. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-22. OSHA construction safety program.

(a) For the purposes of this section:

(1) “Business entity” means any firm, partnership, association, company, corporation, limited partnership, limited liability company or other entity.

(2) “Commissioner” means the Commissioner of Labor or his or her designee.

(3) “Public authority” has the same meaning as in section two, article one-d of this chapter.

(4) “Public improvement” has the same meaning as in section two, article one-d of this chapter.

(b) No person or business entity providing services as a contractor or subcontractor under a contract, entered on or after July 1, 2014, for the construction, reconstruction, alteration, remodeling or repairs of any public improvement, by or on behalf of a public authority, where the total contract cost of all work to be performed by all contractors and subcontractors is in excess of \$50,000, may use, employ or assign any person to a public improvement work site who has not successfully completed a ten-hour construction safety program designed by OSHA, no later than twenty-one calendar days after being employed at or assigned to the public improvement work site.

(c) The training requirement contained in subsection (b) of this section does not apply to a person used, employed or assigned to a public improvement work site for less than twenty-one consecutive calendar days following the person's first day of employment or assignment at the public improvement work site.

(d) During the three hundred sixty-five days following the effective date of this section, a person employed or assigned to a public improvement work site shall have ninety days to complete the training requirement of subsection (b) of this section.

(e) A contractor or subcontractor subject to this section shall make and maintain a record of the persons he or she uses, employs or assigns pursuant to the contract, including the date of the completion of the safety training program required by subsection (b) of this section and the identity of the provider of the training. The records required by this subsection shall be preserved pursuant to section five, article five-c of this chapter and be maintained at the employer's business office.

(f) Upon a finding by the commissioner, that a person has been used, employed at or assigned to a public improvement work site in violation of subsection (b) of this section, the commissioner may issue a cease and desist order to the person who has not completed

the requisite training until the person presents the commissioner with evidence that he or she has successfully completed the training program required by subsection (b) of this section.

(g) The commissioner may assess a civil penalty of not less than \$100 nor more than \$1,000 to any person or business entity for each violation of this section.

(h) Any person with knowledge that a document or other record falsely represents that a person has completed the training program required by subsection (b) of this section and who provides or exhibits the document or record to the commissioner or to an employer, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250 nor more than \$2,500.

(i) The following persons are exempt from the training requirements of subsection (b) of this section:

(1) Law-enforcement officers involved with traffic control or job-site security;

(2) Federal, state and municipal government employees and inspectors; and

(3) Suppliers of materials and persons whose sole responsibility is to deliver materials to the work site.

(j) The commissioner shall report to the Joint Committee on Government and Finance by January 1, 2017, on accident and injury rates at public improvement work sites during the two years prior and following enactment of this section.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 376, 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. 376) passed with its title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 376) takes effect July 1, 2014.

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 July 1, 2014, of

Eng. Com. Sub. for Senate Bill No. 383, Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

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. 397, Expanding scope of activities considered financial exploitation of elderly.

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 2. CRIMES AGAINST THE PERSON.

§61-2-29b. Financial exploitation of an elderly person, protected person or incapacitated adult; penalties; definitions.

(a) ~~Financial exploitation occurs when a person intentionally misappropriates or misuses the funds, or assets of an elderly person, protected person or incapacitated adult, Any person who violates this section is guilty of larceny and shall be ordered to pay restitution. Any person who financially exploits an elderly person, protected person or an incapacitated adult shall be guilty of larceny and subject to the penalties contained in section thirteen, article three of this chapter. Any person convicted of a violation of this section shall, in addition to any other penalties at law, be subject to an order of restitution.~~

(b) In determining the value of the money, goods, property or services referred to in subsection (a) of this section, it shall be permissible to cumulate amounts or values where such money, goods, property or services were fraudulently obtained as part of a common scheme or plan.

(c) Financial institutions and their employees, as defined by section one, article two-a, chapter thirty-one-a of this code and as permitted by section four, subsection thirteen of said article, others engaged in financially related activities, as defined by section one, article eight-c, chapter thirty-one-a of this code, caregivers, relatives and other concerned persons are permitted to report suspected cases of financial exploitation to state or federal law-enforcement authorities, the county prosecuting attorney and to the Department of Health and Human Resources, Adult Protective Services Division or Medicaid Fraud Division, as appropriate. Public officers and employees are required to report suspected cases of financial exploitation to the appropriate entities as stated above. The requisite agencies shall investigate or cause the investigation of the allegations.

(d) When financial exploitation is suspected and to the extent permitted by federal law, financial institutions and their employees or other business entities required by federal law or regulation to file suspicious activity reports and currency transaction reports shall also be permitted to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney of any county in which the transactions underlying the suspicious activity reports or currency transaction reports occurred.

(e) Any person or entity that in good faith reports a suspected case of financial exploitation pursuant to this section is immune from civil liability founded upon making that report.

(f) For the purposes of this section:

(1) "Incapacitated adult" means a person as defined by section twenty-nine of this article;

(2) “Elderly person” means a person who is sixty-five years or older; and

(3) “Financial exploitation” or “financially exploit” means the intentional misappropriation or misuse of funds or assets of an elderly person, protected person or incapacitated adult, but shall not apply to a transaction or disposition of funds or assets where the accused made a good faith effort to assist the elderly person, protected person or incapacitated adult with the management of his or her money or other things of value; and

(3) (4) “Protected person” means any person who is defined as a “protected person” in ~~subsection thirteen~~, section four, article one, chapter forty-four-a of this code and who is subject to the protections of chapter forty-four-a or forty-four-c of this code.

(g) Notwithstanding any provision of this code to the contrary, acting as guardian, conservator, trustee or attorney for or holding power of attorney for an elderly person, protected person or incapacitated adult shall not, standing alone, constitute a defense to a violation of subsection (a) of this section.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 397, 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. 397) 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 passage of

Eng. Senate Bill No. 403, Regulating importation and possession of certain injurious aquatic species.

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, 2014, 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. 414, Redirecting nonprobate appraisalment filings.

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 seven, line thirty-three, after the word “all” by inserting the word “personal”;

On page seven, section fourteen, line twenty-nine, after the word “all” by inserting the word “personal”;

On page eleven, section fourteen, lines one hundred one and one hundred two, by striking out the words “of said article” and inserting a comma and the words “article eleven, chapter eleven of this code”;

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. 414—A Bill to amend and reenact §11-11-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-1-14 of said code, all relating to the filing of estate appraisement and nonprobate inventory forms; eliminating certain filing with the Tax Commissioner; providing for maintenance and preservation of certain forms by the county clerk; providing for disclosure of certain forms under certain circumstances; and providing for confidentiality of certain forms under certain circumstances.

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. 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 Com. Sub. for S. B. No. 414) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 414) takes effect July 1, 2014.

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. 427, Relating to motor vehicle insurance.

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 six, section seven, lines nine and ten, by striking out the words “shall revoke the owner’s vehicle registration”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 427, 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. 427) 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 passage of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 431, Relating to issuance and renewal of certain driver's licenses and federal ID cards.

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. 434, Eliminating revocation period for certain DUI offenders.

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 sixteen, section three-a, lines two hundred sixty-seven through two hundred seventy-three, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) The application and acceptance of a person into the Motor Vehicle Alcohol Test and Lock Program pursuant to this subdivision (1) constitutes an automatic waiver of their right to an administrative hearing. The Office of Administrative Hearings may not conduct a hearing on a matter which is the basis for a person actively participating in the Motor Vehicle Alcohol Test and Lock Program.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 434, 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. 434) 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. Senate Bill No. 454, Defining dam “owner”.

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 six, section three, after line ninety-two, by inserting a new subdivision, designated subdivision (4), to read as follows:

(4) Notwithstanding any provisions of this article, no owner of real property, land, upon which a dam is constructed pursuant to Public Law 78-534, Section 13 of the Flood Control Act of 1944; Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954; the pilot watershed program authorized under the heading “flood prevention” of the Department of Agriculture Appropriation Act of 1954, Public Law 156, 67 Stat. 214; or Subtitle H of Title XV of the Agriculture and Flood Act of 1981, commonly known as the Resource Conservation and Development Program, 16 U. S. C. §3451 shall be responsible for or liable for any repairs, maintenance or damage arising from regular operation, maintenance, deficiencies or ownership of said dam. Nor shall an owner be cited as a noncompliant owner or for any deficiencies of said dam: *Provided*, That the land owner shall not intentionally harm or damage or cause or interfere with the regular operation, maintenance of said dam.

On motion of Senator Miller, the following amendments to the House of Delegates amendment to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page six, section three, subsection (k), subdivision (3), after “§3451” by changing the period to a colon and inserting the following proviso: *Provided*, That an owner is not responsible for or liable for repairs, maintenance or damage arising from the regular operation, maintenance, deficiencies or ownership of the dam, nor shall the owner be cited as a noncompliant dam owner for any deficiencies of the dam, so long as the owner does not intentionally cause, damage or interfere with the regular operation and maintenance of the dam.;

And,

On page six, section three, subsection (k), by striking out all of subdivision (4).

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Senate Bill No. 454, 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. 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.

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. 523, Providing for additional state veterans skilled nursing facility in Beckley.

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 pages two through six, by striking out all of section ten and inserting in lieu thereof a new section, designated section ten, to read as follows:

§9A-1-10. Powers and duties of secretary.

The ~~director~~ secretary is the executive and administrative head of the ~~division~~ department and has the power and duty, subject to the provisions of section four of this article, to:

(a) Supervise and put into effect the purposes and provisions of this article and the rules for the government of the ~~division~~ department;

(b) Prescribe methods pertaining to investigations and reinvestigations of all claims and to the rights and interests of all veterans, their widows, widowers, dependents and orphans;

(c) Prescribe uniform methods of keeping all records and case records of the veterans, their widows, widowers, dependents and orphans;

(d) Sign and execute, in the name of the state by West Virginia ~~Division~~ Department of Veterans' Affairs and ~~by and with the consent of the Veterans' Council,~~ Assistance, any contract or agreement with the federal government or its agencies, other states, subdivisions of this state, corporations, associations, partnerships or individuals;

(e) Supervise the fiscal affairs and responsibilities of the ~~division~~ department;

(f) Organize the ~~division~~ department to comply with the requirements of this article and with the standards required by any federal act or any federal agency;

(g) Establish any regional or area offices throughout the state that are necessary to promote efficiency and economy in administration;

(h) Make reports that comply with the requirements of any federal act or federal agency and the provisions of this article;

(i) Cooperate with the federal and state governments for the more effective attainment of the purposes of this article;

(j) Keep a complete and accurate record of all proceedings; record and file all contracts and agreements and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office and the ~~division~~ department;

(k) Prepare for the Veterans' Council the annual reports to the Governor of the condition, operation and functioning of the ~~division~~ department;

(l) Exercise any other powers necessary and proper to standardize the work; to expedite the service and business; to assure fair consideration of the rights and interests and claims of veterans, their widows, widowers, dependents and orphans; to provide resources for a program which will promote a greater outreach to veterans and which will advise them of the benefits and services that are available; and to promote the efficiency of the ~~division~~ department;

(m) Invoke any legal, equitable or special remedies for the enforcement of his or her orders or the provisions of this article;

(n) Appoint the ~~veterans' affairs~~ officers and heads of divisions of the ~~division~~ department, and of regional or area offices, and employ assistants and employees, including case managers and counselors, that are necessary for the efficient operation of the ~~division~~ department;

(o) Provide resources and assistance in the development of an Internet website which is to be used to inform veterans of programs and services available to them through the ~~division~~ department and the state and federal governments;

(p) Delegate to all or any of his or her appointees, assistants or employees all powers and duties vested in the ~~director~~ secretary, except the power to sign and execute contracts and agreements: ~~but the director~~ Provided, That the secretary shall be responsible for the acts of his or her appointees, assistants and employees; ~~and~~

(q) ~~Provide volunteers who will drive or transport~~ Award grants, in his or her discretion, subject to available appropriations, to provide for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans' affairs Assistance offices; and who shall be paid an expense per diem of seventy-five dollars; and

(r) Enter into an agreement with the Commissioner of the Department of Agriculture to transfer without consideration all or part of the approximately seventeen acres of the Department of

Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing facility.;

On page eleven, section four, line fifty, after the word “transfer” by inserting the words “without consideration”;

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. 523—A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1B-1 of said code; and to amend and reenact §19-1-4 of said code, all relating to the authority of the Secretary of the Department of Veterans’ Assistance; authorizing the Secretary of the Department of Veterans’ Assistance and the Commissioner of the Department of Agriculture to enter into an agreement to transfer certain property for construction of a veterans skilled nursing facility; removing outdated language; providing additional powers to the Secretary of Department of Veterans’ Assistance; authorizing the Secretary to award grants to provide transportation for veterans; and making legislative findings.

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. 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. Com. Sub. for Com. Sub. for S. B. No. 523) 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. 574, Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

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:

CHAPTER 11. TAXATION.

ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.

§11-5-12. Mobile homes situate upon property owned by a person other than owner of mobile home.

Mobile homes ~~situate~~ situated upon property owned by a person other than the owner of the mobile home ~~shall be~~ are classified as

personal property whether or not ~~said~~ the mobile home is permanently affixed to the real estate and, unless subject to assessment as Class II property under section eleven of this article or section two, article four of this chapter, ~~shall be~~ are assessed as Class III or Class IV personal property, as may be appropriate in the circumstances.

A mobile home permanently attached to the real estate of the owner may not be classified as personal property if the owner has filed a canceled certificate of title with the clerk of the county commission and the clerk has recorded it in the same manner as deeds are recorded and indexed.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-12b. Canceled certificates of title for certain mobile and manufactured homes.

The commissioner may cancel a certificate of title for a mobile or manufactured home affixed to the real property of the owner of the mobile or manufactured home. The person requesting the cancellation shall submit to the commissioner an application for cancellation together with the certificate of title. The application shall be on a form prescribed by the commissioner. The commissioner shall return one copy of the cancellation certificate to the owner and shall send a copy of the cancellation certificate to the clerk of the county commission to be recorded and indexed in the ~~deed book~~ same manner as a deed, with the owner's name being indexed in the grantor index. The commissioner shall charge a fee of \$10 per certificate of title canceled. The clerk shall return a copy of the recorded cancellation certificate to the owner, unless there is a lien attached to the mobile or manufactured home, in which case the copy of the recorded cancellation certificate shall be returned to the lienholder. Upon ~~recording~~ its recording in the county clerk's

office, the mobile or manufactured home shall be treated for all purposes as an appurtenance to the real estate to which it is affixed and be transferred only as real estate and the ownership interest in the mobile or manufactured home, together with all liens and encumbrances on the home, shall be transferred to and shall encumber the real property to which the mobile or manufactured home has become affixed.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 574, 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. 574) 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. 574) 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. 579, Creating Land Reuse Agency Authorization 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 nineteen, section nine, line seventeen, after the word “proper” by changing the period to a colon and inserting the following proviso: *Provided*, That a land reuse agency may not acquire any interest in oil, gas or minerals which have been severed from the realty.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 579, 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. 579) 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 passage of

Eng. Com. Sub. for Senate Bill No. 621, Authorizing insurers offer flood insurance.

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. 28, Requesting DOH name road in Logan County “Joshua Walls Memorial Highway”.

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 one, in the first Whereas clause, by striking out the words “all deceased” and inserting in lieu thereof the word “(deceased)”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the resolution.

Committee Substitute for Senate Concurrent Resolution No. 28, as amended by the House of Delegates, was then put upon its adoption.

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 the amendment by that body, adoption as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Com. Sub. for Senate Concurrent No. 41, Requesting DOH name portion of Rt. 83 in McDowell County “U. S. Army MSG Joe C. Alderman Memorial Road”.

On motion of Senator Unger, the message on the resolution was taken up for immediate consideration.

The following House of Delegates amendments to the resolution were reported by the Clerk:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, MSGT Alderman was born in Bartley, McDowell County, on September 11, 1940; and

Whereas, MSGT Alderman enlisted in the Army in 1958 following his graduation from Big Creek High School; and

Whereas, MSGT Alderman began his career with the Army Special Forces in 1962; and

Whereas, During his time in the Special Forces, MSGT Alderman spent seven years on special detachments in Vietnam; and

Whereas, MSGT Alderman's awards and honors include the Silver Star, Legion of Merit, Soldier's Medal, six Bronze Stars, the Meritorious Service Medal, five Air Medals, the Joint Service Medal, six Army Commendation Medals and three Purple Hearts. Other awards from his time in Vietnam include the Special Service Medal for Heroism, the Cross of Gallantry with a Silver Star, two Bronze Stars and the Armed Forces Honor Medal; and

Whereas, MSGT Alderman retired in November, 1980, and his career achievements were marked with his induction into the Ranger Hall of Fame in 1998; and

Whereas, It is fitting to honor MSGT Alderman's life and service by naming the stretch of West Virginia Route 83 after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the stretch of West Virginia Route 83 between its intersection with West Virginia Route 16 at Yukon, McDowell County, and its intersection with County Road 83/03 in Bartley, McDowell County, the "U. S. Army MSGT Joe C. Alderman 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 "U. S. Army MSGT Joe C. Alderman 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 Transportation, the Commissioner of Highways and MSGT Alderman's surviving relatives.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for Senate Concurrent Resolution No. 41—Requesting DOH name portion of Rt. 83 in McDowell County “U. S. Army MSGT Joe C. Alderman Memorial Road”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the resolution.

Committee Substitute for Senate Concurrent Resolution No. 41, as amended by the House of Delegates, was then put upon its adoption.

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 the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill No. 4363, Creating an informal dispute resolution process available to behavioral health providers.

At the request of Senator Unger, unanimous consent being granted, the Senate again proceeded to the sixth order of business.

Senators Unger, Kessler (Mr. President), Beach, Carmichael, Cole, Edgell, Facemire, Fitzsimmons, D. Hall, Laird, Miller, Palumbo, Sypolt, Wells, Yost and Tucker offered the following resolution:

Senate Concurrent Resolution No. 98—Requesting the Joint Committee on Government and Finance establish a special study commission to review the January, 2011, United States Chemical, Safety and Hazard Investigation Board’s Pesticide Chemical Runaway Reaction Pressure Vessel Explosion Investigation Report on the August 28, 2008, explosion at the Bayer CropScience, LP facility in Institute, West Virginia.

Whereas, On August 28, 2008, there was an explosion at the Bayer CropScience, LP facility in Institute, West Virginia, that killed two persons and injured eight others; and

Whereas, In January, 2011, the United States Chemical, Safety and Hazard Investigation Board issued Report No. 2008-08-I-WV on the explosion; and

Whereas, In its investigative report the United States Chemical, Safety and Hazard Investigation Board cited four key issues: (1) Process Hazards Analysis; (2) Pre-Startup Safety Review; (3) Process Safety Information and Training; and (4) Emergency Planning and Response; and

Whereas, In addition to making its findings and conclusions the investigative report also set forth recommendations to the following governmental units: (1) The Director of the Kanawha-Charleston Health Department; (2) the Secretary of the West Virginia Department of Health and Human Resources; (3) the Secretary of the Department of Environmental Protection; (4) the Kanawha-Putnam Emergency Planning Committee; and (5) the West Virginia State Fire Marshal; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to establish a study commission to review the January, 2011, United States Chemical, Safety and Hazard Investigation Board's Pesticide Chemical Runaway Reaction Pressure Vessel Explosion Investigation Report on the August 28, 2008, explosion at the Bayer CropScience, LP facility in Institute, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance designate the respective Senate and House of Delegates chairs of the Judiciary, Finance and Health committees, the cochairs of the Joint Legislative Oversight Commission on State Water Resources and public health and safety professionals, such as the Director of the Kanawha-Charleston Health Department, the Secretary of the West Virginia Department of Health and Human Resources, the Secretary of the Department of Environmental Protection, the Kanawha-Putnam Emergency Planning Committee and the West Virginia State Fire Marshal, to the special study commission; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Fitzsimmons, D. Hall, M. Hall, Jenkins, McCabe, Nohe, Palumbo,

Snyder, Sypolt, Williams, Tucker and Yost offered the following resolution:

Senate Concurrent Resolution No. 99—Requesting the Joint Standing Committee on Education study the ratio of elementary and secondary school students to administrators and compare those ratios to those of the other forty-nine states.

Whereas, Education, especially elementary and secondary education, is singularly important in the preparation of a student's ability to participate and prosper in the modern global economy; and

Whereas, Resources dedicated to sustaining and improving the state's educational system should, as much as possible, directly support and benefit student learning in the classroom; and

Whereas, In order to thoroughly consider and deliberate future education-related legislation, the Legislature requires that sufficient fact-based data be available; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Standing Committee on Education study the ratio of elementary and secondary school students to administrators and compare those ratios to those of the other forty-nine states; and, be it

Further Resolved, That the Joint Standing Committee on Education report to the regular session of the Legislature, 2015, 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 Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Cookman, Fitzsimmons, M. Hall, Nohe, Sypolt and Tucker offered the following resolution:

Senate Concurrent Resolution No. 100—Requesting the Joint Standing Committee on the Judiciary study the costs and benefits of summary jury trials.

Whereas, The costs of small-claims litigation is an increasingly large burden upon small businesses operating within the State of West Virginia; and

Whereas, Methods of alternative dispute resolution have helped in reducing the burden of litigation on both plaintiffs and defendants in civil matters, and have further unburdened the state's trial and appellate courts from some matters which would otherwise place increased demands upon the civil justice system; and

Whereas, Summary jury trials are increasingly used as a method of alternative dispute resolution in jurisdictions around the country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study the costs and benefits of summary jury trials; and, be it

Further Resolved, That the Joint Standing Committee on the Judiciary study the history, practice, costs and benefits of summary jury trials, whether they may serve as a means of alleviating some of the burdens placed on West Virginia's civil justice system, which types of cases should be referred to or excluded from the practice of summary jury trials, whether the decision of a summary jury trial

should be binding upon the parties thereto and under what circumstances summary jury trials should be binding on the parties thereto; and, be it

Further Resolved, That the Joint Standing Committee on the Judiciary report to the regular session of the Legislature, 2015, 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.

Senator Unger offered the following resolution:

Senate Concurrent Resolution No. 101—Requesting the Joint Committee on Government and Finance study increasing the amount of physical activity required in schools.

Whereas, Childhood obesity is an epidemic in West Virginia and the United States. According to a report from the Trust for America's Health and the Robert Wood Johnson Foundation, if the obesity rates continue to grow at current rates over the next two decades, the health and economic cost to our state and the nation will be staggering; and

Whereas, West Virginia has some of the highest rates of the highest-cost and highest-incidence health problems related to obesity and physical inactivity: Type 2 diabetes, coronary, heart disease and stroke, hypertension, arthritis and obesity-related cancers; and

Whereas, Researchers estimate that the medical costs of adult obesity in the United States range from \$147 billion to nearly \$210 billion per year and that Medicare and Medicaid will pay \$61.8 billion of those costs. In West Virginia, a recent economic study found that in 2009 the direct medical cost of obesity was \$8.9 million; and

Whereas, Childhood obesity is responsible for \$14.1 billion in direct medical costs nationally. In West Virginia the estimated direct medical cost to Medicaid for treatment of childhood obesity in 2013 was \$198.1 million; and

Whereas, Providing healthy, nutritious meals and snacks in schools will help curb the rise in childhood obesity but that alone is not enough to address the obesity epidemic; and

Whereas, There is a large body of scientific evidence demonstrating that regular physical activity promotes growth and development in children and teens and has multiple benefits for physical, mental and cognitive health; and

Whereas, A study by the Institute of Medicine found that physical activity is related to lower body fat, greater muscular strength, stronger bones and improvements in cardiovascular and metabolic health, as well as improvements in mental health by reducing and preventing conditions such as anxiety, depression and enhancing self-esteem; and

Whereas, West Virginia was ranked the number-two state nationally in adult physical inactivity in a 2013 report by the Trust for America's Health and the Robert Wood Johnson Foundation; and

Whereas, Children and teens have low levels of physical activity. For example, former military leaders report that twenty-seven percent of young Americans are too overweight to serve in the military; and

Whereas, According to a 2005 national literature review reported in Pediatric Exercise Science, students in middle and high school engaged in moderate to vigorous physical activity during physical education class for twenty-seven to forty-seven percent of class time; and

Whereas, A study reported in the West Virginia Medical Journal found that elementary school physical education classes provide moderate to vigorous physical activity for less than twenty-seven percent of the recommended class time rather than the recommended fifty percent. West Virginia children are generally not receiving the necessary intensity of activity nor the minimum of sixty minutes per day of moderate to vigorous physical activity; and

Whereas, Research shows that physically active children are more likely to thrive academically and socially. There is evidence that physically fit children have higher scholastic achievement, better classroom behavior and less absenteeism than their unfit counterparts; and

Whereas, Children and teens spend more than half of their waking hours at school which makes school an ideal location to increase physical activity; and

Whereas, Schools have historically been leaders in supporting the well-being of our children and teens by providing health screenings, immunizations and nutrition programs while training them to be productive citizens and lifelong learners. The next step in nurturing and developing healthy productive children and teens is to engage them in regular physical activity. Our schools can and should play a major role in efforts to make our children and teens more active, putting them on a track toward better health and performance in school and throughout life; and

Whereas, The schools cannot accomplish this alone; the necessary improvements in our children's health and well-being will

require collaboration between the families, communities and schools; and

Whereas, In 2005, the Legislature enacted the Healthy Lifestyles Act; however, there is no mechanism to assure implementation and many students are not receiving the benefits of the required physical education; and

Whereas, The availability of online resources and peer training greatly improves teacher and principal perception and participation in physical activity programs; and

Whereas, Teachers and principals report that physical activity has been successfully incorporated into classroom teaching in some schools in West Virginia through “Let’s Move! West Virginia” programs such as activity breaks and active learning without the need for special facilities or additional physical education teachers or expanding the school day; and

Whereas, Schools face challenges in providing needed physical education and physical activity to students. Lack of staff and equipment and increased pressure to raise test scores and greater demands to meet content standards and objectives time impeded efforts to provide adequate physical education and activity. Regardless of the challenges, schools must provide physical education and physical activity in order to assure their health and well-being and halt the obesity epidemic afflicting our children and teens; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study increasing the amount of physical activity required in schools; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2015, 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 Cann, Yost, Prezioso and Unger offered the following resolution:

Senate Resolution No. 53—Memorializing the life of James Dominick LaRosa, businessman, philanthropist and distinguished West Virginian.

Whereas, James Dominick LaRosa was born on December 22, 1926, the son of James and Emilia (Cava) LaRosa; and

Whereas, James Dominick LaRosa, upon graduation from Washington Irving High School in Clarksburg in 1944, attended West Virginia University and graduated in 1948 with a degree in Business Administration, after which he went to work with his father at LaRosa Fuel Company; and

Whereas, James Dominick LaRosa assumed the position of President of LaRosa Fuel Company at the age of thirty-five and became committed to the values taught to him by his parents by becoming invested in enhancing and improving quality of life for his family, his community and all of north-central West Virginia; and

Whereas, James Dominick LaRosa was a visionary, using his success in business to benefit everyone around him—from local and regional commercial development and attracting world renowned

talent Pete Dye to north-central West Virginia to design the Pete Dye Golf Club, to assisting local civic groups, government agencies and animal rights groups. His passion for philanthropy will be felt by many future generations of West Virginians to come; and

Whereas, James Dominick LaRosa is a shining example to the world of what can be accomplished with perseverance, strong will, a compassionate heart and a genuine love for his state and his fellow West Virginians; and

Whereas, Sadly, James Dominick LaRosa passed away on February 15, 2014, at the age of eighty-seven, bringing an end to a long, productive life of dedicated public service; and

Whereas, Although he is gone, James Dominick LaRosa left his accomplishments and successes in life behind for everyone to remember him by and his spirit will resound throughout the hills of West Virginia forever; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of James Dominick LaRosa, businessman, philanthropist and distinguished West Virginian; and, be it

Further Resolved, That the Senate acknowledges and is truly grateful for James Dominick LaRosa's dedication and commitment to his community and the State of West Virginia and expresses its sincere condolences to the many family members and friends he left behind, as we mourn the loss of a great West Virginian; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of the late James Dominick LaRosa.

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, without objection, 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. 140—Requesting that the Division of Highways name bridge number 17-24/1-5.79 (17A321), which crosses Simpson Creek, at 0.01 miles west of County Route 24, between the Meadowbrook Mall and the Pete Dye Golf Course, at Bridgeport, Harrison County, West Virginia, the “James D. LaRosa Memorial Bridge”.

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.

At the request of Senator Unger, unanimous consent being granted, the Senate again proceeded to the sixth order of business.

Senators Walters, Cole, Yost and Unger offered the following resolution:

Senate Resolution No. 54—Honoring Dr. Rahul Gupta for his commitment to excellence in providing all aspects of health care to the citizens of Kanawha and Putnam counties and for his many health care contributions to the State of West Virginia.

Whereas, Dr. Rahul Gupta is the Health Officer and Executive Director at Kanawha-Charleston Health Department and leads the largest local health department in the State of West Virginia; and

Whereas, Dr. Rahul Gupta earned a Doctor of Medicine degree from University of Delhi and completed his internship and residency training at St. Joseph Hospital/Northwestern University in Chicago, Illinois. Additionally, he has a Master's in Public Health (MPH) in Healthcare Organization and Health Policy from the University of Alabama-Birmingham and is a recipient of fellowship from the American College of Physicians and is board certified by the American Board of Internal Medicine; and

Whereas, Dr. Rahul Gupta is an adjunct clinical Assistant Professor of Medicine at the West Virginia University School of Medicine and adjunct Associate Professor at University of Charleston's School of Pharmacy. He also serves as a medical consulting and a teaching staff member at Charleston Area Medical Center hospital and is a volunteer physician at the West Virginia Health Right Clinic in Charleston; and

Whereas, Dr. Rahul Gupta has worked with various health care organizations to develop, integrate and measure adherence to various public health initiatives, including those for the underserved and indigent population. Such initiatives are wide ranging, from immunization initiatives to reducing heart disease, stroke and pneumonia-related morbidity and mortality. He is also instrumental in working with state partners to spearhead the various quality assurance initiatives in public health in West Virginia; and

Whereas, Here in the Kanawha Valley, Dr. Rahul Gupta is leading the charge to make sure that the citizens of Kanawha and Putnam counties have access to clinical services, live in a clean environment and are educated on health prevention and wellness; and

Whereas, Since the January 9, 2014, chemical spill in the Elk River that contaminated the drinking water of three hundred

thousand citizens, Dr. Rahul Gupta has worked tirelessly alongside local, state and federal officials to ensure that a tragedy of this proportion never happens again; and

Whereas, The Senate acknowledges and is extremely grateful for the health care service excellence of Dr. Rahul Gupta, who has demonstrated a commitment to public service that is unmatched by most; therefore, be it

Resolved by the Senate:

That the Senate hereby honors Dr. Rahul Gupta for his commitment to excellence in providing all aspects of health care to the citizens of Kanawha and Putnam counties and for his many contributions to health care in 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. Rahul Gupta.

At the request of Senator Walters, 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, 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. Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Pethtel, Williams and Sumner.

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 Tucker, D. Hall 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 concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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 Williams, Miller and Sypolt.

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. 92, Requesting Joint Committee on Government and Finance study reimbursement rates for mental health therapy services.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution No. 93, Requesting Joint Committee on Government and Finance study effects of tanning beds use and cancer.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution No. 94, Requesting Joint Committee on Government and Finance study Common Core Standards.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Resolution No. 52, Memorializing life of Jeffrey S. Taylor.

On unfinished business, coming up in regular order, was reported by the Clerk.

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.

The Senate proceeded to the eighth order of business.

Senator Wells requested that all bills on third reading be read fully and distinctly.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Unger, the Senate recessed until 1:30 p.m. today.

Upon expiration of the recess, the Senate reconvened.

Senator Unger announced that in the meeting of the Committee on Rules just held, the committee, in accordance with rule number seventeen of the Rules of the Senate, had placed consideration of Engrossed House Bill No. 4588 preceding consideration of all other bills on today's third reading calendar.

The Senate then resumed business under the eighth order.

Eng. House Bill No. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Prezioso moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed House Bill No. 4588.

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, Miller, Nohe, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Facemire, McCabe, Palumbo, Snyder and Wells—5.

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. 4588) 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 the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill No. 4588—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 and §16-2M-6, all relating to prohibiting certain abortions; stating legislative findings; defining terms; requiring a calculation of post-fertilization age before an abortion is performed or attempted, except in certain cases; prohibiting abortions when the post-fertilization age of the fetus is twenty weeks or more regardless of whether the fetus has reached the point of viability; creating certain exceptions to that prohibition; requiring a physician performing an abortion of a fetus that has a post-fertilization age of twenty weeks or more to use the process most likely to allow the fetus to survive, with certain exceptions; requiring reporting of all completed abortions and that the reports contain certain information regarding the abortion; requiring an annual public report that provides statistics of the abortions while keeping the identities of the persons involved confidential; creating a misdemeanor offense for a physician who intentionally and recklessly performs or induces an abortion in violation of this article; providing up to \$4,000 fine upon conviction; and clarifying that no penalty may be assessed against a patient.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Wells, unanimous consent being granted, Senator Wells addressed the Senate regarding the passage of Engrossed House Bill No. 4588.

Thereafter, at the request of Senator McCabe, and by unanimous consent, the remarks by Senator Wells were ordered printed in the Appendix to the Journal.

At the request of Senator Cookman, unanimous consent being granted, Senator Cookman addressed the Senate regarding the abuse of children.

Thereafter, at the request of Senator McCabe, and by unanimous consent, the remarks by Senator Cookman were ordered printed in the Appendix to the Journal.

At the request of Senator McCabe, unanimous consent being granted, Senator McCabe addressed the Senate regarding Senator Cookman's foregoing remarks.

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 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. 4236, Sexual assault nurse examination network.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Fleischauer, Skinner and Ellem.

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. House Bill No. 4619, Authorizing innovation school districts.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Lawrence, Young and Cooper.

The Senate again proceeded to the eighth order of business.

At the request of Senator Wells, and by unanimous consent, his foregoing request that all bills on third reading be read fully and distinctly was withdrawn.

The Senate then resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

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, March 7, 2014, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Unger, and by unanimous consent, consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. House Bill No. 2477, Permitting certain auxiliary lighting on motorcycles.

On third reading, 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. 2477) 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. 2606, Permitting the State Rail Authority to set the salary of the executive director.

On third reading, 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. 2606) 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. 2606) 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. 2757, Private cause of action for the humane destruction of a dog.

On third reading, 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. 2757) 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. 2757—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20D-1, §19-20D-2 and §19-20D-3, all relating to the creation of a private cause of action in magistrate court for the purpose of seeking humane destruction of a dog which has attacked a person; providing the elements of the cause of action and contents of the verified petition; allowing attorney fees; providing for limitations of the cause of action; requiring the court to issue a written order; providing for contents of order; requiring proof of euthansia; and requiring dismissal of petition if euthansia not ordered.

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. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.

On third reading, 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. 2954) 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. 2954) 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. 3011, Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.

On third reading, 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. 3011) 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. 3011—A Bill to amend and reenact §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, all relating to removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed to grow hemp for industrial purposes in the state or as part of a complete defense to a prosecution for the possession or cultivation of marijuana; and limiting the cultivation of industrial hemp to research conducted by the Commissioner of Agriculture and institutions of higher learning authorized by the commissioner to do so.

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. 3156, Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Palumbo, and by unanimous consent, 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. 2387, already placed in that position.

Eng. Com. Sub. for House Bill No. 4139, Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

On third reading, 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. 4139) 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. 4139—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-209a, relating to restricted parental rights

of child custodial responsibility and parenting time when a child was conceived as a result of a sexual assault or certain sexual abuse; denying custodial responsibility and parenting time rights to a natural parent convicted of sexual assault when a child is produced as a result of the offense; providing limited exceptions when the biological parents cohabit; creating a rebuttable presumption against the granting of exclusive or shared custodial responsibility or parenting time to the perpetrator of the offense after cohabitation with the other parent under certain circumstances; requiring the court to find by clear and convincing evidence that custodial responsibility or parenting time by a person convicted of sexual assault or certain sexual abuse is in the best interest of the child, victim, that the victim consents and certain other facts in order to grant such custodial responsibility or parenting time; and clarifying the natural parent's continuing support obligations.

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. 4184, Relating to the West Virginia Tourism Development 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 Committee Substitute for House Bill No. 4184 pass?"

Senators Cole and M. Hall, respectively, moved to be excused from voting on any matter pertaining to the bill under rule number forty-three of the Rules of the Senate, which motions prevailed.

On the passage of the bill, the yeas were: Beach, Cann, Cookman, Edgell, Fitzsimmons, Green, D. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings,

Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—22.

The nays were: Barnes, Blair, Boley, Carmichael, Chafin, Facemire, Jenkins, Nohe, Sypolt and Walters—10.

Absent: None.

Excused from voting: Cole and M. Hall—2.

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. 4184) 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. 4184—A Bill to amend and reenact §5B-2E-3, §5B-2E-4, §5B-2E-5, §5B-2E-7, §5B-2E-7a, §5B-2E-8 and §5B-2E-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5B-2E-7b, all relating generally to the West Virginia Tourism Development Act; providing, modifying or eliminating certain definitions; removing requirement for engagement of a consulting firm to review proposed projects; imposing application filing fee; providing additional criteria for evaluation of applications; eliminating limitation on total amount of tourism development expansion project tax credits for all approved companies each calendar year; providing increased tax credit amounts for projects located on or adjacent to state and federal recreational property; establishing tax credit for qualified professional services destination facilities under certain circumstances; specifying benefits upon application and review; providing certain limitations on benefits; authorizing rulemaking by the Tax Commissioner; providing for recapture; extending the deadline for project applications; and making technical corrections.

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 Sypolt, and by unanimous consent, the remarks by Senator Barnes regarding the passage of Engrossed Committee Substitute for House Bill No. 4184 were ordered printed in the Appendix to the Journal.

Thereafter, at the request of Senator Unger, unanimous consent being granted, the remarks by Senator Miller regarding the passage of Engrossed Committee Substitute for House Bill No. 4184 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for House Bill No. 4204, Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.

On third reading, 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. 4204) 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. 4210, Juvenile sentencing reform.

On third reading, 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. 4210) 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. 4220, Relating to waiver of jury trial in claims arising from consumer 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 H. B. No. 4220) 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. 4220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating to requirements for agreements with nursing homes wherein a person waives their rights to trials by jury on claims arising from the nursing care of a nursing home resident; ensuring the court is not bound to find all or part of the contract enforceable, unenforceable, conscionable or unconscionable; and applying this section to all agreements entered into on or after January 1, 2015.

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. 4228, Repealing or removing certain portions of education-related statutes that have expired.

On third reading, 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. 4228) 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. 4228—A Bill to repeal §11-8-16a of the Code of West Virginia, 1931, as amended; to repeal §18-2-17 of said code; to repeal §18-2E-5b and §18-2E-8b of said code; to repeal §18-2G-1, §18-2G-2 and §18-2G-3 of said code; to repeal §18-5-15e and §18-5-38 of said code; to repeal §18-7-1, §18-7-2 and §18-7-3 of said code; to repeal §18-9A-6b, §18-9A-14a and §18-9A-19 of said code; to repeal §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code; to repeal §18A-3-1c and §18A-3-1d of said code; to repeal §18A-4-10b and §18A-4-14a of said code; to amend and reenact §18-2-5a and §18-2-13 of said code; to amend and reenact §18-2E-7 of said code; to amend and reenact §18-8-1a of said code; and to amend and reenact §18A-2-12 of said code, all relating to repealing or removing certain portions of education-related statutes that are no longer applicable or are expired; repealing the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional excess levy not exceeding one hundred percent and a period of five years; repealing an expired pilot program for the delivery of leftover foods from schools and penal institutions; repealing expired provisions for review of system of education performance audits; repealing an expired requirement

for audit of state board policies; repealing the library media improvement grant program; repealing an expired requirement for study on school equity; repealing an expired provision governing county board meetings; repealing an adult literacy education program financed, in part, by a voluntary state income tax return check-off; repealing the appropriation and allocation, up to \$7 million, due to the increase in local share to Teachers Retirement System; repealing the incentive for administrative efficiency in public schools and its associated funding to the county boards of education; repealing a requirement for county boards of education to request funds to which they may be entitled; repealing the Better School Buildings Amendment and associated funding to county boards of education; repealing an expired study on training, certification, licensure and retraining of teachers; repealing a study of alternative certification programs that was required to be submitted to the Legislative Oversight Commission on Education Accountability by December 31, 2013; repealing the requirement to record and distribute exemplary teaching techniques and its associated bonuses to certain teachers; repealing an expired study on daily planning periods; providing that the State Board of Education need only file a single copy of a proposed rule with the legislative oversight commission; removing the requirement that the State Board of Education contract with an independent agency to evaluate the results of character education and biannual reporting; changing the requirement from a school-by-school to a countywide plan for provision of technology and services to students as part of the twenty-first century strategic learning plan; removing the requirement for semiannual reporting on the effect of the increased compulsory attendance age of students and the progress the state and county boards have made in implementing its associated requirements; and clarifying that the written evaluation system for employment performance of personnel must be conducted at least annually on professional personnel and removing related transitional language.

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. 4237, Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

On third reading, 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. 4237) 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 the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 4237—A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to restrictions placed on tobacco products and tobacco-derived products containing nicotine; defining terms; defining vapor products and alternative nicotine products as tobacco-derived

products; creating exclusions; limiting the use of and sale of tobacco-derived products to persons under the age of eighteen in the same manner as tobacco; prohibiting the sale or furnishing of tobacco and tobacco-derived products to individuals under eighteen years of age; prohibiting the use and possession of tobacco or tobacco-derived products by an individual under eighteen years of age; allowing employers to dismiss an employee for cause for the knowing or intentional sale or furnishing of tobacco or tobacco-derived to someone under the age of eighteen; allowing for the conduct of unannounced inspections to ensure compliance with sales restrictions; restricting the use of tobacco and tobacco-derived products on school grounds; restricting the sale of tobacco and tobacco-derived products in vending machines; creating misdemeanor offenses and criminal penalties relating to tobacco-derived products that are consistent with tobacco products; creating a defense in certain circumstances; and authorizing continued rule-making authority.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill No. 4286, Captive Cervid Farming 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, Carmichael, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—28.

The nays were: Cann, Chafin, Cole, Cookman, Kirkendoll and Stollings—6.

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. 4286) 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. House Bill No. 4286—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11, §19-2H-12, §19-2H-13, §19-2H-14 and §19-2H-15; and to amend and reenact §20-1-2 of said code, all relating to regulating captive cervids as an agricultural enterprise; creating the Captive Cervid Farming Act; creating joint regulatory authority between the Department of Agriculture and the Division of Natural Resources; stating legislative purpose and findings; defining terms; authorizing rulemaking; stating duties of commissioner and director; requiring a class one or class two license from the department; requiring a fencing permit from the division; establishing application requirements and fees for biennial license and permit; issuing, renewing and modifying license and permit certificates; providing that sale of farm does not transfer license or permit; inspecting farms; permitting the transition of current farms; providing for noncompliance with article; establishing criminal penalties and civil remedies; and clarifying natural resources definitions.

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. 4294, Establishing standards for court reporters and entities that provide court reporting 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, Boley, Cann, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, 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: Blair, Carmichael and Chafin—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. 4294) 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. 4316, Creating the student data accessibility, transparency and accountability act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 7, 2014, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Sypolt, and by unanimous consent, 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. 3156 already placed in that position.

Eng. Com. Sub. for House Bill No. 4333, Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having

been granted on yesterday, Friday, March 7, 2014, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Unger, and by unanimous consent, 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. 4316 already placed in that position.

Eng. Com. Sub. for House Bill No. 4335, Relating to a child's right to nurse.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 7, 2014, 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. 4335), as amended on yesterday, Friday, March 7, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 4335) 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. 4339, Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

On third reading, 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. 4339) 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. 4339—A Bill to amend and reenact §22-16-11 and §22-16-12 of the Code of West Virginia, 1931, as amended, all relating to authorizing the expenditures of moneys from the Closure Cost Assistance Fund to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill; authorizing expenditures of moneys from the Closure Cost Assistance Fund to complete post-closure maintenance

and monitoring; and limiting liability of state and Wayne County Economic Development Authority if permit is transferred.

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. 4339) 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. 4343, West Virginia Project Launchpad 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 Committee Substitute for House Bill No. 4343 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. 4343) 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. 4343—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 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.

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 McCabe, and by unanimous consent, the remarks by Senator Cann regarding the passage of Engrossed Committee Substitute for House Bill No. 4343 were ordered printed in the Appendix to the Journal.

Eng. House Bill No. 4346, Establishing separate standards of performance for carbon dioxide emissions.

On third reading, 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. 4346) 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. 4347, Relating to affirmative defenses against mechanics' 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, 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. 4347) 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. 4349, Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order.

On third reading, 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. 4349) 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. 4360, Relating to consumer credit protection.

On third reading, 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. 4360) 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. 4360—A Bill to amend and reenact §46A-2-128 of the Code of West Virginia, 1931, as amended, relating to consumer credit protection generally; and including additional conduct that constitutes unfair or unconscionable conduct when collecting or attempting to collect a debt.

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. 4432, Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.

On third reading, 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. 4432) 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. 4480, Relating to investment of the Acid Mine Drainage 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. 4480) 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. 4560, Relating to reimbursement for copies of medical 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. Com. Sub. for H. B. No. 4560) 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. 4601, Relating to fiscal management and regulation of publicly-owned utilities.

On third reading, 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. 4601) 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. 4601—A Bill to amend and reenact §16-13A-18a of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-2-4a and §24-2-4b of said code, all relating to fiscal management and regulation of publicly owned utilities; waiving certain cash distribution requirements in the case of a sale between two political subdivisions; eliminating a suspension period for a rate increase established by municipal rate ordinance or enacted by a public service district that increases rates less than twenty-five percent of gross revenues; providing a process to apply for a waiver of the suspension period for rates established by municipal rate ordinance or enacted by a public service district that increases rates by more than twenty-five percent of gross revenues; and providing a refund procedure for proposed municipal or public service district rate increase in certain circumstances.

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. 4608, Defining dyslexia and dyscalculia.

On third reading, 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. 4608) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Unger, the Senate recessed until 5:30 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 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. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hunt, Pino and Ellem.

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. 4208, Banning synthetic hallucinogens.

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 Stollings, Cookman and Nohe.

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 concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill No. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.

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 Snyder, Kirkendoll and Blair.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

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 6:35 p.m. today:

Eng. Com. Sub. for House Bill No. 4236, Sexual assault nurse examination network.

The Clerk announced the following conference committee report had been filed at 6:36 p.m. today:

Eng. House Bill No. 4619, Authorizing innovation school districts.

At the request of Senator Unger, and by unanimous consent, the Senate 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, 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. 6, Regulating sale of drug products used in manufacture of methamphetamine.

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 §60A-10-4, §60A-10-6 and §60A-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.

§60A-10-4. Purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses; exceptions; penalties.

(a) A pharmacy may not sell, transfer or dispense to the same person, and a person may not purchase more than three and six-tenths grams per day, more than seven and two-tenths grams in a thirty-day period or more than ~~forty-eight~~ twenty-four grams annually of ephedrine, pseudoephedrine or phenylpropanolamine without a prescription. The limits shall apply to the total amount of ephedrine, pseudoephedrine and phenylpropanolamine contained in the products, and not the overall weight of the products unless the product has been determined by the Board of Pharmacy to be in an extraction- or conversion-resistant form: *Provided, That a pharmacist, pharmacy intern or pharmacy technician may refuse to dispense a product containing ephedrine, pseudoephedrine or phenylpropanolamine which is not extraction or conversion resistant without a prescription to a person who is not known to the pharmacist, pharmacy intern or pharmacy technician as a regular customer of the pharmacy; or who has not had at least one prescription filled by the pharmacy within the past twelve months.*

For the purposes of this article, “extraction or conversion resistant” means a product containing ephedrine, pseudoephedrine or phenylpropanolamine that because of its compounding, preparation, mixture or ingredients has been found by the Board of Pharmacy to pose a significantly reduced risk of being used in the manufacture of methamphetamine.

~~(1) Any person who or knowingly purchases, receives or otherwise possesses more than seven and two-tenths grams in a thirty-day period of ephedrine, pseudoephedrine or phenylpropanolamine in any form without a prescription is guilty of a misdemeanor and, upon conviction, shall be confined in a jail for not more than one year, fined not more than \$1,000, or both fined and confined.~~ within any thirty-day period knowingly purchases, receives or otherwise possesses more than three packages of a drug product containing as its single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine or more than nine grams of ephedrine, pseudoephedrine or phenylpropanolamine in any form shall be guilty of a misdemeanor and, upon conviction, shall be confined in a jail for not more than one year, fined not more than \$1,000, or both.

(2) Any person who knowingly purchases, receives or otherwise possesses ephedrine, pseudoephedrine or phenylpropanolamine in any form with the intent to transfer the substance to someone that the person knows or should know will use the substance to manufacture methamphetamine is guilty of a misdemeanor and, upon conviction, shall be confined in a jail for not more than one year, fined not more than \$1,000, or both fined and confined.

(3) A person is required to obtain a valid prescription prior to obtaining products containing ephedrine, pseudoephedrine or phenylpropanolamine if that person has been:

(A) Convicted of an offense which includes the use, possession or distribution of a drug as an element of the offense; or

(B) Convicted of a violation of this section or an equivalent statute in another jurisdiction.

(4) Any pharmacy, wholesaler or other entity operating the retail establishment which sells, transfers or dispenses a product in violation of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 for the first offense, or more than \$10,000 for each subsequent offense.

(5) Beginning on January 1, 2015, the electronic transmission of the information required to be reported in this subsection of this section on persons who have been convicted of an offense which includes the use, possession or distribution of a drug as an element of the offense; or convicted of a violation of this section, or an equivalent statute in another jurisdiction, shall be reported by the respective clerk of the circuit court where the conviction occurred to the Multi-State Real-Time Tracking System described in section six, article ten, chapter sixty of this code and shall be made in real time at the time of the transaction.

(b) Notwithstanding the provisions of ~~subdivision (a)(1)~~ subsection (a) of this section, any person convicted of a second or subsequent violation of the provisions of said subdivision or a statute or ordinance of the United States or another state which contains the same essential elements is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$25,000, or both imprisoned and fined.

(c) The provisions of subsection (a) of this section shall not apply to:

(1) Products dispensed pursuant to a valid prescription;

(2) Drug products which are for pediatric use primarily intended for administration to children under the age of twelve;

(3) Drug products containing ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers or salts of optical isomers or other designated precursor which have been determined by the Board of Pharmacy to be in a form which is not feasible for being used for the manufacture of methamphetamine; or

(4) Persons lawfully possessing drug products in their capacities as distributors, wholesalers, manufacturers, pharmacists, pharmacy interns, pharmacy technicians or health care professionals.

(d) Notwithstanding any provision of this code to the contrary, any person who knowingly possesses any amount of ephedrine, pseudoephedrine, phenylpropanolamine or other designated precursor with the intent to use it in the manufacture of methamphetamine, or any person who knowingly compensates, hires or provides other incentives for another person to purchase, obtain or transfer any amount of ephedrine, pseudoephedrine, phenylpropanolamine or other designated precursor with the intent to use it in the manufacture of methamphetamine, or who knowingly possesses a substance containing ephedrine, pseudoephedrine or phenylpropanolamine or their salts, optical isomers or salts of optical isomers in a state or form which is, or has been altered or converted from the state or form in which these chemicals are, or were, commercially distributed is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than two nor more than ten years, fined not more than \$25,000, or both imprisoned and fined.

(e) (1) Any pharmacy, wholesaler, manufacturer or distributor of drug products containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers or salts of optical isomers or other designated precursor shall obtain a registration annually from the State Board of Pharmacy as described in section six of this article. ~~Any such pharmacy, wholesaler, manufacturer or distributor shall keep complete records of all sales and transactions as provided in section eight of this article. The records shall be gathered and maintained pursuant to legislative rule promulgated by the Board of Pharmacy.~~

(2) Any drug products possessed without a registration as provided in this section are subject to forfeiture upon conviction for a violation of this section.

(3) In addition to any administrative penalties provided by law, any violation of this subsection is a misdemeanor, punishable upon conviction by a fine in an amount not more than \$10,000.

(f) (1) Notwithstanding any provision of this code to the contrary, a county commission may adopt an ordinance to provide that a pharmacy, wholesaler or other entity operating a retail establishment in the county may not sell, transfer or dispense ephedrine, pseudoephedrine or phenylpropanolamine without a prescription, unless the product has been determined by the Board of Pharmacy to be in an extraction- or conversion-resistant form: *Provided*, That the ordinance shall not take effect until thirty days after it has been approved by a referendum on the ordinance pursuant to subdivision (3) of this subsection.

(2) The ordinance:

(A) Shall provide that the provisions of subdivision (3), subsection (a), section seven, article seven, chapter sixty-one of this code are inapplicable to persons possessing ephedrine, pseudoephedrine or phenylpropanolamine which has been lawfully purchased in the jurisdiction of sale and which is possessed with the intent that it be used in the manner and form intended by the manufacturer;

(B) Shall provide that the ordinance does not apply to drug products containing ephedrine, pseudoephedrine or phenylpropanolamine which are for pediatric use primarily intended for administration to children under the age of twelve; and

(C) May provide that any person in violation of the ordinance is guilty of a misdemeanor and, upon conviction, may be fined not more than \$1,000 for the first offense or more than \$10,000 for each subsequent offense.

(3) A county commission that adopts an ordinance pursuant to this subsection shall conduct a referendum on the question of the adoption of any ordinance pursuant to this section by entry of an order providing that the ordinance not become effective until it is ratified by a majority of the legal votes cast on the referendum by the qualified voters of the county at any primary, general or special election as the county commission directs.

(4) Nothing in this subsection requires a county commission to adopt an ordinance authorized by this subsection.

§60A-10-6. Registration to sell, manufacture or distribute products; rule-making authority.

The State Board of Pharmacy shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to require that every wholesaler, manufacturer or distributor of any drug product containing as ~~their~~ single an active ingredient ephedrine or pseudoephedrine or a substance identified on the supplemental list provided ~~for~~ in section seven of this article shall obtain a registration and permit issued by the State Board of Pharmacy to sell, distribute or transfer the product containing as their single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine.

§60A-10-7. Restricted products; rule-making authority.

(a) ~~On or before July 1, 2005, the~~ The Board of Pharmacy shall ~~promulgate~~ propose emergency and legislative rules pursuant to the provision of article three, chapter twenty-nine-a of this code to implement a program wherein the Board of Pharmacy shall consult with the Superintendent of the State Police in identifying drug products which are a designated precursor, in addition to those that contain ephedrine, pseudoephedrine or phenylpropanolamine, that are commonly being used in the production and distribution of methamphetamine. Those drug products which the Superintendent of the State Police ~~have~~ has demonstrated by empirical evidence are commonly used in the manufacture of methamphetamine shall be

added to a supplemental list and ~~shall be~~ subject to all of the restrictions of this article. ~~These rules~~ Rules established pursuant to this section shall include:

(1) A process whereby pharmacies are made aware of all drug products that contain as an active ingredient, ephedrine, pseudoephedrine and phenylpropanolamine that will be listed as a Schedule V substance; ~~and must be sold, transferred or dispensed from behind a pharmacy counter;~~

(2) A process whereby pharmacies and retail establishments are made aware of additional drug products added to Schedule V that ~~are required to be placed behind the pharmacy counter for sale, transfer or distribution can be periodically reviewed and updated.~~ Wholesale drug distributors licensed by the Board of Pharmacy and registered with, and regulated by, the United States Drug Enforcement Administration are exempt from storage, reporting, record-keeping or physical security control requirements for controlled substances containing pseudoephedrine, ephedrine or phenylpropanolamine.

~~(b) At any time after July 1, 2005, the Board of Pharmacy, upon the recommendation of the Superintendent of the State Police, shall promulgate emergency and legislative rules pursuant to the provision of article three, chapter twenty-nine-a of this code to implement an updated supplemental list of products containing the controlled substances ephedrine, pseudoephedrine or phenylpropanolamine as an active ingredient or any other drug used as a precursor in the manufacture of methamphetamine, which the Superintendent of the State Police has demonstrated by empirical evidence is being used in the manufacture of methamphetamine. This listing process shall comport with the requirements of subsection (a) of this section.~~

(3) A process whereby pharmacies are made aware of all drug products that may be sold, transferred or dispensed over the counter that contain less than eleven percent of ephedrine, pseudoephedrine

or phenylpropanolamine that can be used to manufacture methamphetamine.

§60A-10-8. Reporting requirements; confidentiality.

(a) Until January 1, 2013, upon each sale, retail, transfer or distribution of any drug product referred to in section seven of this article or another designated precursor, the pharmacist, pharmacy intern or pharmacy technician making the sale, transfer or distribution shall report the following information for inclusion in the central repository established and maintained by the Board of Pharmacy:

(1) The date of the transaction;

(2) The name, address and driver's license or state-issued identification number of the person; and

(3) The name, quantity of packages and total gram weight of the product or products purchased, received or otherwise acquired.

(b) The information required to be reported by this section shall be reported by paper log maintained at the point of sale: *Provided*, That, beginning on January 1, 2007, reporting shall be by electronic transmission to the Board of Pharmacy no more frequently than once a week. Beginning on January 1, 2013, the electronic transmission of the information required to be reported in subsection (a) of this section shall be reported to the MSRTTS and shall be made in real time at the time of the transaction.

(c) The information required by this section shall be the property of the state. The information shall be disclosed as appropriate to the federal Drug Enforcement Administration and to state and local law-enforcement agencies. The information shall not be accessed, used or shared for any purpose other than to ensure compliance with this article and federal law. NADDI shall forward state transaction records in the MSRTTS to the West Virginia State Police weekly and provide real-time access to MSRTTS information through the

MSRTTS online portal to authorized agents of the federal Drug Enforcement Administration and certified law enforcement in this and other states for use in the detection of violations of this article or of federal laws designed to prevent the illegal use, production or distribution of methamphetamine. Records of clandestine labs found by law-enforcement agencies in West Virginia shall be forwarded by the appropriate law-enforcement agency as soon as is practicable to the National Clandestine Laboratory Register, as maintained by the United States Department of Justice.;

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. 6—A Bill to amend and reenact §60A-10-4, §60A-10-6 and §60A-10-7 of the Code of West Virginia, 1931, as amended, all relating to the Methamphetamine Lab Eradication Act; reducing the amount of ephedrine, pseudoephedrine or phenylpropanolamine that may be sold, transferred or dispensed without a prescription; creating criminal offenses related to methamphetamine precursors and establishing penalties therefor; requiring persons convicted of criminal offenses involving the use, possession or distribution of illegal drugs to have a valid prescription before ephedrine, pseudoephedrine or phenylpropanolamine may be sold, transferred or dispensed; requiring the reporting of information related to convictions to the Multi-State Real Time Tracking System; creating a new criminal offense for the compensation, hiring or providing of incentives to another person to obtain ephedrine, pseudoephedrine or phenylpropanolamine with the intent to manufacture methamphetamine; removing record-keeping requirements related sales and transaction by pharmacies, wholesalers and manufacturers; amending provisions of Board of Pharmacy's rule-making authority; exempting wholesale drug distributors regulated by the United States Drug Enforcement Administration from storage, reporting, record-keeping and security requirements promulgated by the Board of

Pharmacy; and requiring the Board of Pharmacy to implement a process to notifying pharmacies of drug products containing less than eleven percent of ephedrine, pseudoephedrine or phenylpropanolamine that may be sold over the counter.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 6) 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 July 1, 2014, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 306, Budget Bill.

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 provisions of Engrossed Committee Substitute for House Bill No. 4015.

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. 306) 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 Com. Sub. for Senate Bill No. 317,
Relating to municipal firearm laws.

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. 345, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.

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 balance of the funds available for expenditure in the fiscal year ending June 30, 2014, to the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, be decreased by expiring the amount of \$10,000,000, and to the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, be decreased by expiring the amount of \$10,000,000, and to the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, be decreased by expiring the amount of \$2,293,000, and to the Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, be decreased by expiring the amount of \$20,000,000, and to the Joint Expenses, Tax Reduction and Federal

Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, be decreased by expiring the amount of \$5,707,000, and to the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, be decreased by expiring the amount of \$12,000,000, and to the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, be decreased by expiring the amount of \$10,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2014.

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 0570, fiscal year 2014, organization 0621, be supplemented and amended by decreasing existing items of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

78-Division of Juvenile Services

(WV Code Chapter 49)

Fund 0570 FY 2014 Org 0621

	Act- ivity	General Revenue Fund
3 Robert L. Shell Juvenile Center	267	\$ 50,653
10 Kenneth Honey Rubenstein		
11 Juvenile Center (R)	980	106,445

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 0450, fiscal year 2014, organization 0608, be supplemented and amended by adding a new item 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 2014 Org 0608

	Act- ivity	General Revenue Fund
18a Investigative Services	716	\$ 157,098

The purpose of this supplemental appropriation bill is to supplement, amend, decrease, add a new item and expire items of appropriation in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2014.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 345—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue,

for the fiscal year ending June 30, 2014, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, in the amount of \$2,293,000 from the Joint Expenses, fund 0175, fiscal year 2008, activity 642, in the amount of \$20,000,000 from Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, in the amount of \$5,707,000 from Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, in the amount of \$12,000,000 from the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, and in the amount of \$10,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

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. 345) 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. 50, Requesting DOH name portion of State Rt. 20, Hinton, Summers County, "USMC Sgt. Mecot E. Camara 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. 52, Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution No. 60, Requesting DOH name section of Rt. 1 in Marion County “USAF Sergeant Jerome E. Kiger Memorial Road”.

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. 3108, Relating to criminal background checks on applicants for employment by nursing homes.

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. 4006, Relating to the possession and distribution of child pornography.

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. 4147, Relating to emergency preparedness.

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. 4156, Electronic Toll Collection Act.

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. 4208, Banning synthetic hallucinogens.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Perdue, Poore and Ellington.

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. 4217, Relating to Medicaid reports to the Legislature.

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. 4256, Amending the annual salary schedule for members of the state police.

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. 4268, Relating to the administration of veterans' assistance.

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. 4278, Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

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. 4312, Creating a certification for emergency medical technician-industrial.

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, to take effect from passage, of

Eng. Com. Sub. for House Bill No. 4318, Continuing education of veterans mental health.

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. 4410, Redefining auctioneer exceptions.

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. 4473, Relating to establishing voting precincts and changing the composition of standard receiving boards.

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. 4549, Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.

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. 4552, Relating to the court of claims.

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. 17, The “Captain Isaac Alt West Virginia Militia 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. 28, William S. (Bill) Croaff 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. 34, Marine Private Rudy Varney Bridge - Purple Heart Recipient.

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. 49, Army PFC Lilborn Dillon Memorial Road.

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. 59, Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care.

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. 60, Lester W. "Cappy" Burnside, Jr. 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. 64, SSG Earl F. (Fred) Brown 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. 65, Army SP4 Harold "Skip" Grouser 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. 66, Quentin H. Wickline 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. 71, Army Private William C. Bias 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. 105, Urging Congress to pass the Safe Freight Act.

On motion of Senator Unger, the Senate recessed until 7:15 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened and again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:56 p.m. tonight:

Eng. Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

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 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 Com. Sub. for Senate Bill No. 6, Regulating sale of drug products used in manufacture of methamphetamine.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Manchin, Perdue 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 Tucker, Kirkendoll and Nohe.

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. 344, Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.

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 eleven, in the first Whereas clause, by striking out the word "Governor" and inserting in lieu thereof the word "Legislature";

On page eleven, in the first Whereas clause, after the words "balances in the" by inserting the words "Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642,";

On page eighteen, in the Preamble, after the words "ending June 30, 2014," by inserting the words "in the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, be decreased by expiring the amount of \$7,000,000, and";

On page twenty-five, in the Preamble, by striking out "\$1,250,000" and inserting in lieu thereof "\$2,250,000";

On page twenty-eight, after line ten, by inserting the following:

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 0265, fiscal year 2014, 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 2014 Org 0310

	Act- ivity	General Revenue Fund
11a State Park Improvements -		
11b Surplus (R)	763	\$ 1,000,000

Any unexpended balance remaining in the appropriation for State Park Improvements - Surplus (fund 0265, activity 763) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.;

On page thirty-three, after line one hundred twelve, by inserting the following:

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 0420, fiscal year 2014, organization 0508, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

BUREAU OF SENIOR SERVICES

91-Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2014 Org 0508

	Act- ivity	General Revenue Fund
1	Transfer to Division of Human	
2	Services for Health Care and	
3	Title XIX Waiver for	
4	Senior Citizens - Surplus (R) 762	\$ 7,000,000

Any unexpended balance remaining in the appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens - Surplus (fund 0420, activity 762) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 344—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$7,000,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, and in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, and in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, and in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, and in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131,

and in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, and in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, and in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, and in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, and in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, and in the amount of \$65,804.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, and in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, and in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, and in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, and in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, and in the amount of \$25,265 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, and in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, and in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, and in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, and in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development

Office, fund 0256, fiscal year 2001, organization 0307, activity 819, and in the amount of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, and in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, and in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, and in the amount of \$742,930.92 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, and in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, and \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, and in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, and in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, and in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, and in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, and in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, and in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, and in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, and in the amount of \$6,600.22 from the Department of Health and Human Resources,

Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, and in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, and in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, and in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, and in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, and in the amount of \$1,974.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, and in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, and in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, and in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, and in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, and in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, and in the amount of \$2,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, and in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, and in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, and in the amount of

\$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, and in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, and in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, and in the amount of \$500,000 from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, and in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, and in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, and in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, and in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, and in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2014, organization 0310, to the Department of Health and Human

Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, to the Bureau of Senior Services, fund 0420, fiscal year 2014, organization 0508, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

On motion of Senator Prezioso, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S.B. No. 344) were reported by the Clerk, considered simultaneously, and adopted:

On page eleven, in the first Whereas clause, after the words "account balances in the" by striking out the words "Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642,";

On page eighteen, in the Preamble, after the words "fiscal year ending June 30, 2014," by striking out the words "in the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, be decreased by expiring the amount of \$7,000,000, and";

On page thirty-three, after line one hundred twelve, by striking out the following:

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 0420, fiscal year 2014, organization 0508, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

BUREAU OF SENIOR SERVICES

91-Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2014 Org 0508

	Act- ivity	General Revenue Fund
1 Transfer to Division of Human		
2 Services for Health Care and		
3 Title XIX Waiver for		
4 Senior Citizens - Surplus (R)	762	\$ 7,000,000

Any unexpended balance remaining in the appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens - Surplus (fund 0420, activity 762) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 344—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity

859, and in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, and in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, and in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, and in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131, and in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, and in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, and in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, and in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, and in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, and in the amount of \$65,804.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, and in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, and in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, and in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, and in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, and in the amount of \$25,265 from the Department of Commerce,

West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, and in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, and in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, and in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, and in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, and in the amount of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, and in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, and in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, and in the amount of \$742,930.92 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, and in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, and \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, and in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, and in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, and in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, and in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525,

fiscal year 2004, organization 0506, activity 803, and in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, and in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, and in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, and in the amount of \$6,600.22 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, and in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, and in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, and in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, and in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, and in the amount of \$1,974.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, and in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, and in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, and in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, and in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621,

activity 818, and in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, and in the amount of \$2,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, and in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, and in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, and in the amount of \$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, and in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, and in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, and in the amount of \$500,000 from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, and in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, and in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, and in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, and in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, and in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue,

Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2014, organization 0310, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 344, 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 S. B. No. 344) passed with its Senate 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. 344) 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 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. 419, Creating Overdose Prevention 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 46. OVERDOSE PREVENTION ACT.

§16-46-1. Legislative findings.

The Legislature finds that good samaritan policies encourage citizens to seek potentially life-saving medical assistance for themselves or others without worry of disciplinary or punitive action in cases of overdose by alcohol.

§16-46-2. Definitions.

As used in this article:

(1) "Overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria or death, which is caused, in whole or part, by the consumption or use of alcohol.

(2) "Medical assistance" means the professional services provided to a person experiencing an overdose by a health care professional licensed, registered or certified under chapter thirty of this code or this chapter, acting within his or her lawful scope of practice.

§16-46-3. Medical amnesty.

(a) A person who, in good faith and in a timely manner, seeks medical assistance for someone or for himself or herself who appears to be experiencing an overdose and complies with subsection (b) of this section may not be cited, arrested or prosecuted for a violation of section nine, article six, chapter sixty of this code.

(b) A person described in subsection (a) of this section, if physically capable, shall:

(1) Provide his or her own full name if requested by emergency medical assistance personnel;

(2) Provide any other relevant information requested by the emergency medical assistance personnel that is known to such person;

(3) Remain with the individual who reasonably appears to be in need of medical assistance due to an overdose until professional emergency medical assistance is provided; and

(4) Cooperates with emergency medical assistance personnel and law-enforcement officers.

(c) A person who acts pursuant to subsection (a) of this section, and who otherwise qualifies for amnesty under said subsection, may not be subject to any sanction for a violation of a condition of pretrial release, probation, furlough or parole.

(d) A person to whom amnesty is granted pursuant to subsection (a) of this section is thereafter barred from asserting such amnesty with regard to subsequent actual or apparent overdose incidents.

(e) The act of seeking medical assistance for or by someone who appears to be experiencing an overdose shall be considered a mitigating circumstance at sentencing for any other offense.

(f) The amnesty provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person's seeking medical assistance for an overdose and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(g) Except in cases of reckless or intentional misconduct, law enforcement is immune from liability for citing or arresting a person who is later determined to qualify for amnesty under this section.

(h) No provision of this section shall operate to bar prosecution or exclude evidence found in plain view by law enforcement when such prosecution and evidence pertains to use or possession of controlled substances, drug paraphernalia or related items.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 419—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2 and §16-46-3, all relating to creating the Overdose Prevention Act; stating legislative findings; defining terms; providing amnesty for certain alcohol-related misdemeanor offenses; providing conditions giving rise to amnesty and the limitations thereon; and providing exceptions.

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. 419) 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 amendment, as to

Eng. Com. Sub. for Senate Bill No. 623, Requiring notification of certain substance abuse screening of mine personnel.

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 1A. OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING; ADMINISTRATION; SUBSTANCE ABUSE.

§22A-1A-1. Substance abuse screening; minimum requirements; standards and procedures for screening.

(a) Every employer of certified persons, as defined in section two, article one of this chapter, shall implement a substance abuse screening policy and program that shall, at a minimum, include:

(1) A preemployment, ten-panel urine test for the following and any other substances as set out in rules adopted by the Office of Miners' Health, Safety and Training:

- (A) Amphetamines;
- (B) Cannabinoids/THC;
- (C) Cocaine;
- (D) Opiates;
- (E) Phencyclidine (PCP);
- (F) Benzodiazepines;
- (G) Propoxyphene;

- (H) Methadone;
- (I) Barbiturates; and
- (J) Synthetic narcotics.

Split samples shall be collected by providers who are certified as complying with standards and procedures set out in the United States Department of Transportation's rule, 49 CFR Part 40, which may be amended, from time to time, by legislative rule of the Office of Miners' Health, Safety and Training. Collected samples shall be tested by laboratories certified by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) for collection and testing. Notwithstanding the provisions of this subdivision, the mine operator may implement a more stringent substance abuse screening policy and program;

(2) A random substance abuse testing program covering the substances referenced in subdivision (1) of this subsection. "Random testing" means that each person subject to testing has a statistically equal chance of being selected for testing at random and at unscheduled times. The selection of persons for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the persons' social security numbers, payroll identification numbers or other comparable identifying numbers; and

(3) Review of the substance abuse screening program with all persons required to be tested at the time of employment, upon a change in the program and annually thereafter.

(b) For purposes of this subsection, preemployment testing shall be required upon hiring by a new employer, rehiring by a former employer following a termination of the employer/employee relationship or transferring to a West Virginia mine from an employer's out-of-state mine to the extent that any substance abuse

test required by the employer in the other jurisdiction does not comply with the minimum standards for substance abuse testing required by this article. Furthermore, the provisions of this section apply to all employers that employ certified persons who work in mines, regardless of whether that employer is an operator, contractor, subcontractor or otherwise.

~~(c) The employer or his or her agent shall notify the director at least quarterly, on a form prescribed by the director, of the number of preemployment substance abuse screening tests administered during the prior calendar quarter and the number of positive test results associated with the substance abuse screening tests administered.~~

~~(d) The employer or his or her agent shall notify the director, on a form prescribed by the director, within seven days following completion of an arbitration conducted pursuant to a collective bargaining agreement applicable to the certified person, if any, of discharging a certified person for violation of the employer's substance abuse screening policy and program. The notification shall be accompanied by a record of the test showing positive results or other violation.~~

(1) Every employer shall notify the director, on a form prescribed by the director, within seven (7) days of any of the following:

(A) A positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test or post-accident test;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(2) With respect to any certified person subject to a collective bargaining agreement, the employer shall notify the director, on a form prescribed by the director, within seven (7) days of any of the following: *Provided*, That notification pursuant to this subdivision shall not result in the immediate temporary suspension, suspension or revocation of any certificate held by a certified person who is subject to a collective bargaining agreement unless and until the arbitration is concluded and the discharge is upheld:

(A) A positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test or post-accident test;

(B) The refusal of a certified person to submit a sample;

(C) A certified person possessing a substituted sample or an adulterated sample; or

(D) A certified person submitting a substituted sample or an adulterated sample.

(3) When the employer submits the completed notification form prescribed by the director, the employer shall also submit a copy of the laboratory test results showing the substances tested for and the results of the test.

(4) Notice shall result in the immediate temporary suspension of all certificates held by the certified person who failed the screening, pending a hearing before the board of appeals pursuant to section two of this article: *Provided*, That notification pursuant to this subsection shall not result in the immediate temporary suspension of any certificate held by a certified person who is subject to a collective bargaining agreement unless and until the arbitration is concluded and the discharge is upheld, and no certificate held by a certified person who is subject to a collective bargaining agreement shall be suspended or revoked unless the discharge is upheld in arbitration.

(e) (d) Suspension or revocation of a certified person's certificate as a miner or other miner specialty in another jurisdiction by the applicable regulatory or licensing authority for substance abuse-related matters shall result in the director immediately and temporarily suspending the certified person's West Virginia certificate until such time as the certified person's certification is reinstated in the other jurisdiction.

(f) (e) The provisions of this article shall not be construed to preclude an employer from developing or maintaining a drug and alcohol abuse policy, testing program or substance abuse program that exceeds the minimum requirements set forth in this section. The provisions of this article shall also not be construed to require an employer to alter, amend, revise or otherwise change, in any respect, a previously established substance abuse screening policy and program that meets or exceeds the minimum requirements set forth in this section. The provisions of this article shall require an employer to subject its employees who as part of their employment are regularly present at a mine and who are employed in a safety-sensitive position to preemployment and random substance abuse tests: *Provided*, That each employer shall retain the discretion to establish the parameters of its substance abuse screening policy and program so long as it meets the minimum requirements of this article. For purposes of this section, a "safety-sensitive position" means an employment position where the employee's job responsibilities include duties and activities that involve the personal safety of the employee or others working at a mine.

On motion of Senator Kirkendoll, the following amendment to the House of Delegates amendment to the bill was reported by the Clerk and adopted:

On page five, section one, subsection (c), subdivision (4), after the words "upheld in arbitration", by changing the period to a colon and inserting the following proviso: *Provided, however*, That if the certified person terminates his or her employment or voluntarily removes himself or herself from the grievance or arbitration

procedure, the certified person may be immediately, temporarily decertified pursuant to this article.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill No. 623, 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 S. B. No. 623) 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. 623) 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 again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 8:09 p.m. tonight:

Eng. Com. Sub. for House Bill No. 4208, Banning synthetic hallucinogens.

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 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. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Fleischauer, Ferro and Ireland.

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. House Bill No. 4286, Captive Cervid Farming Act.

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 Williams, D. Hall and Sypolt.

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 8:45 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 8:46 p.m. tonight:

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

On motion of Senator Unger, the Senate recessed for five minutes for the purpose of holding a meeting of the Committee on Rules at the rostrum.

Upon expiration of the recess, the Senate reconvened and resumed business under the fifth order.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 8:59 p.m. tonight:

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 6, Regulating sale of drug products used in manufacture of methamphetamine.

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. Senate Bill No. 88, Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

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 §33-22-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §38-10E-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 33. INSURANCE.

ARTICLE 22. FARMERS' MUTUAL FIRE INSURANCE COMPANIES.

§33-22-2. Applicability of other provisions.

Each company to the same extent that provisions are applicable to domestic mutual insurers shall be governed by and be subject to the following provisions of this chapter, but only to the extent these provisions are not inconsistent with ~~the provisions of~~ this article: Article one (definitions); article two (Insurance Commissioner); article four (general provisions), except that section sixteen ~~of said~~, article four, may not be applicable ~~thereto~~; article seven (assets and liabilities); article eight-a (use of clearing corporations and federal reserve book-entry system); article ten (rehabilitation and liquidation), except that under ~~the provisions of~~ section thirty-two ~~of said~~, article ten, assessments may not be levied against any former member of a farmers' mutual fire insurance company who is no longer a member of the company at the time the order to show cause was issued; article eleven (unfair trade practices); article twelve (insurance producers and solicitors), except that the agent's license fee shall be \$5; section six-a, article seventeen (notice of noncoverage of flood damages and the availability of flood insurance); section nine-b, article seventeen (claims for total loss; debris removal proceeds); article twenty-six (West Virginia Insurance Guaranty Association Act); article twenty-seven (insurance holding company systems); article thirty (mine subsidence insurance), except that under ~~the provisions of~~ section six ~~of said~~, article thirty, a farmers' mutual insurance company shall have the option of offering mine subsidence coverage to all of its policyholders, but may not be required to do so; article thirty-three (annual audited financial report); article thirty-four (administrative supervision); ~~article thirty-four-a (standards and commissioner's authority for companies considered to be in hazardous financial condition)~~; article thirty-five (criminal sanctions for failure to report impairment); article thirty-six (business transacted with Producer-Controlled Property-Casualty Insurer Act); article thirty-seven (managing general agents); article thirty-nine (disclosure of material transactions); article forty (risk-based capital for insurers); and article forty-one (Insurance Fraud Prevention Act).

CHAPTER 38. LIENS.

ARTICLE 10E. LIEN ON INSURANCE PROCEEDS FOR DEBRIS REMOVAL.**§38-10E-1. Debris removal; notice of insurance proceeds; lien of municipality and county.**

(a) (1) Notwithstanding any provision of this code to the contrary, the receipt by an insurance company of a claim under a fire insurance policy for a total loss to real property creates a statutory lien on the insurance proceeds payable for such claim in favor of the municipality in which the property is situate or, if the property is located outside a municipality, the county in which the property is situate, in an amount equal to the greater of: (A) Five thousand dollars; or (B) ten percent of the policy limits for loss to the real property, including any coverage for debris removal: *Provided*, That the amount of the lien may not exceed the policy limits of coverage for the real property plus debris removal, if any: *Provided, however*, That the lien created by this subsection does not apply to proceeds payable under the policy for any losses other than those to the real property insured, including loss of personal property and payments for temporary housing and related living expenses: *Provided further*, That the lien amount imposed against proceeds payable under policies issued by farmers' mutual fire insurance companies pursuant to article twenty-two, chapter thirty-three of this code shall in no event exceed ten percent of the policy limits for loss to the real property, including any coverage for debris removal.

(2) The terms "municipality" and "treasurer" have the same meanings ascribed to them in section two, article one, chapter eight of this code.

(b) Within ten days of a determination by the insurer that a covered claim constitutes a total loss, the insurance company shall send certified letters to the insured and, as applicable, to the treasurer of the municipality in which the property is situate or, if the property is situate outside a municipality, to the sheriff of the county in which the property is situate, stating any amount claimed; the limits and conditions of coverage; the location of the property; the

terms and limits of coverage designated by the insurance policy for securing, cleanup and removal, if any; any time limitations imposed on the insured for securing, cleanup and removal; and the policyholder's name and mailing address.

(c) (1) The lien created pursuant to subsection (a) of this section shall be discharged unless the municipality or county, whichever is applicable, within thirty days of the receipt of the letter sent in accordance with subsection (b) of this section, perfects and preserves such lien by filing a notice thereof with the clerk of the county commission of the county in which such property is situate: *Provided*, That upon filing of a notice of lien in accordance with this subdivision, the amount of the lien created in subsection (a) of this section shall thereafter be for the estimated cost of cleanup contained in such notice of lien, subject to the limitation stated in subsection (a) of this section with respect to policies issued by farmers' mutual insurance companies: *Provided, however*, That the discharge of a lien based on the municipality's or county's failure to file a notice pursuant to this subdivision does not affect any other remedies the municipality or county may have with respect to such property or the liability of the property owner.

(2) A notice of lien filed in accordance with this subsection shall include a statement of the estimated cost to the municipality or county for the cleanup of the damaged property, removal of any refuse, debris, remnants or remains of the building and appurtenances, and securing the structure: *Provided*, That such estimated cost may not exceed the amount of the lien created pursuant to subsection (a) of this section.

(3) A notice of lien filed in accordance with this section shall be notarized and shall be sufficient if in form and effect as follows:

Notice of Lien for Debris Removal

To (name of insurance company):

You will please take notice that the undersigned, on behalf of the (municipality or county) (of County, if a municipality), West Virginia, has estimated that the cost of removing debris and otherwise cleaning up (a certain building, other structure or improvement) on real estate known as (an adequate and ascertainable description of the real estate) would be (estimated cleanup cost).

You are further notified that, in order to secure the payment of ~~such sum~~ the amount allowed by the provisions of subsection (a), section one, article ten-e, chapter thirty-eight of the West Virginia Code, the undersigned, on behalf of the (municipality or county) and pursuant to the provisions of section one, article ten-e, chapter thirty-eight of the West Virginia Code, claims a lien in such amount upon the interest of (policyholder's name) in a fire insurance policy (the policy number or other identifying information) issued by (the insurance company's name and address).

(Signature of treasurer or municipal officer exercising the power and authority commonly exercised by a treasurer, or sheriff).

(Title)

(d) The clerk of the county commission shall, upon the filing of such notice, index the same in a book in his or her office called "Debris Removal Liens" as a lien against the insurance proceeds in favor of the municipality or county and shall send a copy of the notice to the insurer.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 88—A Bill to amend and reenact §33-22-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-10E-1 of said code, all relating to farmers' mutual fire

insurance companies; removing outdated language; clarifying obligations and liability of farmers' mutual fire insurance companies; imposing limited lien on proceeds under policies issued by farmers' mutual fire insurance companies; providing for notice of a total loss determination; and providing for perfection of statutory lien and release under certain conditions.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 88, 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, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Green and D. Hall—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 88) 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. Com. Sub. for Senate Bill No. 253, Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

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 two, line twenty-three, by striking out the word “behavior” and inserting in lieu thereof the word “behavioral”;

On page four, section four, line fifteen, by striking out the word “mental/behavior” and inserting in lieu thereof the words “mental or behavioral”;

On page five, section four, line thirty-two, after the words “Increase in” by inserting the word “the”;

On page five, section four, line thirty-four, after the word “birth” by inserting the word “the”;

On page six, section four, line forty-nine, after the words “Increase in” by inserting the word “the”;

On page six, section four, line fifty-one, after the words “Increase in” by inserting the word “the”;

On page six, section four, line fifty-two, by striking out the word “job” and inserting in lieu thereof the words “the workforce”;

And,

On page seven, section four, line sixty-two, after the words “Increase in” by inserting the word “the”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 253, 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, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Green and D. Hall—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 253) 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 Senate Bill No. 267, Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

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:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.

§6-9-2c. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

(a) It is unlawful for any person to use a local government purchasing card, issued in accordance with the provisions of section two-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section two-a of this article or the rules promulgated pursuant to that section.

(b) It is unlawful for any person to knowingly or intentionally possess with the intent to use a purchasing card without authorization pursuant to section two-a of this article or the rules promulgated pursuant to that section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility not less than one year nor more than five years, or fined no more than \$5,000, or both fined and imprisoned.

(d) A violation of this section may be prosecuted in the county in which the card was issued, unlawfully obtained, fraudulently used, used without authorization or where any substantial or material element of the offense occurred.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10b. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

(a) It is unlawful for any person to use a state ~~purchase~~ purchasing card, issued in accordance with the provisions of section ten-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section ten-a of this article or the rules promulgated pursuant to that section.

(b) It is unlawful for any person to knowingly or intentionally possess with the intent to use a purchasing card without authorization pursuant to section ten-a of this article or the rules promulgated pursuant to that section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be ~~confined~~ imprisoned in the penitentiary not less than one year nor more than five years, or fined no more than \$5,000, or both fined and imprisoned.

(d) A violation of this section may be prosecuted in the county in which the card was issued, unlawfully obtained, fraudulently used, used without authorization or where any substantial or material element of the offense occurred.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 267, 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. 267) 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 passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, of

Eng. Com. Sub. for Senate Bill No. 315, Clarifying use of certain funds under Military Authority Act.

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 from passage, instead of ninety days from passage.

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. 315) 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. 350, Requiring Agriculture Commissioner propose legislative rules for Rural Rehabilitation Loan Program.

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 eleven, lines twenty-seven and twenty-eight, by striking out all of subdivision (8) and inserting in lieu thereof a new subdivision, designated subdivision (8), to read as follows:

(8) Transfer the servicing of the program loans to a financial institution via competitive bid or to the State Treasurer's Office.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 350, 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. 350) 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. 350) 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, 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. 353,
Relating to timber theft in state forests.

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 Com. Sub. for Senate Bill No. 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-3b, relating to creating the offense of timber theft from state forests; providing the Division of Forestry authority to investigate and enforce timber theft violations in state forests for research and investigative purposes; directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; and setting forth criminal and civil penalties.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 353, 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. 353) 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. 356,
Relating to purchasing reforms.

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 §5A-1-1 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 §5A-1-10; that §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-5, §5A-3-11, §5A-3-17, §5A-3-28, §5A-3-30 and §5A-3-31 of said code be amended and reenacted; that said code be amended by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60; and that §12-3-10d of said code be amended and reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-1. Definitions.

For the purpose of this chapter:

(1) “Commodities” means supplies, material, equipment ~~contractual services~~, and any other articles or things used by or furnished to a department, agency or institution of state government.

~~(2) “Contractual services” means telephone, telegraph, electric light and power, water and similar services.~~

(2) “Contract” means an agreement between a state spending unit and a vendor relating to the procurement of commodities or services, or both.

(3) “Debarment” means the exclusion of a vendor from the right to bid on contracts to sell goods or supply services to the state or its subdivisions for a specified period of time.

(4) “Director” means the director of the division referred to in the heading of the article in which the word appears.

(5) “Electronic” means electrical, digital, magnetic, optical, electromagnetic or any other similar technology.

(6) “Electronic transmission” or “electronically transmitted” means any process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval and reproduction of information by the recipient.

(7) “Expendable commodities” means those commodities which, when used in the ordinary course of business, will become consumed or of no market value within the period of one year or less.

(8) “Grant” means the furnishing of assistance, financial or otherwise, to any person or entity to support a program authorized by law.

~~(8)~~ (9) “Nonprofit workshops” means an establishment: (A) Where any manufacture or handiwork is carried on; (B) which is operated either by a public agency or by a cooperative or by a nonprofit private corporation or nonprofit association, in which no part of the net earnings thereof inures, or may lawfully inure, to the benefit of any private shareholder or individual; (C) which is operated for the primary purpose of providing remunerative employment to blind or severely disabled persons who cannot be absorbed into the competitive labor market; and (D) which shall be approved, as evidenced by a certificate of approval, by the State Board of Vocational Education, Division of Vocational Rehabilitation.

~~(9)~~ (10) “Printing” means printing, binding, ruling, lithographing, engraving and other similar services.

(11) “Procurement” means the buying, purchasing, renting, leasing or otherwise obtaining of commodities or services.

(12) “Public funds” means funds of any character, including federal moneys, belonging to or in the custody of any state spending unit.

~~(10)~~ (13) “Record” means information that is inscribed on a read-only tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(11)~~ (14) “Removable property” means any personal property not permanently affixed to or forming a part of real estate.

~~(12)~~ (15) “Request for quotations” means a solicitation for a bid where cost is the primary factor in determining the award.

~~(13)~~ (16) “Responsible bidder” means a vendor who has the capability to fully perform the contract requirements and the integrity and reliability which will assure good-faith performance.

~~(14)~~ (17) “Responsive bidder” means a vendor who has submitted a bid which conforms in all material respects to the bid solicitation.

~~(15)~~ (18) “Secretary” means the Secretary of Administration.

(19) “Services” means the furnishing of labor, time, expertise or effort, not involving the delivery of a specific end commodity or product other than one that may be incidental to the required performance.

~~(16)~~ (20) “Spending officer” means the executive head of a spending unit, or a person designated by him or her.

~~(17)~~ (21) “Spending unit” means a department, bureau, department, division, office, board commission, authority, agency or institution of the state government for which an appropriation is requested of the Governor, or to which an appropriation is made by the Legislature, unless a specific exemption from this chapter is provided in this code.

~~(18)~~ (22) “The state and its subdivisions” means the State of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities and all county boards of education.

~~(19)~~ (23) “Vendor” means any person or entity that ~~is registered with the purchasing division to~~ may, through contract or other means, supply the state or its subdivisions with commodities or services, and lessors of real property.

§5A-1-10. General procurement provisions for state spending units.

(a) Unless this code specifically provides to the contrary, all spending units, whenever possible, shall base purchases for commodities and services on a competitive process and utilize available statewide contracts.

(b) The secretary shall issue a notice to cease and desist to any spending unit when the secretary has credible evidence that a spending unit has failed, whenever possible, to purchase commodities and services on a competitive basis or to use available statewide contracts. Failure to abide by such notice may result in penalties set forth in section seventeen, article three of this chapter.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-1. Division created; purpose; director; applicability of article; continuation.

(a) The Purchasing Division within the Department of Administration is continued. ~~for the purpose of establishing centralized offices to provide purchasing, and travel services to the various state agencies.~~ The underlying purposes and policies of the Purchasing Division are:

(1) To establish centralized offices to provide purchasing and travel services to the various state agencies;

(2) To simplify, clarify and modernize the law governing procurement by this state;

(3) To permit the continued development of procurement policies and practices;

(4) To make as consistent as possible the procurement rules and practices among the various spending units;

(5) To provide for increased public confidence in the procedures followed in public procurement;

(6) To ensure the fair and equitable treatment of all persons who deal with the procurement system of this state;

(7) To provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;

(8) To foster effective broad-based competition within the free enterprise system;

(9) To provide safeguards for the maintenance of a procurement system of quality and integrity; and

(10) To obtain in a cost-effective and responsive manner the commodities and services required by spending units in order for those spending units to better serve this state's businesses and residents.

(b) The Director of the Purchasing Division shall, at the time of appointment:

(1) Be a graduate of an accredited college or university; and

(2) Have spent a minimum of ten of the fifteen years immediately preceding his or her appointment employed in an executive capacity in purchasing for any unit of government or for any business, commercial or industrial enterprise.

(c) The provisions of this article apply to all of the spending units of state government, except as otherwise provided by this article or by law.

(d) The provisions of this article do not apply to the judicial branch, the legislative branch, to purchases of stock made by the Alcohol Beverage Control Commissioner and to purchases of textbooks for the State Board of Education.

(e) The provisions of this article apply to every expenditure of public funds by a spending unit for commodities and services irrespective of the source of the funds.

§5A-3-3. Powers and duties of Director of Purchasing.

The director, under the direction and supervision of the secretary, shall be the executive officer of the Purchasing Division and shall have the power and duty to:

(1) Direct the activities and employees of the Purchasing Division;

(2) Ensure that the purchase of or contract for commodities and services shall be based, whenever possible, on competitive bid;

(3) ~~Purchasing~~ Purchase or contract for, in the name of the state, the commodities, services and printing required by the spending units of the state government;

(4) Apply and enforce standard specifications established in accordance with section five of this article as hereinafter provided;

(5) Transfer to or between spending units or sell commodities that are surplus, obsolete or unused as hereinafter provided;

(6) Have charge of central storerooms for the supply of spending units, as the director deems advisable;

(7) Establish and maintain a laboratory for the testing of commodities and make use of existing facilities in state institutions for that purpose as hereinafter provided, as the director deems advisable;

(8) Suspend the right and privilege of a vendor to bid on state purchases when the director has evidence that such vendor has violated any of the provisions of the purchasing law or the rules and regulations of the director;

(9) Examine the provisions and terms of every contract entered into for and on behalf of the State of West Virginia that impose any obligation upon the state to pay any sums of money for commodities or services and approve each such contract as to such provisions and terms; and the duty of examination and approval herein set forth does not supersede the responsibility and duty of the Attorney General to approve such contracts as to form: *Provided*, That the provisions of this subdivision do not apply in any respect whatever

to construction or repair contracts entered into by the Division of Highways of the Department of Transportation: *Provided, however,* That the provisions of this subdivision do not apply in any respect whatever to contracts entered into by the University of West Virginia Board of Trustees or by the Board of Directors of the State College System, except to the extent that such boards request the facilities and services of the director under the provisions of this subdivision; ~~and~~

(10) Assure that the specifications and ~~commodity~~ descriptions in all ~~“requests for quotations”~~ solicitations are prepared so as to ~~permit~~ provide all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid and to assure that the specifications and descriptions do not favor a particular brand or vendor. If the director determines that any such specifications or descriptions as written favor a particular brand or vendor or if it is decided, either before or after the bids are opened, that a commodity or service having different specifications or quality or in different quantity can be bought, the director may rewrite the ~~“requests for quotations”~~ solicitation and the matter shall be rebid; and

(11) Issue a notice to cease and desist to a spending unit when the director has credible evidence that a spending unit has violated competitive bidding or other requirements established by this article and the rules promulgated hereunder. Failure to abide by such notice may result in penalties set forth in section seventeen of this article.

§5A-3-4. Rules of director.

(a) The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to:

(1) Authorize a spending unit to purchase specified commodities and services directly and prescribe the manner in which such purchases shall be made;

(2) Authorize, in writing, a spending unit to purchase commodities and services in the open market for immediate delivery in emergencies, ~~defines~~ define emergencies and prescribe the manner in which such purchases shall be made and reported to the director;

(3) Prescribe the manner in which commodities and services shall be purchased, delivered, stored and distributed;

(4) Prescribe the time for making requisitions and estimates of commodities and services, the future period which they are to cover, the form in which they shall be submitted and the manner of their authentication;

(5) Prescribe the manner of inspecting all deliveries of commodities, and making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(6) Prescribe the amount and type of deposit or bond to be submitted with a bid or contract and the amount of deposit or bond to be given for the faithful performance of a contract;

(7) Prescribe a system whereby the director shall be required, upon the payment by a vendor of an annual fee established by the director, to give notice to such vendor of all bid solicitations for commodities and services of the type with respect to which such vendor specified notice was to be given, but no such fee shall exceed the cost of giving the notice to such vendor, nor shall such fee exceed the sum of \$125 per fiscal year nor shall such fee be charged to persons seeking only reimbursement from a spending unit;

(8) Prescribe that each state contract entered into by the Purchasing Division shall contain provisions for liquidated damages, remedies or provisions for the determination of the amount or amounts which the vendor shall owe as damages, in the event of default under such contract by such vendor, as determined by the director;

(9) Prescribe contract management procedures for all state contracts except government construction contracts including, but not limited to, those set forth in article twenty-two, chapter five of this code;

(10) Prescribe procedures by which oversight is provided to actively monitor spending unit purchases, including, but not limited to, all technology and software commodities and ~~contractual~~ services exceeding \$1 million, approval of change orders and final acceptance by the spending units;

(11) Prescribe that each state contract entered into by the Purchasing Division contain provisions for the cancellation of the contract upon thirty days' notice to the vendor;

(12) Prescribe procedures for selling surplus commodities to the highest bidder by means of an internet auction site;

(13) Provide such other matters as may be necessary to give effect to the foregoing rules and the provisions of this article; and

(14) Prescribe procedures for encumbering purchase orders to ensure that the proper account may be encumbered before sending purchase orders to vendors.

(b) The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to prescribe qualifications to be met by any person who is to be employed in the Purchasing Division as a state buyer. The rules must provide that a person may not be employed as a state buyer unless he or she at the time of employment either is:

(1) A graduate of an accredited college or university; or

(2) Has at least four years' experience in purchasing for any unit of government or for any business, commercial or industrial enterprise.

Persons serving as state buyers are subject to the provisions of article six, chapter twenty-nine of this code.

§5A-3-5. Purchasing section standard specifications – promulgation and adoption by director; applicable to all purchases.

(a) The director shall promulgate and adopt standard specifications based on scientific and technical data for appropriate commodities and services, which shall establish the quality to which commodities to be purchased and services to be contracted for by the state must conform.

(b) Standard specifications shall apply to every future purchase of or contract for the commodities or services described in the specifications and shall include information relating to the cost of maintenance and expected life of the commodity if the director determines there are nationally accepted industry standards for the commodity.

(c) No purchases by any spending unit may be exempt from compliance with the standard specifications so established, but the director may exempt the purchase of particular items from the standard specifications if it is considered necessary and advisable.

(d) The director shall update the standard specifications, as necessary.

§5A-3-10d. Reverse auctions.

(a) Notwithstanding any other provision of this code, the director is hereby authorized to initiate reverse auctions to procure commodities. The director may not use reverse auctions for the procurement of services under any circumstances.

(b) Reverse auctions may be utilized if the director determines their use would be fair, economical and in the best interests of the state, and the commodities to be procured:

- (1) Are subject to low price volatility;

(2) Have specifications that are common and not complex;

(3) Vary little between suppliers;

(4) Are sourced primarily based on price, with limited ancillary considerations;

(5) Require little collaboration from suppliers; and

(6) Are sold by a large, competitive supply base.

(c) For purposes of this section, “reverse auction” means a process by which bidders compete to provide commodities in an open and interactive market, including, but not limited to, the internet. Reverse auction bids are opened and made public upon receipt by the director, and then bidders are given the opportunity to submit revised bids until the bidding process is complete. The contract is awarded to the lowest responsible bidder.

(d) The director may contract with qualified, industry-recognized third-party vendors to conduct reverse auctions on behalf of the director.

(e) The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to establish the procedures for conducting reverse auctions. The rules shall include procedures for contracting with qualified, industry-recognized third-party vendors.

§5A-3-10e. Master contracts; direct ordering process.

(a) Subject to the limitations of this section, the director may permit spending units to procure commodities directly from a preapproved vendor through a master contract direct ordering process if the director determines the process is fair, economical and in the best interests of the state.

(b) *Definitions.* – For purposes of this section:

(1) “Information technology” means hardware and software related to electronic processing and storage, retrieval, transmittal and manipulation of data.

(2) “Master contract” means an agreement, having a term of no more than one year, between the Purchasing Division and at least two preapproved vendors authorizing a spending unit to purchase a commodity directly and on a recurrent basis through the direct ordering process.

(3) “Preapproved vendor” means a “vendor”, as that term is defined in section one, article one, chapter five-a of this code, that has entered into a master contract with the Purchasing Division and may participate in the direct ordering process subject to the terms and conditions of the master contract.

(4) “Direct ordering process” means the competitive bidding process whereby the preapproved vendors that are parties to a master contract may submit sealed bids directly to spending units to provide a commodity identified in the master contract subject to the limitations set forth in this section.

(c) *Master contract procedures.* –

(1) For each master contract, the director shall set forth the requirements, technical or otherwise, under which a vendor may be qualified to supply a commodity through the direct ordering process. For each master contract, the director shall follow the notice and advertising requirements set forth in section ten, article three, chapter five-a of this code.

(2) A master contract may authorize the direct ordering process for only one type of commodity.

(3) A vendor may submit information to the director to establish that it meets the requirements set forth in the master contract.

(4) If the director determines that a vendor meets the requirements set forth in the master contract, the vendor may enter into the master contract as a preapproved vendor.

(d) *Direct ordering procedures.* –

(1) A spending unit may commence the direct ordering process by issuing a request for a commodity identified in the master contract, stating in the request the quantity of the commodity to be procured in that particular instance.

(2) The preapproved vendor that submits the lowest bid in response to the request shall be awarded the procurement in that particular instance.

(3) The direct ordering process may not be utilized for any request for commodities, other than information technology, anticipated to cost more than \$50,000, unless approved in writing by the Director of Purchasing. The state may not issue a series of orders each anticipated to cost less than \$50,000 to circumvent the monetary limitation in this subsection.

(4) The direct ordering process may not be utilized for any request for information technology anticipated to cost more than \$1 million, unless approved in writing by the Director of Purchasing. The state may not issue a series of orders each anticipated to cost less than \$1 million to circumvent the monetary limitation in this subsection.

(e) *Rule-making authority.* – The Director of the Purchasing Division shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement this section, including, but not limited to, provisions to establish procedures for the solicitation and authorization of master contracts, preapproval of vendors and implementation of direct ordering.

§5A-3-11. Purchasing in open market on competitive bids; debarment; bids to be based on written specifications; period for alteration or withdrawal of bids; awards to lowest responsible bidder; uniform bids; record of bids; requirements of vendors to pay taxes, fees and debts; exception; grant exemption.

(a) The director may make a purchase of commodities, printing and services of \$25,000 or less in amount in the open market, but the purchase shall, wherever possible, be based on at least three competitive bids and shall include the cost of maintenance and expected life of the commodities if the director determines there are nationally accepted industry standards for the commodities being purchased.

(b) The director may authorize spending units to purchase commodities, printing and services in the amount of \$2,500 or less in the open market without competitive bids: *Provided*, That the cost of maintenance and expected life of the commodities must be taken into consideration if the director determines there are nationally accepted industry standards for the commodities being purchased.

(c) Bids shall be based on the written specifications in the advertised bid request and may not be altered or withdrawn after the appointed hour for the opening of the bids.

(d) A vendor who has been debarred pursuant to the provisions of sections ~~thirty-three-a~~ thirty-three-b through thirty-three-f ~~article three, chapter five-a~~ of this ~~code~~ article may not bid on or be awarded a contract under this section.

(e) All open market orders, purchases based on advertised bid requests or contracts made by the director or by a state department shall be awarded to the lowest responsible bidder or bidders, taking into consideration the qualities of the commodities or services to be supplied, their conformity with specifications, their suitability to the requirements of the government, the delivery terms and, if the

director determines there are nationally accepted industry standards, cost of maintenance and the expected life of the commodities: *Provided*, That state bids on school buses shall be accepted from all bidders who shall then be awarded contracts if they meet the state board's Minimum Standards for Design and Equipment of School Buses. County boards of education may select from those bidders who have been awarded contracts and shall pay the difference between the state aid formula amount and the actual cost of bus replacement. Any or all bids may be rejected.

(f) If all bids received on a pending contract are for the same unit price or total amount, the director has the authority to reject all bids and to purchase the required commodities, printing and services in the open market if the price paid in the open market does not exceed the bid prices.

(g) The bid must be received by the Purchasing Division prior to the specified date and time of the bid opening. The failure to deliver or the nonreceipt of the bid by the Purchasing Division prior to the appointed date and hour shall result in the rejection of the bid. The vendor is solely responsible for the receipt of bid by the Purchasing Division prior to the appointed date and hour of the bid opening. All bids will be opened publicly by two or more persons from the Purchasing Division. Vendors will be given notice of the day, time and place of the public bid opening. Bids may be viewed immediately after being opened.

(h) After the award of the order or contract, the director, or someone appointed by him or her for that purpose, shall indicate upon the successful bid that it was the successful bid. Thereafter, the copy of each bid in the possession of the director shall be maintained as a public record, shall be open to public inspection in the office of the director and may not be destroyed without the written consent of the Legislative Auditor.

(i) (1) A grant awarded by the state is exempt from the competitive bidding requirements set forth in this chapter unless the

grant is used to procure commodities or services that directly benefit a spending unit.

(2) If a grant awarded to the state requires the procurement of commodities or services that will directly benefit a spending unit, the procurement is not exempt from the competitive bidding requirements set forth in this chapter.

(3) If a grant awarded to the state requires the state to transfer some or all of the grant to an individual, entity or vendor as a subgrant to accomplish a public purpose, and no contract for commodities or services directly benefitting a spending unit will result, the subgrant is not subject to the competitive bidding requirements set forth in this chapter.

§5A-3-17. Purchases or contracts violating article void; personal liability.

If a spending unit purchases or contracts for commodities or services contrary to the provisions of this article or the rules and regulations made thereunder, such purchase or contract shall be void and of no effect. The head spending officer of such spending unit, or any other individual charged with responsibility for the purchase or contract, shall be personally liable for the costs of such purchase or contract, and, if already paid out of state funds, the amount thereof may be recovered in the name of the state in an appropriate action instituted therefor: *Provided, That the state establishes by a preponderance of the evidence that the individual acted knowingly and willfully.*

§5A-3-28. Financial interest of secretary, etc.; receiving reward from interested party; penalty; application of bribery statute.

(a) Neither the secretary, nor the director nor any employee of the Division of Purchasing, shall be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase of any commodities, services or printing, nor in any firm, partnership, corporation or association furnishing them. Neither the secretary, nor the director nor any employee of the Division of Purchasing,

shall accept or receive directly or indirectly from any person, firm or corporation, known by such secretary, director or employee to be interested in any bid, contract or purchase, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

(b) A person who violates this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail not less than three months nor more than one year, or fined not less than \$50 nor more than \$1,000, or both, in the discretion of the court: *Provided*, That any person who violates any of the provisions of the last sentence of the first paragraph of this section under circumstances constituting the crime of bribery under the provisions of section three, article five-a, chapter sixty-one of this code, shall, upon conviction of bribery, be punished as provided in said article.

§5A-3-30. Statement of purpose; obtaining money and property under false pretenses or by fraud from the state; penalties; definition.

(a) The Legislature of the State of West Virginia hereby declares that the purpose of this statute is to promote equal and fair bidding for the purchase of commodities and services by the state ~~and any political subdivision of the state purchasing commodities under any state contract~~, to eliminate fraud in the procurement of commodities and services by the state.

(b) It is unlawful for any person to obtain any services, money, goods or other property from the state ~~or any political subdivision of the state~~ under any contract made under the provisions of this article, by false pretense, token or representation, or by delivery of inferior commodities, with intent to defraud. A person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than one year nor more than five years, and shall be fined not exceeding ~~\$1,000~~ \$10,000.

(c) It shall not be a defense to a charge under this section that: (1) The commodities or services purchased were accepted and used, or

are being used, by the state; ~~or a political subdivision of the state;~~ or (2) the commodities or services are functional or suitable for the purpose for which the commodities or services were purchased by the state ~~or a political subdivision of the state~~ notwithstanding the standard or specification issued by the purchasing agency or the division of purchasing.

(d) For the purpose of this section, “inferior commodities” includes, but shall not be limited to: (1) Any commodity which does not meet the specification or standard issued by the purchasing agency and the Division of Purchasing, or any change order approved by both the purchasing agency and Division of Purchasing; and (2) any commodity which is of a lesser quality, quantity or measure of any kind set forth within the specification or standard issued by the purchasing agency and the Division of Purchasing.

§5A-3-31. Corrupt actions, combinations, collusions or conspiracies prohibited; penalties.

(a) It shall be unlawful for any person to corruptly act alone or combine, collude or conspire with one or more other persons with respect to the purchasing or supplying of services, commodities or printing to the state under the provisions of this article if the purpose or effect of such action, combination, collusion or conspiracy is either to: (1) Lessen competition among prospective vendors; or (2) cause the state to pay a higher price for such services, commodities or printing than would be or would have been paid in the absence of such action, combination, collusion or conspiracy; or (3) cause one prospective vendor or vendors to be preferred over one or more other prospective vendor or vendors.

(b) Any person who violates any provision of this section ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be ~~confined~~ imprisoned in the penitentiary a state correctional facility not less than one nor more than five years, and be fined not exceeding ~~\$5,000~~ \$10,000.

§5A-3-60. Annual purchasing training.

(a) All executive department secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads are hereby required to take two hours of training on purchasing procedures and purchasing cards annually.

(b) The Director of the Purchasing Division and the Auditor shall offer the two-hour training required by this section at least two times per year and shall develop its substance in accordance with the requirements of this article and other relevant provisions of this code. The training shall be recorded by audio and visual means and shall be made available to the individuals listed in subsection (a) of this section in the event they are unable to attend the training in person.

(c) All individuals listed in subsection (a) of this section shall certify, in writing and on a form developed by the Director of the Purchasing Division, the date, time, location and manner in which they took the training. Completed forms shall be returned to the director and maintained in his or her office.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10d. Purchasing Card Fund created; expenditures.

(a) All money received by the state pursuant to any agreement with vendors providing purchasing charge cards, and any interest or other return earned on the money, shall be deposited in a special revenue revolving fund, designated the Purchasing Card Administration Fund, in the State Treasury to be administered by the Auditor. The fund shall be used to pay all expenses incurred by the Auditor in the implementation and operation of the Purchasing Card Program and may be used to pay expenses related to the general operation of the Auditor's office. The Auditor also may use the fund to pay expenses incurred by spending units associated with the use

of the card, including system and program enhancements, and inspection and monitoring of compliance with all applicable rules and procedures. Expenditures from the fund shall be made in accordance with appropriations by the Legislature pursuant to the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter five-a of this code.

(b) Within three days of receiving rebate moneys resulting from state spending unit purchasing card purchases, the Auditor shall transfer fifteen and one-half percent of such rebate moneys to the Purchasing Improvement Fund created pursuant to section fifty-eight, article three, chapter five-a of this code.

(c) Within three days of receiving rebate moneys resulting from state spending unit purchasing card purchases, the Auditor shall transfer ~~fifteen and one-half~~ ten percent of such rebate moneys to the Hatfield-McCoy Regional Recreation Authority and ten percent of such moneys to the State Park Operating Fund.;

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. 356—A Bill to amend and reenact §5A-1-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-1-10; to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-5, §5A-3-11, §5A-3-17, §5A-3-28, §5A-3-30 and §5A-3-31 of said code; to amend said code by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60; and to amend and reenact §12-3-10d of said code, all relating generally to purchasing; revising definitions; eliminating definitions; defining terms; requiring state spending units purchase commodities and services on a competitive basis where possible; authorizing the Secretary of the Department of Administration to issue a notice to

cease and desist when purchases are not made on a competitive basis; clarifying the purposes and policies of the Purchasing Division; clarifying applicability of article; clarifying that procurements must include adequate specifications and descriptions; clarifying the powers and duties of the Director of Purchasing; authorizing the Director of Purchasing to issue a notice to cease and desist when purchases are not made on a competitive basis; ensuring the purchasing requirements apply to services and commodities; authorizing reverse auctions for purchasing commodities; permitting third-party vendors to administer reverse auctions; affording the Director of the Purchasing Division rule-making authority to implement reverse auctions; authorizing master contracts and direct order process for the direct procurement of certain commodities; defining additional terms; requiring approval of the Director of the Purchasing Division for master contracts; setting forth direct order requirements and procedures; authorizing direct order of commodities in certain amounts; permitting direct order of certain commodities in excess of statutory amount with the written approval of the Director of Purchasing; affording the Director of the Purchasing Division rule-making authority to establish procedures regarding master contracts, preapproval, direct ordering process and related matters; clarifying circumstances in which grants are exempt from competitive bidding requirements; imposing personal liability upon spending officers and other responsible individuals who have knowingly and willfully violated competitive bidding requirements; creating felony offense for acting alone to undermine competition; requiring certain executive department officials to attend annual training on purchasing procedures; adjusting the percentage rebate moneys transferred to the Purchasing Improvement Fund; adjusting the percentage of rebate moneys transferred to the Hatfield-McCoy Regional Recreation Authority; transferring ten percent of rebate moneys to the State Park Operating Fund; and making technical corrections.

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. 356, 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. 356) 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. 359, Removing hand canvassing requirements of electronic voting machines.

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 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-28. Post-election custody and inspection of vote-recording devices and electronic poll books; canvass and recounts.

(a) The vote-recording devices, electronic poll books, tabulating programs and standard validation test ballots are to remain sealed during the canvass of the returns of the election, except that the equipment may be opened for the canvass and must be resealed immediately thereafter. During the seven-day period after the completion of the canvass, any candidate or the local chair of a political party may be permitted to examine any of the sealed materials: *Provided*, That a notice of the time and place of the examination shall be posted at the central counting center before and on the hour of nine o'clock in the morning on the day the examination is to occur and all persons entitled to be present at the central counting center may, at their option, be present. Upon completion of the canvass and after the seven-day period has expired, the vote-recording devices, test results and standard validation test ballots are to be sealed for one year: *Provided, however*, That the vote-recording devices, electronic poll books and all tabulating equipment may be released for use in any other lawful election to be held more than ten days after the canvass is completed and any of the electronic voting equipment or electronic poll books discussed in this section may be released for inspection or review by a request of a circuit court or the Supreme Court of Appeals.

(b) In canvassing the returns of the election, the board of canvassers shall examine, as required by subsection (d) of this section, all of the vote-recording devices, electronic poll books, the automatic tabulating equipment used in the election and those voter-verified paper ballots generated by direct recording electronic vote machines, shall determine the number of votes cast for each candidate and for and against each question and, by this examination, shall procure the correct returns and ascertain the true

results of the election. Any candidate or his or her party representative may be present at the examination.

(c) If any qualified individual demands a recount of the votes cast at an election, the voter-verified paper ballot shall be used according to the same rules that are used in the original vote count pursuant to section twenty-seven of this article. For purposes of this subsection, “qualified individual” means a person who is a candidate for office on the ballot or a voter affected by an issue, other than an individual’s candidacy, on the ballot.

(d) During the canvass and any requested recount, at least ~~five~~ three percent of the precincts are to be chosen at random and the voter-verified paper ballots are to be counted manually. Whenever the vote total obtained from the manual count of the voter-verified paper ballots for all votes cast in a randomly selected precinct:

(1) Differs by more than one percent from the automated vote tabulation equipment; or

(2) Results in a different prevailing candidate or outcome, either passage or defeat, of one or more ballot issues in the randomly selected precincts for any contest or ballot issue, then the discrepancies shall immediately be disclosed to the public and all of the voter-verified paper ballots shall be manually counted. In every case where there is a difference between the vote totals obtained from the automated vote tabulation equipment and the corresponding vote totals obtained from the manual count of the voter-verified paper ballots, the manual count of the voter-verified paper ballots is the vote of record.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 359—A Bill to amend and reenact §3-4A-28 of the Code of West Virginia, 1931, as amended, relating to the post-

election canvassing of votes involving electronic voting systems; and reducing the number of precincts to be chosen at random for a manual count.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 359, 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. 359) 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. 359) 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. 365, Excepting certain Ethics Act provisions for elected conservation district supervisors.

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 §19-21A-4a, to read as follows:

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-4a. Administration of West Virginia Conservation Agency programs; legislative rules.

(a) If an elected conservation district supervisor applies or intends to apply to participate in a West Virginia Conservation Agency program, then all applications for that particular program in that particular district shall be evaluated and approved by a conservation

district other than the one being supervised by the elected conservation district supervisor.

(b) The State Conservation Committee shall propose rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to establish:

(1) The criteria, ranking and standards required for an applicant to qualify to participate in West Virginia Conservation Agency programs;

(2) A process to disclose the recipients of the award; and

(3) The process for an unsuccessful qualified applicant to appeal an award.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 365—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-21A-4a, relating to administration of West Virginia Conservation Agency programs; providing that elected conservation district supervisors have their applications to participate in West Virginia Conservation Agency programs evaluated and considered by other conservation districts; and requiring the State Conservation Committee to propose rules for legislative approval.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 365, 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. 365) 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. 365) 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, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 380, Redefining “all-terrain and utility terrain vehicles”.

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. 380—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-6-1 of said code, all relating to off-road vehicles; and updating statutory definitions to reflect new categories of vehicles and standard accessories.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 380, 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. 380) 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, as amended by the House of Delegates, adoption as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. House Joint Resolution No. 108, Nonprofit Youth Organization Tax Exemption Support Amendment.

On motion of Senator Unger, the message on the resolution was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the resolution were reported by the Clerk:

On page one, section twelve, after the words “nonprofit organization’s” by striking out the words “primary purpose or” and inserting in lieu thereof the words “nonprofit purpose”;

On page two, section twelve, after the word “follows:” by striking out the remainder of the amendment and inserting in lieu thereof the following: To amend the State Constitution to exempt from property tax certain properties in this state owned by nonprofit youth organizations and built at a cost of at least \$100 million whether or not the property is used for the nonprofit youth organization’s charitable or nonprofit purpose to help raise funds for the benefit of the nonprofit youth organization. If approved, the Legislature would be required to enact laws that would protect local and regional businesses from unfair competition and unreasonable loss of revenue caused by the nonprofit organization use of the tax exemption.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Joint Resolution No. 108—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 exempting property owned by certain nonprofit youth organizations from taxation whether or not said property is used by the nonprofit organization for its nonprofit purpose; conditioning tax exemption on enactment of certain legislation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

On motion of Senator Unger, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the resolution.

Engrossed House Joint Resolution No. 108, as amended, was then put upon its adoption.

On the adoption of the resolution, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, 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 resolution (Eng. H. J. R. No. 108) adopted as follows:

Eng. House Joint Resolution No. 108—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 exempting property owned by certain nonprofit

youth organizations from taxation whether or not said property is used by the nonprofit organization for its nonprofit purpose; conditioning tax exemption on enactment of certain legislation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2014, which proposed amendment is that article X thereof be amended by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§12. Nonprofit youth organization revenue exemption.

Notwithstanding any provision of this Constitution to the contrary, real property in this state which is owned by a nonprofit organization that has as its primary purpose the development of youth through adventure, educational or recreational activities for young people and others, which property contains facilities built at a cost of not less than \$100 million and which property is capable of supporting additional activities within the region and the State of West Virginia is exempt from ad valorem property taxation whether or not such property is used for the nonprofit organization's nonprofit purpose to generate revenue for the benefit of the nonprofit organization subject to any requirements, limitations and conditions as may be prescribed by general law: *Provided*, That the tax exemption authorized by the provisions of this section shall not become effective until the Legislature adopts enabling legislation authorizing the exemption's implementation and concurrently prescribing requirements, limitations and conditions for the use of the tax exempt facility that protect local and regionally located

businesses from use of the tax exempt facility in a manner that causes unfair competition and unreasonable loss of revenue to those businesses.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Nonprofit Youth Organization Tax Exemption Support Amendment” and the purpose of the proposed amendment is summarized as follows: “To amend the State Constitution to exempt from property tax certain properties in this state owned by nonprofit youth organizations and built at cost of at least \$100 million whether or not the property is used for the nonprofit youth organization’s charitable or nonprofit purpose to help raise funds for the benefit of the nonprofit youth organization. If approved, the Legislature would be required to enact laws that would protect local and regional businesses from unfair competition and unreasonable loss of revenue caused by the nonprofit organization use of the tax exemption.”

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,

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. 307, Authorizing community corrections programs to operate pretrial release 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 §51-10-1, §51-10-2, §51-10-3, §51-10-4, §51-10-5, §51-10-6, §51-10-7, §51-10-8, §51-10-9 and §51-10-10 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 §51-10-5a; that §62-11C-5 and §62-11C-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all to read as follows:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. BAIL BONDSMEN IN CRIMINAL CASES.

§51-10-1. Definitions.

When used in this article, these words and terms mean the following:

(1) “Bonding business” means the business of becoming surety for compensation upon bonds in criminal cases.

(2) “Bail bondsman” means any person engaged in the bonding business who has satisfied the requirements for being a property and casualty insurance producer as set forth by the Insurance Commission.

(3) “Insurer” means any domestic, foreign or alien surety company which has been qualified generally to transact surety business.

(4) “Self insurer” means any person engaged in the bonding business as a bail bondsman who pledges his or her own property as

collateral for the bonds on which they serve as surety for compensation.

§51-10-2. Business impressed with public interest.

The business of becoming surety for compensation upon bonds in criminal cases ~~in the State of West Virginia~~ is impressed with a public interest.

§51-10-3. Procuring business through official or attorney for consideration prohibited.

(a) It shall be unlawful for any person engaged, either as principal or as the clerk, agent or representative of a corporation, or another person in the bonding business ~~of becoming surety upon bonds for compensation in the State of West Virginia~~; either directly or indirectly, to give, donate, lend, contribute or to promise to give, donate, ~~loan~~, lend or contribute any money, property, entertainment or other thing of value ~~whatsoever~~ to any attorney at law, police officer, sheriff, deputy sheriff, ~~constable~~, jailer, probation officer, clerk or other attache of a criminal court or public official ~~of any character~~; for procuring or assisting in procuring any person to employ ~~said~~ the bondsman to execute as surety any bond for compensation in any criminal case. ~~in the State of West Virginia; and it~~

(b) It shall be unlawful for any attorney at law, police officer, sheriff, deputy sheriff, ~~constable~~, jailer, probation officer, clerk, bailiff or other attache of a criminal court or public official ~~of any character~~; to accept or receive from any ~~such~~ person engaged in the bonding business any money, property, entertainment or other thing of value ~~whatsoever~~ for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case. ~~in the State of West Virginia.~~

§51-10-4. Attorneys procuring employment through official or bondsman for consideration prohibited.

It ~~shall be~~ is unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute or to promise to give, loan, donate or contribute any money, property, entertainment or other thing of value ~~whatsoever~~ to, or to split or divide any fee or commission with, any bondsman, police officer, sheriff, deputy sheriff, ~~constable~~, probation officer, assistant probation officer, bailiff, clerk or other attache of any criminal court for causing or procuring or assisting in causing or procuring any person to employ ~~such~~ the attorney to represent him in any criminal case in the State of West Virginia.

§51-10-5. Receiving other than regular fee for bonding prohibited; bondsman prohibited from endeavoring to secure dismissal or settlement.

(a) It ~~shall be~~ is lawful to charge for executing any bond in a criminal case. ~~in the State of West Virginia, and it shall be~~

(b) It is unlawful for any person or corporation engaged in the bonding business, either as principal or clerk, agent or representative of another, either directly or indirectly, to charge, accept or receive any sum of money, or other thing of value, other than the bonding fee from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment or charge, upon which ~~said~~ the person is bailed ~~or held in the State of West Virginia~~, or in any counties where the court has regulated bonding fees pursuant to section ~~eight~~ nine of this article.

(c) It ~~shall be~~ is unlawful for any person or corporation engaged in the bonding business, either as principal, clerk, agent or representative of another, either directly or indirectly, to charge, accept or receive any sum of money or other thing of value other than the duly authorized maximum bonding fee, from any person for whom he ~~or she~~ has executed bond, for any other service whatever performed in connection with any indictment or charge upon which ~~said~~ the person is bailed or held in ~~the State of~~ West Virginia.

(d) It ~~also shall be~~ is unlawful for any person or corporation engaged either as principal or as agent, clerk or representative of another in the bonding business, to settle, or attempt to settle or to procure or attempt to procure the dismissal of any indictment, information or charge against any person in custody or held upon bond in ~~the State of~~ West Virginia, with any court, or with the prosecuting attorney or with any police officer in any court. ~~in the State of West Virginia.~~

§51-10-5a. Fees and collateral security required by bondsmen.

(a) The fee required by bail bondsmen shall be at least ten percent of the amount of the bond. Fees (including personal property, real property, indemnity agreement and guarantee) received by such licensee shall not, in the aggregate, exceed the amount of the bond.

At the discretion of the bail bondsman, the fee may be paid as follows:

(1) A minimum of a three percent down payment shall be required at the issuance of bond;

(2) The remaining percentage shall be paid over a period not to exceed twelve months;

(b) When collateral or security is received by a bail bondsman a receipt shall be furnished to the defendant. Copies of all receipts issued shall be kept by the bail bondsman. All receipts issued shall:

(1) Be prenumbered by the printer and used and filed in consecutive numerical order;

(2) Show the name and address of the bail bondsman;

(3) Show the amount of collateral and date received;

(4) Show the name of the person accepting collateral; and

(5) Show the total amount of the bond for which the collateral is being accepted and the name of the defendant.

(c) When a bail bond is to be forfeited, the court is to give notification to the bail bondsman within twenty-four hours of failure to appear.

§51-10-6. Posting names of authorized bondsmen; list to be furnished prisoners; prisoner may communicate with bondsman; record to be kept by police.

~~(a) A typewritten or printed list alphabetically arranged~~ An alphabetical list of all persons engaged under the authority of any courts of record pursuant to section eight of this article, in the bail bonding business of becoming surety on the bonds for compensation and licensed by the Insurance Commission shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, municipal court and ~~justice of the peace court~~ within the county, and one or more copies thereof kept on hand, and magistrate court. Copies of such list shall be kept on hand by the person in charge of the office.

~~(b) when any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, and it shall be the duty of the~~ When any person detained in custody in any place of detention requests bail bondsman information, the alphabetical list shall be furnished to the person. The person in charge of the place of detention shall within a reasonable time put the person so detained in communication with the bondsman so selected by the person in detention.

~~(c) The person in charge of said the place of detention within a reasonable time to put the person so detained in communication with the bondsman so selected, and the person in charge of said place of detention shall contemporaneously with said the transaction make in the blotter or book of record kept in any such the place of detention,~~

a record showing the name of the person requesting the bondsman, the offense with which the ~~said~~ person is charged, the time at which the request was made, the bondsman requested and the person by whom the ~~said~~ bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

(d) The person in charge or any other employee, contractor, agent, assign or staff member of the place of detention shall not make any recommendation, direct or indirect, to the person in detention regarding a preference for a bondsman.

§51-10-7. Bondsman prohibited from entering place of detention unless requested by prisoner; record of visit to be kept.

(a) It shall be is unlawful for any bondsman, agent, clerk or representative of any bondsman to enter a police precinct, jail, prisoner's dock, house of detention, ~~justice of the peace~~ magistrate court or other place where persons in the custody of the law are detained: ~~in the State of West Virginia, for~~

(1) For the purpose of obtaining employment as a bondsman; ~~without~~

(2) Without having been previously called by a person so detained, or by some relative or other authorized person acting for or on behalf of the person so detained; ~~and whenever~~

(b) When any person engaged in the bonding business as principal, or as clerk or representative of another, ~~shall enter~~ enters a police precinct, jail, prisoner's dock, house of detention, ~~justice of the peace~~ magistrate court or other place where persons in the custody of the law are detained, ~~in the State of West Virginia, he or she shall forthwith immediately~~ give to the person in charge thereof his mission there, or her purpose, the name of the person calling him or her, and requesting him or her to come, ~~to such place,~~ and the same shall be recorded by the person in charge of the said place of detention and preserved as a public record. ~~and the failure~~

(c) ~~Failure to give such~~ provide the information, or the failure of the person in charge of ~~said the~~ place of detention to make and preserve ~~such~~ a record, shall constitute a violation of this article.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Supreme Court of Appeals; lists of agents to be furnished; renewal of authority to act; false swearing.

(a) ~~The Supreme Court of Appeals commissioner shall, under reasonable rules, specify promulgate legislative rules as he or she considers necessary to carry out the intent, the administration and enforcement of this article, which rules shall be promulgated in accordance with article three, chapter twenty-nine-a of this code.~~

(b) The rules shall provide for the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the State of West Virginia, and the terms and conditions upon which the business may be carried on.

~~After September 1, 2004, no person or corporation may, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any court regularly exercising criminal jurisdiction until qualified pursuant to the rules. The Supreme Court of Appeals;~~

(c) The commissioner, in making the rules, and in granting authority to persons to engage engaged in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person may be permitted to engage, either as principal or agent, in the business of becoming surety upon bonds for compensation in criminal cases, who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character.

(d) That the applicant shall provide a qualifying power of attorney from an insurer or delivers a mortgage or lien on real property or negotiable instruments, upon which he or she may

provide bail bonds equivalent to two times the amount of such collateral. Such limitations shall not apply where a qualified power of attorney is provided by a regulated insurer or surety company.

(e) That the applicant shall provide a criminal background check summary which displays the moral qualities of the person so applying.

(f) The court commission shall require every person qualifying to engage in the bonding business as principal:

To file with the court a list showing the name, age and residence of each person employed by the bondsman as agent, clerk or representative in the bonding business and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) The court commission shall require ~~the authority of each of the persons to be renewed from time to time at periods the court may by rule provide. Before the authority may be renewed the court shall require from each of the persons an~~ person authorized as a bail bondsman to renew every three years and file:

(1) An affidavit stating that since his or her previous qualifications to engage in the bonding business he or she has abided by the provisions of this article, and any person swearing falsely in any of the affidavits is guilty of false swearing; and

(2) No person seeking to renew his or her qualifications shall be required to submit to the property and casualty licensing procedures for a second time unless he or she has voluntarily terminated his or her qualifications.

(h) A person operating as a self-insured producer shall provide a monthly report indicating:

(1) The total number of bail bonds provided in the preceding month; and

(2) The value of those bonds and the total amount of outstanding collateral remaining upon which bonds may be secured. If the total value of bonds exceeds two times the value of the collateral, the bondsman shall cease operating until the following quarter when he or she provides a report to the commission indicating unencumbered collateral exists to secure the bonds provided by him or her.

(i) The commission shall furnish an alphabetical list of all approved bail bondsmen to each place of detention.

(j) After September 1, 2014, no persons may, either as principal or as agent, clerk or representative of another, engage in the bonding business in any court regularly exercising criminal jurisdiction until qualified pursuant to the rules.

~~(b) Persons authorized to engage in the bonding business in criminal cases in the State of West Virginia on the effective date of the amendments made to this section during the regular session of the Legislature in 2004 may continue to engage in the business until September 1, 2004.~~

§51-10-9. Penalties.

Any person violating any provisions of this article other than in the commission of false swearing shall be punished by a fine of not more than ~~\$100~~, \$2,000, or by imprisonment not exceeding six months in the county jail, or both, where no other penalty is provided by this article; and if the person so convicted ~~be is~~ a police officer or other public official, he ~~or she~~ shall upon recommendation of the judge ~~of the criminal court of record of the county to which this article is applicable~~ also be ~~forthwith~~ removed from office; if a bondsman, or the agent, clerk or representative of a bondsman, he ~~or she~~ shall be disqualified from thereafter engaging in any manner in the bonding business ~~for such a period of time as the judge of the criminal court of record of the county to which this article is applicable shall order~~; and, if an attorney at law, shall be subject to suspension or disbarment. ~~as attorney at law.~~

§51-10-10. Enforcement of article.

It shall be the duty of the judges of the criminal courts of record, the municipal courts and magistrates where a person authorized to engage in the bail bonding business conducts his or her business to see that this article is enforced, and upon the impaneling of each grand jury, it shall be the duty of the judge impaneling said jury to give it in charge to the jury to investigate the manner in which this article is enforced and all violations thereof. If an individual is found in violation of the terms of this article and sentenced pursuant to this section, then the clerk of the court shall send a copy of the order of conviction to the commission which shall terminate the license of the sentenced individual.

CHAPTER 62. CRIMINAL PROCEDURE.**ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.****§62-11C-5. Establishment of programs.**

(a) Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate community corrections programs, as provided for in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alternative sentencing option for those offenders sentenced within the jurisdiction of the county or counties which establish and operate the program: *Provided*, That the chief judge must certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

(b) Any county or combination of counties or a county or counties and a Class I or II municipality that seek to establish programs as authorized in this section shall submit plans and specifications for the programs to be established, including proposed budgets, for review and approval by the community corrections subcommittee established in section three of this article.

(c) Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate an approved community corrections program to provide alternative sanctioning options for an offender who is convicted of an offense for which he or she may be sentenced to a period of incarceration in a county or regional jail or a state correctional facility and for which probation or home incarceration may be imposed as an alternative to incarceration.

(d) Community corrections programs authorized by subsection (a) of this section may provide, but are not limited to providing, any of the following services:

- (1) Probation supervision programs;
- (2) ~~Day fine~~ programs;
- (~~3~~) Community service restitution programs;
- (~~4~~) (3) Home incarceration programs;
- (~~5~~) (4) Substance abuse treatment programs;
- (~~6~~) (5) Sex offender containment programs;
- (~~7~~) (6) Licensed domestic violence offender treatment programs;
- (~~8~~) (7) Day reporting centers;
- (~~9~~) (8) Educational or counseling programs;
- (~~10~~) (9) Drug courts; ~~or~~
- (~~11~~) (10) Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens; and

(11) Pretrial release programs.

(e) A county or combination of counties or a county or counties and a Class I or II municipality which establish and operate community corrections programs as provided for in this section may contract with other counties to provide community corrections services.

(f) For purposes of this section, the phrase “may be sentenced to a period of incarceration” means that the statute defining the offense provides for a period of incarceration as a possible penalty.

(g) No provision of this article may be construed to allow a person participating in or under the supervision of a community corrections program to earn good time or any other reduction in sentence.

(h) Nothing in this section should be construed as to prohibit a court from imposing a surety bond as a condition of a pretrial release.

§62-11C-7. Supervision or participation fee.

(a) A circuit judge, magistrate, municipal court judge or community criminal justice board may require the payment of a supervision or participation fee from any person required to be supervised by or participate in a community corrections program. The circuit judge, magistrate, municipal court judge or community criminal justice board shall consider the person’s ability to pay in determining the imposition and amount of the fee.

(b) A circuit judge, magistrate or community criminal justice board may require payment of a supervision or participation fee of \$7 per person per day of pretrial supervision from the county commission pursuant to a pretrial release program established pursuant to article eleven-f of this chapter.

(c) A person supervised pursuant to the provisions of article eleven-f of this chapter who is later convicted of an offense or offenses underlying the person's participation in the pretrial release program may be assessed by the sentencing court, as a cost of prosecution, a fee not to exceed \$30 per month for each month the person was in the pretrial supervision program.

(b) (d) All fees ordered by the circuit court, magistrate court, municipal court or community criminal justice board pursuant to this section are to be paid to the community criminal justice board, who shall remit the fees monthly to the treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article.

ARTICLE 11F. PRETRIAL RELEASE PROGRAMS.

§62-11F-1. Applicability.

This article applies to adults charged with one or more misdemeanors or felonies and who are incarcerated in a regional jail prior to adjudication due to their inability to post bond.

§62-11F-2. Establishment of pretrial release programs.

(a) *Legislative findings and purpose.* – It is the purpose of pretrial release programs to employ recommendations from the Council of State Government's Justice Center's Analyses and Policy Options to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety by providing for uniform statewide risk assessment and monitoring of those released prior to trial, facilitating a statewide response to the problem of overcrowded regional jails and costs to county commissions.

(b) Any county, circuit or combination thereof that establishes a pretrial program pursuant to this article shall establish a local community pretrial committee that consists of:

- (1) A prosecutor or his or her designee;

(2) A county commissioner, or his or her designee;

(3) A sheriff, or his or her designee;

(4) An executive director of a community corrections program, or his or her designee;

(5) A chief probation officer, or his or her designee; and

(6) A member of the criminal defense bar.

(c) Pretrial release programs may monitor, supervise and assist defendants released prior to trial.

(d) Nothing in this article should be construed to prohibit a court from requiring a defendant to post a secured bond as a condition of pretrial release.

(e) In addition to funding provided pursuant to subsection (c), section three of this article pretrial release programs may be funded by appropriations made to the Supreme Court of Appeals for such purpose.

§62-11F-3. Pretrial release program guidelines.

(a) The Supreme Court of Appeals has complete oversight and authority over all pretrial services.

(b) The Supreme Court of Appeals shall establish recommended guidelines for pretrial programs to use when ordering pretrial release for defendants whose pretrial risk assessment indicates that they are an appropriate candidate for pretrial release.

(c) The Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, pursuant to section two, article eleven-c, chapter sixty-two of this code, shall approve policy and funding for the development, maintenance and evaluation of pretrial release programs. Any county, circuit or

combination thereof that establishes a pretrial program intended to provide pretrial release services shall submit a grant proposal to the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction for review and approval.

§62-11F-4. Pretrial release assessment.

The Supreme Court of Appeals of West Virginia may adopt a standardized pretrial risk assessment for use by pretrial release programs to aid in making pretrial decisions under article one-c of this chapter.

§62-11F-5. Role of pretrial release programs.

(a) A pretrial release program established pursuant to this article, shall:

(1) Collect and present the necessary information, present risk assessment and make release recommendations to the court;

(2) Present information to the court relating to the risk defendants may pose in failing to appear in court or of threatening the safety of the community or any other person and, consistent with court policy, develop release recommendations responding to risk;

(3) Develop and provide appropriate and effective supervision for all persons released pending adjudication who are assigned supervision as a condition of release;

(4) Monitor compliance of released defendants with the requirements of assigned release conditions;

(5) Promptly inform the court of all apparent violations of pretrial release conditions or arrests of persons released pending trial, including those directly supervised by pretrial services as well as those released under other forms of conditional release, and recommend appropriate modifications of release conditions;

(6) Coordinate the services of other agencies, individuals or organizations that may serve as custodians for released defendants, and advise the court as to their appropriateness, availability, reliability and capacity relating to pretrial release conditions;

(7) Review the status of detained defendants on ongoing basis for any changes in eligibility for release options and facilitate their release as soon as feasible and appropriate;

(8) Develop and operate an accurate information management system to support prompt identification, information collections and presentation, risk assessment, release conditions selection, compliance monitoring and detention review functions essential to an effective pretrial release program; and

(9) Remind persons released before trial of their court dates to attempt to facilitate their court appearance.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 307—A Bill to amend and reenact §51-10-1, §51-10-2, §51-10-3, §51-10-4, §51-10-5, §51-10-6, §51-10-7, §51-10-8, §51-10-9 and §51-10-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §51-10-5a; to amend and reenact §62-11C-5 and §62-11C-7 of said code; 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 the disposition of persons charged with committing a crime; regulating bail bondsmen in criminal cases; prohibiting certain conduct by bail bondsmen; regulating fees charged by bail bondsmen; requiring the posting of the names of licensed bail bondsmen; authorizing the Commissioner of the West Virginia Insurance Commission to regulate bail bondsmen; authorizing the Insurance Commissioner to propose

legislative rules; updating penalties for violations; requiring judges and magistrates to enforce the provisions of law related to the regulation of bail bondsmen; authorizing pretrial release programs; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release upon subsequent conviction; 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; setting forth the duties of pretrial release programs; clarifying that a circuit judge or a magistrate may impose a secured bond on participants in pretrial release programs; and removing “day fine programs” from the list of authorized community corrections programs.

On motion of Senator Unger, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 307) were reported by the Clerk, considered simultaneously, and adopted:

On page twelve, section eight, subsection (j), by striking out “2014” and inserting in lieu thereof “2015”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 307—A Bill to amend and reenact §51-10-1, §51-10-2, §51-10-3, §51-10-4, §51-10-5, §51-10-6, §51-10-7, §51-10-8, §51-10-9 and §51-10-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §51-10-5a; to amend and reenact §62-11C-5 and §62-11C-7 of said code; 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 the disposition of

persons charged with committing a crime; regulating bail bondsmen in criminal cases; prohibiting certain conduct by bail bondsmen; regulating fees charged by bail bondsmen; requiring the posting of the names of licensed bail bondsmen; authorizing the Commissioner of the West Virginia Insurance Commission to regulate bail bondsmen; authorizing the Insurance Commissioner to propose legislative rules; updating penalties for violations; establishing an internal effective date for bail bondsman compliance; requiring judges and magistrates to enforce the provisions of law related to the regulation of bail bondsmen; authorizing pretrial release programs; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release upon subsequent conviction; 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; setting forth the duties of pretrial release programs; clarifying that a circuit judge or a magistrate may impose a secured bond on participants in pretrial release programs; and removing day fine programs from the list of authorized community corrections programs.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 307, 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 S. B. No. 307) passed with its Senate amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Unger, the Senate recessed until 10 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

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, Creating Future Fund.

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 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.

§11-13A-5b. Creation of West Virginia Future Fund; legislative intent; calculation of deposits from excess severance tax revenues; permissible uses of investment income and limitations on expenditures; definitions.

(a) There is hereby created in the State Treasury a special revenue account, designated the West Virginia Future Fund, which is an interest-bearing account and may be invested by the West Virginia Investment Management Board in the manner permitted by the provisions of article six, chapter twelve of this code, with the investment income to be credited to the fund and deposited in the special revenue account.

(b) The Legislature declares its intention to use the fund as a means of conserving a portion of the state's revenue derived from the increased revenue proceeds received by the state as a result of any mineral production as well as other funding sources as the Legislature may designate in order to meet future needs. The principal of the fund shall remain inviolate and no portion of the principal may be appropriated, expended or encumbered by the Legislature or any official of the state. Only the investment income of this fund may be appropriated and expended: *Provided*, That no more than the average net investment return for the immediately preceding five fiscal years may be appropriated or expended in any one fiscal year.

(c) Notwithstanding any provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each year thereafter, the Secretary of Revenue shall cause to be deposited in this fund three percent of the annual severance tax revenue which would otherwise be deposited into the General Revenue Fund which is attributable to the severance of coal, limestone, sandstone, natural gas and oil and collected and received pursuant to the provisions of sections three and three-a, article thirteen-a, chapter eleven of this code: *Provided*, That these deposits shall only be made during fiscal years within which the balance of the Revenue Shortfall Reserve Fund equals or exceeds thirteen percent of the state's General Revenue Fund budget for the fiscal year just ended as determined within sixty days of the end of that prior fiscal year as provided by subsection (b), section twenty, article two, chapter eleven-b of this code: *Provided, however*, That these deposits shall not be made in any fiscal year in which the Governor's General Revenue Fund estimate relies on transfers from the Revenue Shortfall Reserve Fund: *Provided*

further, That these deposits shall not be made in any fiscal year for which mid-year spending reductions, hiring freezes, mid-year decreases in appropriations or transfers from the Revenue Shortfall Reserve Fund are necessitated due to revenue shortfalls or would be necessitated if the deposits were to be made: *And provided further*, That amounts that may be deposited into the fund in error or found later to be subject to these limitations shall be redeposited into the General Revenue Fund. The Legislature may, by general appropriation or by designation of other funding sources, deposit into the fund additional moneys as it considers appropriate.

(d) In order to maximize the value of the fund, no money from the fund may be expended or appropriated until fiscal year 2020 and, thereafter, the Legislature may appropriate, subject to the limitations provided in this section, from the fund solely for enhancing education and workforce development, economic development and diversification, infrastructure improvements and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia.

(e) For purposes of this section:

(1) “Economic development and diversification” means fostering economic growth and development in the state, including commercial, industrial, community, cultural or historical improvements; or preservation or other proper purposes.

(2) “Infrastructure improvements” means fostering infrastructure improvements including, but not limited to, post-mining land use, water or wastewater facilities or a part thereof, stormwater systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development or buildings that promote job creation and retention.

(3) “Tax relief” means reducing the tax responsibility of citizens and businesses located in the State of West Virginia, including, but not limited to, increasing the Homestead Exemption and reducing or

eliminating the ad valorem property tax on inventory and equipment held for commercial or industrial use.;

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 the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b, relating to creation of a Future Fund for conserving a portion of proceeds from certain severance tax revenues for future expenditures; creating an interest-bearing special revenue account; authorizing the West Virginia Investment Management Board to invest moneys of the fund; providing that the principal of the fund be inviolate and that only the investment income may be expended; providing for contributions to the fund from a portion of revenues collected from certain severance taxes; prohibiting appropriation and expenditure from the fund until fiscal year 2020; limiting of amount of appropriation from the fund in certain circumstances; requiring moneys to be expended solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; tax relief measures for the benefit of the citizens and businesses of the State of West Virginia; and defining certain terms.

Senator Unger moved that the Senate concur in the House of Delegates amendments to the bill.

Following extended discussion,

The question being on the adoption of Senator Unger's aforestated motion, the same was put and prevailed.

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, 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)—32.

The nays were: Blair and Carmichael—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. 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.

The Senate again proceeded to the fifth order of business.

Senator Tucker, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

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. 477 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 4. SALARIES, WAGES AND OTHER BENEFITS.**§18A-4-14. Duty-free lunch and daily planning period for certain employees.**

(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 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 the employee shall not be assigned any responsibilities during this recess. 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 the employee being granted a recess under the provisions of this section.

(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. No teacher 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. The use of the entire period of time allotted for a planning period is determined by the teacher. Administrators may not require a teacher to attend meetings, training or any other work-related event during a planning period. This does not prohibit any teacher from participating in school-related activities, teacher evaluation conferences or conducting school-related meetings, as prescribed, at his or her discretion. "Meeting" for the purpose of this section includes, but is not limited to, IEP meetings, 504 Plan meetings, team meetings and parent-teacher conferences. A planning period begins once students are physically delivered to another teacher or dismissed from a class.

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.

(c) Nothing in this section prevents any teacher from exchanging his or her lunch recess or a planning period or any service person from exchanging his or her lunch recess for any compensation or benefit mutually agreed upon by the employee and the county superintendent 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 those teachers within the individual school, and 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 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,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for Senate Bill No. 477—A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time for a planning period; prohibiting administrators from requiring teachers to attend meetings, training or work-related events during planning period; allowing for teacher discretion; defining “meeting”; and setting forth when a planning period begins.

Respectfully submitted,

Gregory A. Tucker, *Chair*, Daniel Hall, Donna J. Boley,
Conferees on the part of the Senate.

Dave Pethtel, *Chair*, Larry A. Williams, Linda Sumner,
Conferees on the part of the House of Delegates.

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 Senate Bill No. 477, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, 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, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes, Blair, Carmichael and M. Hall—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. 477) 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.

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 of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill No. 4208, Banning synthetic hallucinogens.

Whereupon, Senator Stollings, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 4208, Banning synthetic hallucinogens.

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. 4208 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates agree to the amendment of the Senate to the bill striking out everything after the enacting clause, except:

That the Senate recede from its amendment on page thirty-three, section two hundred eight, subsection (b), subdivision (6), and that both houses agree to strike out all of subdivision (6);

That the Senate recede from its amendment on page thirty-seven, section two hundred eight, subsection (e), subdivision (1), after paragraph (B), and that both houses agree to inserting two new paragraphs, designated paragraphs (C) and (D), to read as follows:

“(C) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium: *Provided*, That a prescription for a product described in this subdivision may not be filled for more than a one-month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;

(D) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts: *Provided*, That a prescription for a product described in this subdivision may not be filled for more than a one-month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;”;

And by relettering the remaining paragraphs;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill No. 4208—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 controlled substances; modifying the lists of scheduled controlled drugs; limiting the refills of hydrocodone in Schedule III; making tramadol hydrochloride a Schedule IV controlled substance; adding certain synthetic drugs to the list of scheduled controlled substances; modifying and including definitions; and modifying manner in which buprenorphine and naloxone may be prescribed.

Respectfully submitted,

Don C. Perdue, *Chair*, Meshea L. Poore, Joe Ellington, *Conferees on the part of the House of Delegates*.

Ron Stollings, *Chair*, Donald H. Cookman, David C. Nohe, *Conferees on the part of the Senate*.

Senator Stollings, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Stollings, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 4208, 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. 4208) passed with its conference 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 adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. House Bill No. 4619, Authorizing innovation school districts.

Whereupon, Senator Wells, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill No. 4619, Authorizing innovation school districts.

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 House

Bill No. 4619 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendments of the Senate and agree to the same as follows:

On page four, section three, lines forty-eight through fifty-six, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) When designating innovation zones under these provisions following the amendment and reenactment of this section by the Legislature at its regular session 2014, and for each of the four succeeding school years, the state board shall establish a priority for applications that include the establishment of entrepreneurship education programs as a curricular offering for students. To qualify under this priority, the program strategy must include the active involvement of one or more partners from the business community in program delivery. Nothing in this subsection requires the state board to designate all applicants that include the establishment of entrepreneurship education programs as innovation zones, or to exclude other qualified applicants for innovations in other areas from designation.;

On page nine, section thirteen, lines eighty through eighty-eight, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) *School System Eligibility:*

All county boards are eligible to apply for designation as an innovation school district: *Provided*, That a district that has expended funds or incurred obligations in violation of section twenty-six, article eight, chapter eleven of this code is not eligible to apply for designation as an innovation school district, unless otherwise determined by the state board. The applications shall be

taken in four categories: Sparse Density County; Low Density County; Medium Density County; and High Density County, as those terms are defined in section two, article nine-a of this chapter. The state board is authorized to designate no more than one county from each category as an innovation school district beginning July 1, 2015: *Provided*, That the state board, after July 1, 2016, may designate one additional county from each category as an innovation school district as long as the number of counties designated at any one time does not exceed two counties from each category as innovation school districts, subject to other considerations included herein. The designation of counties as innovation school districts shall be on a competitive basis.;

On page ten, section thirteen, line one hundred five, by striking out the word “two” and inserting in lieu thereof the words “number allowed by subsection (c) of this section”;

On page ten, section thirteen, line one hundred eight, by striking out the word “two” and inserting in lieu thereof the words “number allowed by subsection (c) of this section”;

On page sixteen, section thirteen, line two hundred nineteen, by striking out the word “hearings” and inserting in lieu thereof the words “town hall meetings”;

On page sixteen, section thirteen, line two hundred nineteen, by striking out “(2)” and inserting in lieu thereof “(4)”;

On page twenty, section thirteen, line three hundred thirteen, by striking out the word “thirty” and inserting in lieu thereof the word “sixty”;

On page twenty-three, section thirteen, line three hundred fifty-seven, by striking out “(l)” and inserting in lieu thereof “(i)”;

On page twenty-three, section thirteen, line three hundred seventy-six, by striking out “(m)” and inserting in lieu thereof “(j)”;

On page twenty-four, section thirteen, line three hundred eighty-two, by striking out “(o)” and inserting in lieu thereof “(k)”;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. House Bill No. 4619—A Bill to amend and reenact §18-5B-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-5B-13, all relating to School Innovation Zones Act; providing limited priority for limited years for certain entrepreneurship education innovation zones; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review.

Respectfully submitted,

Tiffany Elizabeth Lawrence, *Chair*, Adam R. Young, Roy G. Cooper, *Conferees on the part of the House of Delegates*.

Erik P. Wells, *Chair*, Robert D. Beach, Evan H. Jenkins, *Conferees on the part of the Senate*.

On motions of Senator Wells, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed House Bill No. 4619, 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. H. B. No. 4619) passed with its conference 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. 140, 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 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 10. AUTHORIZATION FOR BUREAU OF COMMERCE
TO PROMULGATE LEGISLATIVE RULES.**

§64-10-1. Office of Miners' Health, Safety and Training.

(a) The legislative rule filed in the State Register on March 26, 2013, authorized under the authority of section six, article one, chapter twenty-two-a of this code, relating to the Office of Miners' Health, Safety and Training (assessing health and safety violation penalties, 56 CSR 12), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2013, authorized under the authority of section four, article one, chapter twenty-two-a of this code, relating to the Office of Miners' Health, Safety and Training (program for the sharing of information between employers, 56 CSR 18), is authorized.

(c) The legislative rule filed in the State Register on March 26, 2013, authorized under the authority of section fourteen, article six, chapter twenty-two-a of this code, modified by the Office of Miners' Health, Safety and Training to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20, 2013, relating to the Office of Miners' Health, Safety and Training (substance abuse screening, standards and procedure, 56 CSR 19), is authorized with the following amendments:

On page two, after subsection 3.7, by inserting a new subsection, designated subsection 3.8, to read as follows:

3.8. Duly licensed, mental health professional. The term "duly licensed, mental health professional" means a psychiatrist, psychologist, professional counselor or substance abuse counselor in the United States who is licensed by, and in good standing with, the licensing authority of the jurisdiction in which the person practices.;

And by renumbering the remaining subsections;

On page four, subsection 3.17, by striking out the word “accidents” and inserting in lieu thereof the word “accident”;

On page six, by striking out all of subsection 4.7 and inserting in lieu thereof a new subsection, designated subsection 4.7, to read as follows:

4.7. Any applicant, who is adversely affected by a decision of the Director following a hearing on an application for safety-sensitive certification, may petition for judicial review of the Director’s decision in the Circuit Court of Kanawha County or in the circuit court of the county in which the applicant resides, pursuant to the provisions of W. Va. Code § 29A-5-4.;

On page six, subsection 4.8, by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page six, subsection 5.2, by striking out subsection 5.2 in its entirety and inserting in lieu thereof, a new subsection 5.2 to read as follows: Every employer’s program shall at a minimum comply with all state mine laws relevant to substance abuse screening, standards and procedures.;

On page seven, subdivision 5.3.5, by striking out the word “Pphencyclidine” and inserting in lieu thereof the word “Phencyclidine”;

On page eight, subsection 5.5, by striking out “5.5” and inserting in lieu thereof “5.6”;

And by renumbering the remaining subsections;

On page nine, subsection 5.11, by striking out the subsection in its entirety, and inserting in lieu thereof a new subsection 5.11., as follows:

5.11 Every employer shall notify the director, on a form prescribed by the director, within seven (7) days of any of the following:

5.11.a A positive drug or alcohol test of a certified person, whether it be a preemployment test, random test, reasonable suspicion test, or post-accident test;

5.11.b. The refusal of a certified person to submit a sample;

5.11.c. A certified person possessing a substituted sample or an adulterated sample; or

5.11.d. A certified person submitting a substituted sample or an adulterated sample.;

On page nine, after subdivision 5.11.d. by inserting two new subsections, designated 5.12. and 5.13., to read as follows:

5.12. When the employer submits the completed notification form prescribed by the director, the employer shall also submit a copy of the laboratory test results showing the substances tested for and the results of the test.

5.13. A notice pursuant to subdivision 5.11., shall result in the immediate temporary suspension of all certificates held by the certified person who failed the screening, pending a hearing before the board of appeals, except in the case of a certified person who is subject to a collective bargaining agreement, in which case the notification pursuant subsection 5.11., shall not result in the immediate temporary suspension of any certificate held by the certified person who is subject to a collective bargaining agreement unless and until the arbitration is concluded and the discharge is upheld, and no certificate held by a certified person who is subject to a collective bargaining agreement shall be suspended or revoked unless the discharge is upheld in arbitration.;

And by renumbering the remaining subsections;

On page eleven, subdivision 6.1.2, by striking out the words “Notify the Board of Appeals” and inserting in lieu thereof the words “Notify the Director”;

On page eleven, subsection 6.2, by striking out the words “notify the Board of Appeals” and inserting in lieu thereof the words “notify the Director”;

On page fourteen, subsection 8.1, by striking out the words “is found, by a preponderance of the evidence, to have: failed” and inserting in lieu thereof the words “has entered into a treatment plan agreement as specified in subsection 9.1 of this rule or who is found, by a preponderance of the evidence, to have failed”;

On page fourteen, by striking out all of subsection 8.2 and inserting in lieu thereof three new subsections, designated subsections 8.2, 8.3 and 8.4, to read as follows:

8.2. Any person requesting a hearing who intends to challenge the sample collection methods, the laboratory test results, the medical review officer’s verification of the laboratory test result or the chemical test of breath, shall notify the Director of his or her intent. The person shall submit the notification in writing, either in person or by mail to the Director, at least fourteen (14) days prior to the hearing date. The notification shall specify, in detail, the challenge the person intends to make.

8.3. If the person requesting the hearing submits notification in writing to the Director that he/she intends to challenge the laboratory test results of the medical review officer’s verification of the laboratory test result, that person shall have the split sample tested, at his/her expense, at a SAMSHA-certified laboratory and those results verified by a medical review officer. The split sample results and the results of the split sample verification by a medical review officer shall be provided to the Director and the original medical

review officer. No other form of evidence shall be admissible to challenge the laboratory test result of the medical review officer's verification of the laboratory test result.

8.4. If a person fails to comply with the notification requirements of this section, then the sample collection methods, the laboratory test results, the medical review officer's verification of the laboratory test result, or the chemical test of breath shall be admissible as though the person and the Director had stipulated to their admissibility.;

And by renumbering the remaining subsections;

On page fifteen, subdivision 9.1.1, by striking out the words "treatment at a facility licensed by the State of West Virginia in substance abuse" and inserting in lieu thereof the words "treatment, counseling and after-care under the supervision of a duly licensed, mental health professional";

On page fifteen, subdivision 9.1.2, by striking out the words "treatment at a facility licensed by the State of West Virginia in substance abuse" and inserting in lieu thereof the words "treatment, counseling and after-care under the supervision of a duly licensed, mental health professional";

On page fifteen, subdivision 9.1.3, by striking out the words "treatment at a facility licensed by the State of West Virginia in substance abuse" and inserting in lieu thereof the words "treatment, counseling and after-care under the supervision of a duly licensed, mental health professional";

And,

On page sixteen, after subdivision 9.1.4, by adding the following:

9.1.5. An admission by the individual that he or she has failed or refused a drug and alcohol test for the first time and that a second

failure or refusal shall result in the permanent revocation of all mining certifications issued to him or her.

9.2. The Director shall review all Treatment Agreements and shall not approve any Agreement that does not comply with this rule.

9.3. The Director shall insure an individual has satisfied all conditions for reinstatement before reinstating any certificate.

§64-10-2. Division of Labor.

(a) The legislative rule filed in the State Register on July 23, 2013, authorized under the authority of section thirteen, article five, 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 November 5, 2013, relating to the Division of Labor (Wage Payment and Collection Act, 42 CSR 5), is authorized with the following amendments:

On page three, after subsection 4.2., by inserting a new subsection, designated subsection 4.3., to read as follows:

4.3. An employer shall keep posted in a place accessible to all employees an abstract of the West Virginia Wage Payment and Collection law prepared and provided by the Commissioner.;

On page four, by striking out all of subsection 7.2. and inserting in lieu thereof a new subsection, designated subsection 7.2., to read as follows:

7.2. The scheduled payday for a railroad company shall occur within the time periods specified by West Virginia Code §21-5-2. The scheduled payday for every employer other than a railroad company shall occur at least once every 2 weeks, unless otherwise authorized by special agreement as provided in section eight of this rule.;

On page five, after subsection 8.2., by inserting a new subsection, designated subsection 8.3. to read as follows:

8.3. The Commissioner shall notify all employees identified by the employer and provide each employee with an opportunity to respond to the petition.;

And by renumbering the remaining subsections;

On page five, subsection 8.4, by striking out the words “After the hearing,” and inserting in lieu thereof the words “Following the submission of the petition, the responses of the affected employees, and the holding of the hearing, if any,”;

And,

On page seven, subsection 10.6, by striking out the words “established by” and inserting in lieu thereof the words “specified in the written demand of”.

(b) The legislative rule filed in the State Register on July 23, 2013, authorized under the authority of section thirteen, article five, 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 November 5, 2013, relating to the Division of Labor (employer wage bonds, 42 CSR 33), is authorized.

§64-10-3. Division of Natural Resources.

(a) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section twenty-three, article seven, chapter twenty of this code, relating to the Division of Natural Resources (special motorboating, 58 CSR 27), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2013, authorized under the authority of section four, article two,

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 8, 2013, relating to the Division of Natural Resources (electronic registration of wildlife, 58 CSR 72), is authorized.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 140, 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. 140) 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. 140) 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 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. 4283, Raising the minimum wage.

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 amendment to the bill.

Engrossed Committee Substitute for House Bill No. 4283, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Chafin, Cookman, Edgell, Fitzsimmons, D. Hall, Laird, Miller, Nohe, Palumbo, Prezioso, Snyder, Tucker, Unger, Walters, Wells, Yost and Kessler (Mr. President)—20.

The nays were: Barnes, Blair, Carmichael, Cole, Facemire, Green, M. Hall, Jenkins, Kirkendoll, McCabe, Plymale, Stollings, Sypolt and Williams—14.

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. 4283) 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 Com. Sub. for Senate Bill No. 379,
Reclassifying counties.

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 §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-1. Legislative findings and purpose.

(a) The Legislature finds that it has, since January 1, ~~2003~~ 2007, consistently and annually imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys in each county ~~board~~, new and additional duties by the enactment of new provisions and amendments to this code. The new

and additional duties imposed upon the aforesaid county officials by these enactments are such that they would justify the increases in compensation as provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(b) The Legislature further finds that there are, from time to time, additional duties imposed upon all county officials through the acts of the Congress of the United States and that such acts constitute new and additional duties for county officials and, as such, justify the increases in compensation as provided by section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(c) The Legislature further finds that there is a direct correlation between the total assessed property valuations of a county on which the salary levels of the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys are based, and the new and additional duties that each of these officials is required to perform as they serve the best interests of their respective counties. Inasmuch as the reappraisal of the property valuations in each county has now been accomplished, the Legislature finds that a change in classification of counties by virtue of increased property valuations will occur on an infrequent basis. However, it is the further finding of the Legislature that when such change in classification of counties does occur, that new and additional programs, economic developments, requirements of public safety and the need for new services provided by county officials all increase, that the same constitute new and additional duties for county officials as their respective counties reach greater heights of economic development, as exemplified by the substantial increases in property valuations and, as such, justify the increases in compensation provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(d) The Legislature further finds and declares that the amendments enacted to this article are intended to modify the

provisions of this article so as to cause the same to be in full compliance with the provisions of the Constitution of West Virginia and to be in full compliance with the decisions of the Supreme Court of Appeals of West Virginia.

§7-7-4. Compensation of elected county officials and county commissioners for each class of county; effective date.

(1) The increased salaries to be paid to the county commissioners and the other elected county officials described in this ~~subsection~~ section on and after July 1, ~~2006~~ 2014, are set out in subdivisions (5) and (7) of this subsection. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, ~~2006~~ 2014, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in section one of this article.

(2) Before the increased salaries, as set out in subdivisions (5) and (7) of this subsection, are paid to the county commissioners and the elected county officials, the following requirements must be met:

(A) The Auditor has certified that the ~~proposed annual county budget for the fiscal year beginning the first days of July 1, 2006; fiscal condition of the county, considering costs, revenues, liabilities and significant trends of the same; maintenance standards; and the commitment to the provision of county services~~ has increased sufficiently improved over the previous fiscal year in years so that there exists an amount sufficient for the payment of the increase in the salaries set out in subdivisions (5) and (7) of this subsection and the related employment taxes: *Provided*, That the Auditor may not approve the budget provide the certification for the payment of the increase in the salaries where any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this ~~subdivision~~ subsection, the term "receipts" does not include unencumbered fund balance or federal or state grants; *Provided*, That the Auditor shall not be held liable for relying upon information and data provided by a county commission in assessing the county's fiscal condition or a proposed annual county budget; and

(B) Each county commissioner or other elected official described in this subsection in office on the effective date of the increased salaries provided by this ~~subsection~~ section who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county commission his or her written ~~agreement to accept request for~~ request for the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this ~~subsection~~ section who fails to file the written ~~agreement request~~ request as required by this paragraph shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this ~~subsection~~ section until the person vacates the office or his or her term of office expires, whichever first occurs.

Any request for a salary increase shall use the following language:

I [name of office holder] the duly elected [name of office] in and for the County of [name of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4, as amended. This salary increase is effective July 1, 2014.

[Signature of office holder]

[Date]

(3) If the Auditor has failed to certify that there is an insufficient projected increase in revenues to pay the increased amount sufficient for the payment of the increase in the salaries and the related employment taxes pursuant to section, then the salaries of that county's elected officials and commissioners shall remain at the level in effect at the time certification was sought.

(4) In any county having a tribunal in lieu of a county commission, the county commissioners of that county may be paid less than the minimum salary limits of the county commission for that particular class of the county.

(5) Prior to July 1, 2014:

COUNTY COMMISSIONERS

Class I	\$36,960
Class II	\$36,300
Class III	\$35,640
Class IV	\$34,980
Class V	\$34,320
Class VI	\$28,380
Class VII	\$27,720
Class VIII	\$25,080
Class IX	\$24,420
Class X	\$19,800

After June 30, 2014:COUNTY COMMISSIONERS

<u>Class I</u>	<u>\$41,395</u>
<u>Class II</u>	<u>\$40,656</u>
<u>Class III</u>	<u>\$39,917</u>
<u>Class IV</u>	<u>\$39,178</u>
<u>Class V</u>	<u>\$38,438</u>
<u>Class VI</u>	<u>\$31,786</u>
<u>Class VII</u>	<u>\$31,046</u>
<u>Class VIII</u>	<u>\$28,090</u>
<u>Class IX</u>	<u>\$27,350</u>
<u>Class X</u>	<u>\$22,176</u>

(6) For the purpose of determining the salaries to be paid to the elected county officials of each county, the salaries for each county office by class, set out in subdivision (7) of this subsection, are established and shall be used by each county commission in determining the salaries of each of their county officials other than salaries of members of the county commission.

(7) Prior to July 1, 2014:

OTHER ELECTED OFFICIALS

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting Attorney
Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

After June 30, 2014:OTHER ELECTED OFFICIALS

	<u>Sheriff</u>	<u>County Clerk</u>	<u>Circuit Clerk</u>	<u>Assessor</u>	<u>Prosecuting Attorney</u>
<u>Class I</u>	<u>\$50,266</u>	<u>\$62,093</u>	<u>\$62,093</u>	<u>\$50,266</u>	<u>\$108,192</u>
<u>Class II</u>	<u>\$49,526</u>	<u>\$61,354</u>	<u>\$61,354</u>	<u>\$49,526</u>	<u>\$105,728</u>
<u>Class III</u>	<u>\$49,157</u>	<u>\$59,875</u>	<u>\$59,875</u>	<u>\$49,157</u>	<u>\$103,264</u>
<u>Class IV</u>	<u>\$48,787</u>	<u>\$59,532</u>	<u>\$59,532</u>	<u>\$48,787</u>	<u>\$100,800</u>
<u>Class V</u>	<u>\$48,418</u>	<u>\$59,136</u>	<u>\$59,136</u>	<u>\$48,418</u>	<u>\$ 98,336</u>
<u>Class VI</u>	<u>\$48,048</u>	<u>\$55,440</u>	<u>\$55,440</u>	<u>\$48,048</u>	<u>\$ 66,528</u>
<u>Class VII</u>	<u>\$47,678</u>	<u>\$54,701</u>	<u>\$54,701</u>	<u>\$47,678</u>	<u>\$ 63,571</u>
<u>Class VIII</u>	<u>\$47,309</u>	<u>\$53,962</u>	<u>\$53,962</u>	<u>\$47,309</u>	<u>\$ 60,614</u>
<u>Class IX</u>	<u>\$46,939</u>	<u>\$53,222</u>	<u>\$53,222</u>	<u>\$46,939</u>	<u>\$ 56,179</u>
<u>Class X</u>	<u>\$42,874</u>	<u>\$47,309</u>	<u>\$47,309</u>	<u>\$42,874</u>	<u>\$ 51,744</u>

(8) Any county clerk, circuit clerk, county assessor, prosecuting attorney or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: *Provided*, That any public official, whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.;

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. 379—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 authorizing an increase in the salaries of county commissioners and elected county officials; providing legislative findings that the new and additional duties that have consistently and annually been imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys in each county are such that they would justify the increases in compensation; requiring the state auditor to consider certain factors when certifying whether a county has an amount sufficient for payment of the increases; providing that the State Auditor may not be held liable for relying upon information and data provided by a county commission in assessing a county's fiscal condition or annual budget; requiring submission of written request for a salary increase; and requiring certain prosecuting attorneys to devote full time to public duties.

On motion of Senator Unger, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 379) and requested the House of Delegates to recede therefrom.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 619, Exempting certain critical access hospitals from certificate of need requirement.

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 five-e, lines seven and eight, by striking out the words “and may operate pursuant to the previous license issued to the critical access hospital prior to closure”.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 619, 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. 619) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the eighth order of business.

Consideration of bills on today's third reading calendar having been concluded, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

On third reading, coming up in deferred order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Friday, March 7, 2014, for further amendments to be received on third reading, was again reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page thirteen, section five, line one hundred forty-one, by striking out the word "assistive" and inserting in lieu thereof the word "assistance".

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2387), as just amended, 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. 2387) 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. 2387—A Bill to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of the Code of West Virginia, 1931, as amended, all relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistance animals; defining terms; requiring rules, policies, practices and services related to animals to be subject to reasonable accommodation; providing for the submission of documentation of the disability related need for the assistance animal; providing for the sufficiency of the requested documentation; prohibiting a request for access to medical records or providers; providing for the denial of a request for an accommodation of an assistance animal under certain circumstances; requiring a determination of a direct threat or substantial physical damage to be based on individualized assessment; prohibiting an unreasonable denial of accommodation; and replacing the term “handicapped” with the term “disability” throughout the article.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Action as to Engrossed Committee Substitute for House Bill No. 2387 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill No. 3156, Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

On third reading, coming up in deferred order, was again reported by the Clerk.

On motion of Senator Palumbo, the Senate reconsidered the vote by which on yesterday, Friday, March 7, 2014, it adopted the Judiciary committee amendment to the bill (*shown in the Senate Journal of that day, pages 1991 to 1993, inclusive*).

The vote thereon having been reconsidered,

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.

On motion of Senator Palumbo, the following amendment to the bill (Eng. Com. Sub. for H. B. No. 3156) 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 §6C-2-8, to read as follows:

**ARTICLE 2. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE
PROCEDURE.**

**§6C-2-8. Employee organizations may not be compelled to disclose
certain communications; exceptions.**

(a) Except as otherwise provided in this section, an employee organization or an agent of an employee organization may not be compelled to disclose any communication or information the employee organization or agent received or acquired in confidence from a public employee, while the employee organization or agent was acting in a representative capacity concerning a public employee grievance or an investigation of a potential public employee grievance, regardless of whether the public employee is a member of the employee organization: *Provided*, That the confidentiality established under this section does not apply to written communications between the employee and the employee organization.

(b) (1) The confidentiality established under this section applies only to the extent that the communication or information is germane to a grievance or potential grievance of the employee.

(2) The confidentiality established under this subsection continues after termination of:

(A) The employee's employment; or

(B) The representative relationship of the employee organization or its agent with the public employee.

(3) The confidentiality established under this subsection protects the communication or information received or acquired by the employee organization or its agent, but does not protect the employee from being compelled to disclose, to the extent provided by law, the facts underlying the communication or information.

(c) The protection for confidential communications provided by this section only extends to proceedings under the public employees

grievance procedure. Nothing in this section may be construed to extend the confidentiality to circuit court proceedings or other proceedings outside of the public employees grievance procedure.

(d) An employee organization or its agent shall disclose to the employer as soon as possible a communication or information described in subsection (a) of this section to the extent the employee organization or its agent reasonably believes:

(1) It is necessary to prevent certain death or substantial bodily harm.

(2) It is necessary to prevent the employee from committing a crime, fraud or any act that is reasonably certain to result in substantial injury to the financial interests or property of another or to rectify or mitigate any such action after it has occurred;

(3) The communication or information constitutes an admission that the employee has committed a crime; or

(4) It is necessary to comply with a court order or other law.

(e) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section in order to:

(1) Secure legal advice about the compliance of the employee organization or its agent with a court order or other law;

(2) Establish a claim or defense on behalf of the employee organization or its agent in a controversy between the employee and the employee organization or its agent;

(3) Establish a defense to a criminal charge or civil claim against the employee organization or its agent based on conduct in which the employee was involved; or

(4) Respond to allegations in any proceeding concerning the performance of professional duties by the employee organization or its agent on behalf of the employee.

(f) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section, without regard to whether the disclosure is made within the public employees grievance procedure, in the following circumstances:

(1) The employee organization has obtained the express written or oral consent of the employee;

(2) The employee has, by other act or conduct, waived the confidentiality of the communication or information; or

(3) The employee is deceased or has been adjudicated incompetent by a court of competent jurisdiction and the employee organization has obtained the written or oral consent of the personal representative of the employee's estate or of the employee's guardian.

(g) If there is a conflict between the application of this section and any federal or state labor law, the provisions of the federal or other state law shall control.

The bill, as just amended, was again ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 3156) 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. 3156) passed.

At the request of Senator Yost, as chair of the Committee on Labor, and by unanimous consent, the unreported Labor 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. 3156—A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §6C-2-8, relating to recognizing certain communications between a public employee and a employee organization as confidential; preventing employee organizations and their agents from being compelled to disclose certain communications or information obtained from an employee while the employee organization or agent is acting in a representative capacity concerning an employee grievance; providing limitations and exceptions; ensuring the confidentiality does not extend outside the grievance process; and providing for resolution of conflicts with existing law.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Action as to Engrossed Committee Substitute for House Bill No. 3156 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill No. 4316, Creating the student data accessibility, transparency and accountability act.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Friday, March 7, 2014, for further amendments to be received on third reading, was again reported by the Clerk.

On motion of Senator Sypolt, the following amendment to the bill was reported by the Clerk and adopted:

On page four, section five-h, line fifty-three, after the word “purpose” by inserting the words “which data shall promptly be destroyed”.

Thereafter, on motion of Senator Sypolt, the Senate reconsidered the vote by which it immediately hereinbefore adopted Senator Sypolt’s amendment to Engrossed Committee Substitute for House Bill No. 4316.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Sypolt’s amendment to the bill.

Thereafter, at the request of Senator Sypolt, and by unanimous consent, Senator Sypolt’s amendment to the bill was withdrawn.

On motion of Senator Sypolt, the following amendments to the bill were next reported by the Clerk, considered simultaneously, and adopted:

On page four, section five-h, after line thirty-eight, by inserting a new subdivision, designated subdivision (10), to read as follows:

“(10) ‘Confidential student information’ means data relating to a person’s Social Security number, or other identification number issued by a state or federal agency, except for the state-assigned student identifier as defined in this section, religious affiliation, whether the person or a member of their household owns or

possesses a firearm, whether the person or their family are or were recipients of financial assistance from a state or federal agency, medical, psychological or behavioral diagnoses, criminal history, criminal history of parents, siblings or any members of the person's household, vehicle registration number, driver's license number, biometric information, handwriting sample, credit card numbers, consumer credit history, credit score, or genetic information;"

And by renumbering the remaining subdivisions;

And,

On page nine, section five-h, after line one hundred fifty-five, by adding a new subdivision, designated subdivision (9), to read as follows:

(9) Prohibit the collection of confidential student information as defined in subdivision (10), subsection (b) of this section.

The bill, as just amended, was again ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4316) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. 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, Boley 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. 4316) 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. 4316—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5h, relating to creating the student data accessibility, transparency and accountability act; providing definitions; state, district and school responsibilities for data inventory; providing for data governance manager and responsibilities; establishing parental rights to information and providing for policies on security and access; requiring state board rules; and establishing effect on existing data.

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, 2014, 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. 391, Providing salary increase for teachers and school service personnel.

On motion of Senator Laird, 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, by striking out all of lines fifty-two through ninety-one and inserting in lieu thereof the following:

STATE MINIMUM SALARY SCHEDULE

Years Exp.	4th Class	3rd Class	2nd Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Doc- torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406

28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

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. 391—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating generally to increasing compensation for teachers and school service personnel; and expressing legislative goal.

Senator Unger moved to be excused from voting on any matter pertaining to the bill under rule number forty-three of the Rules of the Senate, which motion prevailed.

On motion of Senator Laird, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 391, 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, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sybolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Carmichael and McCabe–2.

Absent: None.

Excused from voting: Unger–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 Com. Sub. for S. B. No. 391) passed with its House of Delegates amended title.

Senator Laird moved that the bill take effect July 1, 2014.

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, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)–31.

The nays were: Carmichael and McCabe–2.

Absent: None.

Excused from voting: Unger–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. 391) takes effect July 1, 2014.

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. Com. Sub. for Senate Bill No. 439, Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

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. 439—A Bill to amend and reenact §7-22-9 and §7-22-15 of the Code of West Virginia, 1931, as amended, all relating to county economic opportunity development district; increasing the Fort Henry economic opportunity development project district from three hundred to five hundred contiguous acres of land; providing when the Fort Henry Economic Opportunity Development District may be abolished or terminated; providing time period during which certain economic opportunity development districts may exist and when abolished by operation of law; providing definitions; providing for the authority of the Tax Commissioner; and providing effect of cessation and abolishment of a county economic opportunity development district.

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. 439, 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. 439) 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. 439) 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. 486, Establishing salaries and providing raises for State Police forensic lab employees.

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. WEST VIRGINIA STATE POLICE.

§15-2-7. Cadet selection board; qualifications for and appointment to membership in State Police; civilian employees; forensic laboratory employees; salaries.

(a) The superintendent shall establish within the West Virginia State Police a cadet selection board which shall be representative of commissioned and noncommissioned officers within the State Police.

(b) The superintendent shall appoint a member to the position of trooper from among the top three names on the current list of eligible applicants established by the cadet selection board.

(c) Preference in making appointments shall be given whenever possible to honorably discharged members of the armed forces of the United States and to residents of West Virginia. Each applicant for appointment shall be a person not less than twenty-one years of age nor more than thirty-nine years of age, of sound constitution and good moral character and is required to pass any mental and physical examination and meet other requirements as provided in rules promulgated by the cadet selection board: *Provided*, That a former member may, at the discretion of the superintendent, be reenlisted.

(d) No person may be barred from becoming a member of the State Police because of his or her religious or political convictions.

(e) The superintendent shall adhere to the principles of equal employment opportunity set forth in article eleven, chapter five of this code and shall take positive steps to encourage applications for State Police membership from females and minority groups within

the state. An annual report shall be filed with the Legislature on or before January 1 of each year by the superintendent which includes a summary of the efforts and the effectiveness of those efforts intended to recruit females, African-Americans and other minorities into the ranks of the State Police.

(f) Except for the superintendent, no person may be appointed or enlisted to membership in the State Police at a grade or rank above the grade of trooper.

(g) The superintendent shall appoint civilian employees as are necessary and all employees may be included in the classified service of the civil service system except those in positions exempt under the provisions of article six, chapter twenty-nine of this code.

(h) Effective July 1, 2001, through June 30, 2014, civilian employees with a minimum of five years' service shall receive a salary increase equal to \$100 a year for each year of service as a civilian employee. Every three years thereafter, civilian employees who have five or more years of service shall receive an annual salary increase of \$300. The increases in salary provided by this subsection are in addition to any other increases to which the civilian employees might otherwise be entitled. After June 30, 2014, the provisions of this subsection are not operative.

(i) After June 30, 2014, West Virginia State Police civilian employees with a minimum of one year service shall receive an annual longevity salary increase equal to \$500. The increases in salary provided by this subsection are in addition to any other increases to which the civilian employees might otherwise be entitled.

(j) Effective July 1, 2014, all current West Virginia State Police Forensic Laboratory analysts, directors and evidence technicians shall receive a one-time, across-the-board salary increase equal to twenty percent of their current salary.

(k) On or before January 1, 2018, the Director of the West Virginia State Police Forensic Laboratory shall submit a report to the Joint Committee on Government and Finance detailing the West Virginia State Police Forensic Laboratory's ability to retain employees.;

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. 486—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to establishing annual longevity salary increases for West Virginia State Police civilian employees; providing salary increase for current employees within the West Virginia State Police Forensic Laboratory; and requiring the Director of the West Virginia State Police Forensic Laboratory to submit a report before January 1, 2018, to the Joint Committee on Government and Finance detailing the West Virginia State Police Forensic Laboratory's ability to retain employees.

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. 486, 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. 486) 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 eighth order of business.

Consideration of bills on today's third reading calendar having been concluded, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill No. 4333, Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Friday, March 7, 2014, for further amendments to be received on third reading, was again reported by the Clerk.

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 §29-22-18d 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 §29-22-18f; that said code be amended by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; that said code be amended by adding thereto a new section, designated §29-22C-27a;

and that said code be amended by adding thereto a new section, designated §29-25-22b, all to read as follows:

ARTICLE 22. STATE LOTTERY ACT.

§29-22-18d. Increase in allocation to West Virginia Infrastructure Fund from State Excess Lottery Revenue Fund.

(a) Notwithstanding any provision of subsection (d), section eighteen-a of this article to the contrary, the deposit of \$40 million into the West Virginia Infrastructure Fund set forth above is for the fiscal year beginning July 1, 2010, only. For the fiscal year beginning July 1, 2011, and each fiscal year thereafter, in lieu of the deposits required under subdivision (5), subsection (d), section eighteen-a of this article, the commission shall, first, deposit \$6 million into the West Virginia Infrastructure Lottery Revenue Debt Service Fund created in subsection (h), section nine, article fifteen-a, chapter thirty-one of this code, to be spent in accordance with the provisions of that subsection, and, second, deposit \$40 million into the West Virginia Infrastructure Fund created in subsection (a), section nine, article fifteen-a, chapter thirty-one of this code, to be spent in accordance with the provisions of that article: Provided, That for the fiscal year beginning July 1, 2014, the deposit to the West Virginia Infrastructure Fund shall be \$20 million: Provided, however, That notwithstanding the provisions of subsection (a), section ten, article fifteen-a, chapter thirty-one of this code, for the fiscal year beginning July 1, 2014, any moneys disbursed from the West Virginia Infrastructure Fund in the form of grants shall not exceed fifty percent of the total funds available for the funding of projects.

(b) Notwithstanding the provisions of subsection (h), section eighteen-a of this article, when bonds are issued for projects under subsection (d) or (e), section eighteen-a of this article, or for the School Building Authority, infrastructure pursuant to this section, higher education or state park improvements pursuant to section eighteen-e of this article that are secured by profits from lotteries deposited in the State Excess Lottery Revenue Fund, the Lottery

Director shall allocate first to the Economic Development Project Fund an amount equal to one tenth of the projected annual principal, interest and coverage requirements on any and all revenue bonds issued, or to be issued as certified to the Lottery Director; and second, to the fund or funds from which debt service is paid on bonds issued under section eighteen-a of this article for the School Building Authority, infrastructure pursuant to this section, higher education and state park improvements pursuant to section eighteen-e of this article an amount equal to one tenth of the projected annual principal, interest and coverage requirements on any and all revenue bonds issued, or to be issued as certified to the Lottery Director. In the event there are insufficient funds available in any month to transfer the amounts required pursuant to this subsection, the deficiency shall be added to the amount transferred in the next succeeding month in which revenues are available to transfer the deficiency.

§29-22-18f. Backup pledge of bonds supported by the State Lottery Fund and the State Excess Lottery Revenue Fund.

(a) Any and all remaining funds in the State Excess Lottery Revenue Fund after payment of debt service pursuant to sections eighteen-a, eighteen-d and eighteen-e of this article shall be made available to pay debt service in connection with any revenue bonds issued pursuant to section eighteen of this article, if and to the extent needed for such purpose from time to time.

(b) Notwithstanding any other provision of this code to the contrary, after first satisfying the requirements for funds dedicated to pay debt service in accordance with bonds payable from the State Lottery Fund pursuant to section eighteen of this article, any and all remaining funds in the State Lottery Fund shall be made available to pay debt service in connection with revenue bonds issued pursuant to sections eighteen-a, eighteen-d, and eighteen-e of this article, if and to the extent needed for such purpose from time to time.

ARTICLE 22A. RACETRACK VIDEO LOTTERY ACT.**§29-22A-10d. Changes in distribution of net terminal income; distributions from excess lottery fund.**

Notwithstanding any provision of subsection (b), section ten of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, the commission may transfer up to \$9 million as actual costs and expenses to the Licensed Racetrack Modernization Fund, and the commission's actual costs and expenses may include a transfer of \$1 million to the state excess lottery revenue fund created pursuant to section eighteen-a, article twenty-two of this chapter.

(b) Notwithstanding any provision of subsection (c), section ten of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each distribution, except those distributions to be made pursuant to subdivisions (1), (3) and (7), subsection (c), section ten of this article, shall be reduced by one hundred percent. Payments shall not be made pursuant to section ten of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(c) The total amount of reductions resulting from subsections (b) of this section shall be paid into the State Excess Lottery Revenue Fund, created by section eighteen-a, article twenty-two of this chapter.

(d) Notwithstanding any other provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance with an appropriation in each fiscal year to benefit the parties whose distribution pursuant to section ten of this article has been reduced by one hundred percent.

(e) Prior to payment of any appropriation made pursuant to this section, debt service payments payable from the State Excess Lottery Fund shall first be paid in accordance with the provisions of sections eighteen-a, eighteen-d and eighteen-e, article twenty-two of this chapter and in the priority as defined by those sections.

(f) Notwithstanding any other provision of this code to the contrary, after payment of debt service from the State Excess Lottery Revenue Fund, all other distributions required by section eighteen-a, article twenty-two of this chapter and the distributions appropriated pursuant to this section shall be paid on a pro rata basis.

§29-22A-10e. Changes in distribution of excess net terminal income; distributions from excess lottery fund.

(a) Notwithstanding any provision of subsection (a), section ten-b of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each distribution, except those distributions to be made pursuant to subdivisions (1), (3) and (7), subsection (a), section ten-b of this article, shall be reduced by one hundred percent. Payments shall not be made pursuant to section ten-b of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(b) The total amount of reductions resulting from subsection (a) of this section shall be paid into the State Excess Lottery Revenue Fund created in section eighteen-a, article twenty-two of this chapter.

(c) Notwithstanding any other provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance with an appropriation in each fiscal year to benefit the parties whose distribution pursuant to section ten-b of this article has been reduced by one hundred percent.

(d) Prior to payment of any appropriation made pursuant to this section, debt service payments payable from the State Excess Lottery Fund shall first be paid in accordance with the provisions of sections eighteen-a, eighteen-d and eighteen-e, article twenty-two of this chapter and in the priority as defined by those sections.

(e) Notwithstanding any other provision of this code to the contrary, after payment of debt service from the State Excess Lottery Revenue Fund, all other distributions required by section eighteen-a, article twenty-two of this chapter and the distributions appropriated pursuant to this section shall be paid on a pro rata basis.

§29-22A-10f. Changes in distribution of surcharge; distributions from excess lottery fund.

(a) Notwithstanding any provision of subsection (b), section ten-c of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each distribution under section ten-c of this article shall be reduced by one hundred percent. Payments shall not be made pursuant to section ten-c of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(b) The total amount of reductions resulting from subsection (a) of this section shall be paid into the State Excess Lottery Revenue Fund created in section eighteen-a, article twenty-two of this chapter.

(c) Notwithstanding any other provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance with an appropriation in each fiscal year from to benefit the parties whose distribution pursuant to section ten-c of this article has been reduced by one hundred percent.

(d) Prior to payment of any appropriation made pursuant to this section, debt service payments payable from the State Excess

Lottery Fund shall first be paid in accordance with the provisions of sections eighteen-a, eighteen-d and eighteen-e, article twenty-two of this chapter and in the priority as defined by those sections.

(e) Notwithstanding any other provision of this code to the contrary, after payment of debt service from the State Excess Lottery Revenue Fund, all other distributions required by section eighteen-a, article twenty-two of this chapter and the distributions appropriated pursuant to this section shall be paid on a pro rata basis.

ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.

§29-22C-27a. Changes in distribution of adjusted gross receipts; distributions from excess lottery fund.

(a) Notwithstanding any provision of section twenty-seven of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each distribution, except subdivisions (1), (4), (5), (6) and (7), subsection (c), and each distribution expressed as a percentage of net amounts found in subsection (d) of that section, except subdivisions (3) and (4) of that subsection, shall be reduced by one hundred percent. Payments shall not be made pursuant to section twenty-seven of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(b) The total amount of reductions resulting from subsection (a) of this section shall be paid into the State Excess Lottery Revenue Fund created in section eighteen-a, article twenty-two of this chapter.

(c) Notwithstanding any other provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance with an appropriation in each fiscal year from accounts created to benefit the parties whose distribution pursuant

to section twenty-seven of this article has been reduced by one hundred percent.

(d) Prior to payment of any appropriation made pursuant to this section, debt service payments payable from the State Excess Lottery Fund shall first be paid in accordance with the provisions of sections eighteen-a, eighteen-d and eighteen-e, article twenty-two of this chapter and in the priority as defined by those sections.

(e) Notwithstanding any other provision of this code to the contrary, after payment of debt service from the State Excess Lottery Revenue Fund, all other distributions required by section eighteen-a, article twenty-two of this chapter and the distributions appropriated pursuant to this section shall be paid on a pro rata basis.

ARTICLE 25. AUTHORIZED GAMING FACILITY.

§29-25-22b. Changes in distribution of adjusted gross receipts and additional income; distributions from excess lottery fund.

(a) Notwithstanding any provision of section twenty-two of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, after payment of the commission's expenses pursuant to subsection (b), section twenty-two of this article, each distribution made in subsection (c), section twenty-two of this article from gross terminal income, and each distribution of the balance of the Historic Resort Hotel Fund made in subsection (d), section twenty-two of this article, except subdivisions (4), (5), (6), (7) and (8) of that subsection, shall be reduced by one hundred percent. Payments shall not be made pursuant to section twenty-two of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(b) Notwithstanding any provision of section twenty-two-a of this article to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each distribution made in subsection (a), section twenty-two-a of this article shall be reduced by one hundred

percent. Payments shall not be made pursuant to section twenty-two-a of this article, other than those excepted by this subsection, and are made in lieu thereof in an amount to be determined by appropriation.

(c) The total amount of reductions resulting from subsections (a) and (b) of this section shall be paid into the State Excess Lottery Revenue Fund created in section eighteen-a, article twenty-two of this chapter.

(d) Notwithstanding any other provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance with an appropriation in each fiscal year to benefit the parties whose distribution pursuant to sections twenty-two and twenty-two-a of this article has been reduced by one hundred percent.

(e) Prior to payment of any appropriation made pursuant to this section, debt service payments payable from the State Excess Lottery Fund shall first be paid in accordance with the provisions of section eighteen-a, eighteen-d and eighteen-e, article twenty-two of this chapter and in the priority as defined by those sections.

(f) Notwithstanding any other provision of this code to the contrary, after payment of debt service from the State Excess Lottery Revenue Fund, all other distributions required by section eighteen-a, article twenty-two of this chapter and the distributions appropriated pursuant to this section shall be paid on a pro rata basis.

On motion of Senator Blair, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4333) was next reported by the Clerk:

On page twelve, section twenty-two-b, after subsection (f), by adding a new subsection, designated subsection (g), to read as follows:

(g) Notwithstanding any other provision of this code to the contrary, any funds expended pursuant to the provisions of this chapter shall be exempt the provisions of article five-a, chapter twenty-one of this code; in lieu thereof, wages for public improvements funded through the expenditure of funds as provided for in this chapter shall be based upon wage data for the State of West Virginia as published by the United States Department of Labor, Bureau of Labor Statistics.

Senator Plymale arose to a point of order that Senator Blair's amendment to the Finance committee amendment was not germane to the bill.

Which point of order, the President ruled well taken.

On motion of Senator Prezioso, the following amendments to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4333) were next reported by the Clerk, considered simultaneously, and adopted:

On page four, section ten-d, before the words "Notwithstanding any provision of subsection (b)" by inserting "(a)";

On page five, section ten-d, subsection (b), after "(3)" by inserting a comma and "(4)";

On page six, section ten-e, subsection (a), after "(3)" by inserting a comma and "(4)";

And,

On page nine, section twenty-seven-a, subsection (a), after the words "section, except subdivisions" by inserting "(2),".

On motion of Senator Snyder, the following amendments to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. No. 4333), were next reported by the Clerk and considered simultaneously:

On page five, section ten-d, subsection (b), by striking out “(1), (3)” and inserting in lieu thereof “(1), (2), (3), (5)”;

On page five, section ten-d, subsection (b), after the words “one hundred percent” by changing the period to a colon and inserting the following proviso: *Provided*, That for the fiscal year beginning July 1, 2014, and each year thereafter, those distributions to be made pursuant to subdivisions (2) and (5), subsection (c), section ten of this article shall be reduced by ten percent.;

On page six, section ten-e, subsection (a), by striking out “(1), (3)” and inserting in lieu thereof “(1), (2), (3), (5)”;

On page six, section ten-e, subsection (a), after the words “one hundred percent” by changing the period to a colon and inserting the following proviso: *Provided*, That for the fiscal year beginning July 1, 2014, and each year thereafter, those distributions to be made pursuant to subdivisions (2) and (5), subsection (a), section ten-b of this article shall be reduced by ten percent.;

On page nine, section twenty-seven-a, subsection (a), after “(1)” by inserting “(2), (3),”;

And,

On page nine, section twenty-seven-a, subsection (a), after the words “one hundred percent” by changing the period to a colon and inserting the following proviso: *Provided*, That for the fiscal year beginning July 1, 2014, and each year thereafter, those distributions to be made pursuant to subdivisions (2) and (3), subsection (c), section twenty-seven of this article shall be reduced by ten percent.

Following discussion,

Senator Plymale moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the adoption of Senator Snyder's amendments to the bill, the same was put.

The result of the voice vote being inconclusive, Senator Prezioso demanded a division of the vote.

A standing vote being taken, there were seventeen "yeas" and seventeen "nays".

Whereupon, the President declared Senator Snyder's amendment to the bill rejected on a tie vote.

The question now being on the adoption of the Finance committee amendment to the bill, as amended, the same was put and prevailed.

The bill, as just amended, was again ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 4333) 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, Edgell, Facemire, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Walters, Wells, Williams and Kessler (Mr. President)—27.

The nays were: Barnes, Blair, Cookman, Fitzsimmons, Snyder, Unger and Yost—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. 4333) 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. 4333—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22-18f; to amend said code by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the transfer of certain revenues derived from lottery activities generally; reducing the distribution to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2015 and increasing the percentage of funds available for grants therefrom; providing a backup pledge of bonds supported by the State Lottery Fund and State Excess Lottery Revenue Fund; transferring certain revenues derived from racetrack video lottery, lottery racetrack table games and lottery historic hotel gaming facility activities to the State Excess Lottery Revenue Fund for appropriation; and authorizing distributions be paid on a pro rata basis.

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 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. 4236, Sexual assault nurse examination network.

Whereupon, Senator Kirkendoll, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 4236, Sexual assault nurse examination network.

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. 4236 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.

§15-9B-1. Sexual Assault Forensic Examination Commission.

(a) There is created within the Governor's Committee on Crime, Delinquency and Correction the Sexual Assault Forensic Examination Commission. The purpose of the commission is to establish, manage and monitor a statewide system to facilitate the timely and efficient collection of forensic evidence in sexual assault cases.

(b) The commission shall be chaired by the director of the Division of Justice and Community Service. Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorney's Association;

(2) A representative chosen from the membership of the West Virginia Association of Counties;

(3) The Commissioner of the Bureau of Public Health, or his or her designee;

(4) A representative from the State Police crime laboratory;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;

(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program; and

(9) A representative of the Marshall University Forensic Science Center.

If any of the representative organizations cease to exist, the director may select a person from a similar organization.

The director may appoint the following additional members of the commission, as needed:

(1) An emergency room physician;

(2) A victim advocate from a rape crisis center;

(3) A sexual assault nurse examiner;

(4) A law-enforcement officer with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise; and

(6) A director of a child advocacy center.

(c) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic examinations, establishing minimum qualifications and procedures for performing forensic examinations and establishing protocols to assure the proper collection of evidence.

(d) As used in this article, the word “commission” means the Sexual Assault Forensic Examination Commission.

§15-9B-2. Powers and duties of the commission.

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers receive training and support services, advocating the fair and reasonable reimbursement to exam providers and to facilitate transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state on a county or regional basis. If the commission deems

necessary, it may add or remove a county or portion thereof from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided the rules authorized pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission thirty days advance notice of their intent to withdraw from the plan. If there is a change of circumstances, that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, necessary to implement this article.

§15-9B-3. Local Sexual Assault Forensic Examination Boards.

Each county prosecutor, or his or her designee, shall convene a Sexual Assault Forensic Examination Board, or may, as an alternative, convene and chair the sexual assault response team in the county to act as the Sexual Assault Forensic Examination Board. If a regional board is authorized, all county prosecutors from the designated area shall be members of the board. The prosecutors shall assure that each board be proportionally representative of the designated region. Each board may vary in membership, but should include representatives from local health care facilities, local law enforcement, multidisciplinary investigative teams, county and municipal governments and victims advocates. Each county or regional board shall develop a local plan and protocols for the area, which will address, at a minimum, the following:

(1) Identify facilities that are appropriate for receipt and treatment of sexual assault victims;

(2) Evaluate the needs and available resources of the area, including the number of qualified physicians or nurses, or both, to facilitate and encourage 24-hour, seven-day-a-week coverage;

(3) If availability of services are limited, or the remoteness of the region causes lack of adequate examination facilities or personnel, the local boards may designate local government or other resources to provide appropriate transport of victims to facilities where the victim can receive a timely and appropriate forensic examination; and

(4) Develop an alternative plan in case there is a change in circumstances to ensure continuity of service.

Respectfully submitted,

Barbara Evans Fleischauer, *Chair*, Stephen Skinner, John N. Ellem, *Conferees on the part of the House of Delegates*.

Art Kirkendoll, *Chair*, Donald H. Cookman, Mitch Carmichael, *Conferees on the part of the Senate*.

On motions of Senator Kirkendoll, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 4236, 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. 4236) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

[CLERK'S NOTE: Engrossed Committee Substitute for House Bill No. 4236 (*Sexual assault nurse examination network*) was not enrolled due to technical deficiency.]

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 with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

Whereupon, Senator Williams, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 4298, Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

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. 4298 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 section, and agree to the same as follows:

ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) ~~There is hereby created the~~ The West Virginia Ethics Commission is continued. ~~consisting of twelve members, no more than seven of whom shall be members of the same political party. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate. Within thirty days of the effective date of this section, the Governor shall make the initial appointments to the commission.~~

(b) No person may be appointed to the commission or continue to serve as a member of the commission who: ~~holds~~

(1) Holds elected or appointed office under the government of the United States, the State of West Virginia or any of its political subdivisions; ~~or who is~~

(2) Is a candidate for any ~~of those offices who is employed as a registered lobbyist, or who is~~ political office;

(3) Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; ~~A member may contribute to a political campaign, but no member shall hold~~ or

(4) Holds any political party office or participate participates in a campaign relating to a referendum or other ballot issue: *Provided*. That a member may contribute to a political campaign.

~~(b) At least two members of the commission shall have served as a member of the West Virginia Legislature; at least two members of the commission shall have been employed in a full-time elected or appointed office in state government; at least one member shall have served as an elected official in a county or municipal government or on a county school board; at least one member shall have been employed full-time as a county or municipal officer or employee; and at least two members shall have served part time as a member or director of a state, county or municipal board, commission or public service district and at least four members shall be selected from the public at large. No more than four members of the commission shall reside in the same congressional district.~~

~~(c) Of the initial appointments made to the commission, two shall be for a term ending one year after the effective date of this section, two for a term ending two years after the effective date of this section, two for a term ending three years after the effective date of this section, three for a term ending four years after the effective date of this section and three shall be for terms ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of his or her appointment until the end of the term for which he or she was appointed or until his or her successor qualifies for office. When a vacancy occurs as a result of death, resignation or removal in the membership of this commission, it shall be filled by appointment within thirty days of the vacancy for the unexpired portion of the term in the same manner as original appointments.~~

(c) Commencing July 1, 2014, the Ethics Commission shall consist of the following nine members, appointed with staggered terms:

(1) One member who served as a member of the West Virginia Legislature;

(2) One member who served as an elected or appointed county official;

(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

(d) Any commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. No more than five members of the commission shall be of the same political party and no more than four members shall be from the same congressional district.

(e) After the initial staggered terms, the term of office for a commission member is five years. No member shall serve more than two consecutive full or partial terms. ~~and no~~ No person may be reappointed to the commission until at least two years have elapsed after the completion of a the second successive consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than sixty days.

(g) Each member must be a resident of this state during the appointment term.

(h) Five members of the commission constitute a quorum.

~~(d)~~ (i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office or a violation of this chapter, after written notice and opportunity for reply.

~~(e)~~ (k) The commission, as appointed on July 1, 2014, shall meet within thirty days of the initial appointments to the commission before August 1, 2014, at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a chairman chairperson is elected. At ~~its~~ the first meeting, the commission shall elect a chairman chairperson and any other officers as are necessary. The commission shall within ninety days after ~~its~~ the first meeting adopt rules for its procedures. The commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

~~(f) Seven members of the commission shall constitute a quorum; except that when the commission is sitting as a hearing board pursuant to section four of this article, then five members shall constitute a quorum. Except as may be otherwise provided in this article, a majority of the total membership shall be necessary to act at all times.~~

~~(g)~~ (l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties: *Provided*, That to be eligible for compensation and expense reimbursement, the member must participate in a meeting or adjudicatory session: *Provided, however*, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.

(h) (m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions: *Provided*, That no counsel shall both advise the commission and act in a representative capacity in any proceeding.

(i) (n) The commission may delegate authority to the ~~chairman~~ chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission shall not delegate the power to hold hearings and determine violations to the ~~chairman~~ chairperson or the executive director.

(j) (o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality; or ~~they~~

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(k) (p) Meetings of the commission shall be upon the call of the ~~chair~~ chairperson and may be conducted by telephonic or other electronic conferencing means: *Provided*, That telephone or other electronic conferencing, and voting are not permitted when the commission is acting as a hearing board under ~~section four~~ of this article, or when the Probable Cause Review Board meets to receive an oral response as authorized ~~under subsection (d), section four~~ of

this article. Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.;

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 House Bill No. 4298—A Bill to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Ethics Commission; continuing the Ethics Commission; changing the requirements of who can be a member of the Ethics Commission; reducing the number of members on the Ethics Commission to nine; and changing the composition of the membership.

Respectfully submitted,

Mark Hunt, *Chair*, John Pino, John N. Ellem, *Conferees on the part of the House of Delegates*.

Bob Williams, *Chair*, Ronald F. Miller, Dave Sypolt, *Conferees on the part of the Senate*.

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 House Bill No. 4298, 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. 4298) passed with its conference 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, 2014, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 458, Dedicating certain circuit court fees to fund low-income persons' civil legal services.

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. FEES AND ALLOWANCES.

§59-1-11. Fees to be charged by clerk of circuit court.

(a) The clerk of a circuit court shall charge and collect for services rendered by the clerk the following fees which shall be paid in advance by the parties for whom services are to be rendered:

(1) For Except as provided in subdivisions (2) and (3) of this subsection, for instituting any civil action under the Rules of Civil Procedure, any statutory summary proceeding, any extraordinary remedy, the docketing of civil appeals or removals of civil cases from magistrate court or any other action, cause, suit or proceeding, \$155 \$200, of which \$30 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code and \$45 shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by paragraph (B), subdivision (4), subsection (c), section ten of this article and \$20 deposited in the special revenue account created in section six hundred three, article twenty-six, chapter forty-eight of this code to provide legal services for domestic violence victims;

(2) For instituting an action for medical professional liability, \$280, of which \$10 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code;

(3) Beginning on and after July 1, 1999, for instituting an action for divorce, separate maintenance or annulment, \$135;

(4) For petitioning for the modification of an order involving child custody, child visitation, child support or spousal support, \$85; ~~and~~

(5) For petitioning for an expedited modification of a child support order, \$35; and

(6) For filing any pleading that includes a counterclaim, cross claim, third-party complaint or motion to intervene, \$200, which

shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by paragraph (B), subdivision (4), subsection (c), section ten of this article: *Provided*, That this subdivision and the fee it imposes does not apply in family court cases nor may more than one such fee be imposed on any one party in any one civil action.

(b) In addition to the foregoing fees, the following fees shall be charged and collected:

(1) For preparing an abstract of judgment, \$5;

(2) For a transcript, copy or paper made by the clerk for use in any other court or otherwise to go out of the office, for each page, \$1;

(3) For issuing a suggestion and serving notice to the debtor by certified mail, \$25;

(4) For issuing an execution, \$25;

(5) For issuing or renewing a suggestee execution and serving notice to the debtor by certified mail, \$25;

(6) For vacation or modification of a suggestee execution, \$1;

(7) For docketing and issuing an execution on a transcript of judgment from magistrate court, \$3;

(8) For arranging the papers in a certified question, writ of error, appeal or removal to any other court, \$10, of which \$5 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code;

(9) For each subpoena, on the part of either plaintiff or defendant, to be paid by the party requesting the same, \$0.50;

(10) For additional service, plaintiff or appellant, where any case remains on the docket longer than three years, for each additional year or part year, \$20; and

(11) For administering funds deposited into a federally insured interest-bearing account or interest-bearing instrument pursuant to a court order, \$50, to be collected from the party making the deposit. A fee collected pursuant to this subdivision shall be paid into the general county fund.

(c) In addition to the foregoing fees, a fee for the actual amount of the postage and express may be charged and collected for sending decrees, orders or records that have not been ordered by the court to be sent by mail or express.

(d) The clerk shall tax the following fees for services in a criminal case against a defendant convicted in such court:

(1) In the case of a misdemeanor, \$85; and

(2) In the case of a felony, \$105, of which \$10 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code.

(e) The clerk of a circuit court shall charge and collect a fee of \$25 per bond for services rendered by the clerk for processing of criminal bonds and the fee shall be paid at the time of issuance by the person or entity set forth below:

(1) For cash bonds, the fee shall be paid by the person tendering cash as bond;

(2) For recognizance bonds secured by real estate, the fee shall be paid by the owner of the real estate serving as surety;

(3) For recognizance bonds secured by a surety company, the fee shall be paid by the surety company;

(4) For ten percent recognizance bonds with surety, the fee shall be paid by the person serving as surety; and

(5) For ten percent recognizance bonds without surety, the fee shall be paid by the person tendering ten percent of the bail amount.

In instances in which the total of the bond is posted by more than one bond instrument, the above fee shall be collected at the time of issuance of each bond instrument processed by the clerk and all fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Nothing in this subsection authorizes the clerk to collect the above fee from any person for the processing of a personal recognizance bond.

(f) The clerk of a circuit court shall charge and collect a fee of \$10 for services rendered by the clerk for processing of bailpiece and the fee shall be paid by the surety at the time of issuance. All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code.

(g) No clerk is required to handle or accept for disbursement any fees, cost or amounts of any other officer or party not payable into the county treasury except on written order of the court or in compliance with the provisions of law governing such fees, costs or accounts.

(h) Fees for removal of civil cases from magistrate court shall be collected by the magistrate court when the case is still properly before the magistrate court. The magistrate court clerk shall forward the fees collected to the circuit court clerk.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 458—A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to certain fees in the circuit courts of the state to be dedicated to the support of civil legal services for low-income persons by depositing certain fees in the preexisting Fund for Civil Legal Services for Low Income Persons; requiring the civil action filing fee apply to removal of cases from magistrate court; increasing the civil action filing fee; creating a new fee associated with certain civil court filings; creating exceptions; and providing for the collection of certain fees by magistrate court.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for 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, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, 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. 458) passed with its House of Delegates amended title.

Senator Unger moved that the bill take effect July 1, 2014.

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. 458) takes effect July 1, 2014.

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. 12, Relating to expedited partner therapy treatment.

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:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4F. EXPEDITED PARTNER THERAPY.

§16-4F-1. Definitions.

As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

(1) “Department” means the West Virginia Department of Health and Human Resources.

(2) “Expedited partner therapy” means prescribing, dispensing, furnishing or otherwise providing prescription antibiotic drugs to the sexual partner or partners of a person clinically diagnosed as infected with a sexually transmitted disease without physical examination of the partner or partners.

(3) “Health care professional” means:

(A) An allopathic physician licensed pursuant to the provisions of article three, chapter thirty of this code;

(B) An osteopathic physician licensed pursuant to article fourteen, chapter thirty of this code;

(C) A physician assistant licensed pursuant to the provisions of section sixteen, article three, chapter thirty of this code or article fourteen-a, chapter thirty of this code;

(D) An advanced practice registered nurse authorized with prescriptive authority pursuant to the provisions of section fifteen-a, article seven, chapter thirty of this code; or

(E) A pharmacist licensed pursuant to the provisions of article five, chapter thirty of this code.

(4) “Sexually transmitted disease” means a disease that may be treated by expedited partner therapy as determined by rule of the department.

§16-4F-2. Expedited partner therapy.

(a) Notwithstanding any other provision of law to the contrary, a health care professional who makes a clinical diagnosis of a sexually transmitted disease may, but is not required to, provide expedited partner therapy for the treatment of the sexually transmitted disease if in the judgment of the health care professional the sexual partner is unlikely or unable to present for comprehensive health care, including evaluation, testing and treatment for sexually transmitted diseases. Expedited partner therapy is limited to a sexual partner who may have been exposed to a sexually transmitted disease within the previous sixty days and who is able to be contacted by the patient.

(b) Any health care professional who provides expedited partner therapy shall comply with all necessary provisions of article four of this chapter.

(c) A health care professional who provides expedited partner therapy shall provide counseling for the patient, including advice that all women and symptomatic persons, and in particular women with symptoms suggestive of pelvic inflammatory disease, are encouraged to seek medical attention. The health care professional shall also provide in written or electronic format materials provided by the department to be given by the patient to his or her sexual partner.

§16-4F-3. Informational materials.

(a) The department shall provide information and technical assistance as appropriate to health care professionals who provide expedited partner therapy. The department shall develop and disseminate in electronic and other formats the following written materials:

(1) Informational materials for sexual partners, as described in subsection (c), section two of this article;

(2) Informational materials for persons who are repeatedly diagnosed with sexually transmitted diseases; and

(3) Guidance for health care professionals on the safe and effective provision of expedited partner therapy.

(b) The department may offer educational programs about expedited partner therapy for health care professionals.

§16-4F-4. Limitation of liability; no requirement to fill improper prescriptions.

(a) A health care professional who provides expedited partner therapy in good faith without fee or compensation under this article and provides counseling and written materials as required in subsection (c), section two of this article, is not subject to civil or professional liability in connection with the provision of the therapy, counseling and materials, except in the case of gross negligence or willful misconduct.

(b) A pharmacist or pharmacy is not required to fill a prescription that would cause that pharmacist or pharmacy to violate any provision of the provisions of article five, chapter thirty of this code.

§16-4F-5. Rulemaking.

The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to designate certain diseases as sexually transmitted diseases which may be treated by expedited partner therapy. The department shall consider the recommendations and classifications of the federal Department of Health and Human Services, Centers for Disease Control and Prevention and other nationally recognized medical authorities in making these designations.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-14. Professional discipline of physicians and podiatrists; reporting of information to board pertaining to medical professional

liability and professional incompetence required; penalties; grounds for license denial and discipline of physicians and podiatrists; investigations; physical and mental examinations; hearings; sanctions; summary sanctions; reporting by the board; reapplication; civil and criminal immunity; voluntary limitation of license; probable cause determinations.

(a) The board may independently initiate disciplinary proceedings as well as initiate disciplinary proceedings based on information received from medical peer review committees, physicians, podiatrists, hospital administrators, professional societies and others.

The board may initiate investigations as to professional incompetence or other reasons for which a licensed physician or podiatrist may be adjudged unqualified based upon criminal convictions; complaints by citizens, pharmacists, physicians, podiatrists, peer review committees, hospital administrators, professional societies or others; or unfavorable outcomes arising out of medical professional liability. The board shall initiate an investigation if it receives notice that three or more judgments, or any combination of judgments and settlements resulting in five or more unfavorable outcomes arising from medical professional liability, have been rendered or made against the physician or podiatrist within a five-year period. The board may not consider any judgments or settlements as conclusive evidence of professional incompetence or conclusive lack of qualification to practice.

(b) Upon request of the board, any medical peer review committee in this state shall report any information that may relate to the practice or performance of any physician or podiatrist known to that medical peer review committee. Copies of the requests for information from a medical peer review committee may be provided to the subject physician or podiatrist if, in the discretion of the board, the provision of such copies will not jeopardize the board's investigation. In the event that copies are provided, the subject physician or podiatrist is allowed fifteen days to comment on the requested information and such comments must be considered by the board.

The chief executive officer of every hospital shall, within sixty days after the completion of the hospital's formal disciplinary procedure and also within sixty days after the commencement of and again after the conclusion of any resulting legal action, report in writing to the board the name of any member of the medical staff or any other physician or podiatrist practicing in the hospital whose hospital privileges have been revoked, restricted, reduced or terminated for any cause, including resignation, together with all pertinent information relating to such action. The chief executive officer shall also report any other formal disciplinary action taken against any physician or podiatrist by the hospital upon the recommendation of its medical staff relating to professional ethics, medical incompetence, medical professional liability, moral turpitude or drug or alcohol abuse. Temporary suspension for failure to maintain records on a timely basis or failure to attend staff or section meetings need not be reported. Voluntary cessation of hospital privileges for reasons unrelated to professional competence or ethics need not be reported.

Any managed care organization operating in this state which provides a formal peer review process shall report in writing to the board, within sixty days after the completion of any formal peer review process and also within sixty days after the commencement of and again after the conclusion of any resulting legal action, the name of any physician or podiatrist whose credentialing has been revoked or not renewed by the managed care organization. The managed care organization shall also report in writing to the board any other disciplinary action taken against a physician or podiatrist relating to professional ethics, professional liability, moral turpitude or drug or alcohol abuse within sixty days after completion of a formal peer review process which results in the action taken by the managed care organization. For purposes of this subsection, "managed care organization" means a plan that establishes, operates or maintains a network of health care providers who have entered into agreements with and been credentialed by the plan to provide health care services to enrollees or insureds to whom the plan has the ultimate obligation to arrange for the provision of or payment for

health care services through organizational arrangements for ongoing quality assurance, utilization review programs or dispute resolutions.

Any professional society in this state comprised primarily of physicians or podiatrists which takes formal disciplinary action against a member relating to professional ethics, professional incompetence, medical professional liability, moral turpitude or drug or alcohol abuse shall report in writing to the board within sixty days of a final decision the name of the member, together with all pertinent information relating to the action.

Every person, partnership, corporation, association, insurance company, professional society or other organization providing professional liability insurance to a physician or podiatrist in this state, including the State Board of Risk and Insurance Management, shall submit to the board the following information within thirty days from any judgment or settlement of a civil or medical professional liability action excepting product liability actions: The name of the insured; the date of any judgment or settlement; whether any appeal has been taken on the judgment and, if so, by which party; the amount of any settlement or judgment against the insured; and other information required by the board.

Within thirty days from the entry of an order by a court in a medical professional liability action or other civil action in which a physician or podiatrist licensed by the board is determined to have rendered health care services below the applicable standard of care, the clerk of the court in which the order was entered shall forward a certified copy of the order to the board.

Within thirty days after a person known to be a physician or podiatrist licensed or otherwise lawfully practicing medicine and surgery or podiatry in this state or applying to be licensed is convicted of a felony under the laws of this state or of any crime under the laws of this state involving alcohol or drugs in any way, including any controlled substance under state or federal law, the

clerk of the court of record in which the conviction was entered shall forward to the board a certified true and correct abstract of record of the convicting court. The abstract shall include the name and address of the physician or podiatrist or applicant, the nature of the offense committed and the final judgment and sentence of the court.

Upon a determination of the board that there is probable cause to believe that any person, partnership, corporation, association, insurance company, professional society or other organization has failed or refused to make a report required by this subsection, the board shall provide written notice to the alleged violator stating the nature of the alleged violation and the time and place at which the alleged violator shall appear to show good cause why a civil penalty should not be imposed. The hearing shall be conducted in accordance with the provisions of article five, chapter twenty-nine-a of this code. After reviewing the record of the hearing, if the board determines that a violation of this subsection has occurred, the board shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 against the violator. The board shall notify any person so assessed of the assessment in writing and the notice shall specify the reasons for the assessment. If the violator fails to pay the amount of the assessment to the board within thirty days, the Attorney General may institute a civil action in the circuit court of Kanawha County to recover the amount of the assessment. In any civil action, the court's review of the board's action shall be conducted in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code. Notwithstanding any other provision of this article to the contrary, when there are conflicting views by recognized experts as to whether any alleged conduct breaches an applicable standard of care, the evidence must be clear and convincing before the board may find that the physician or podiatrist has demonstrated a lack of professional competence to practice with a reasonable degree of skill and safety for patients.

Any person may report to the board relevant facts about the conduct of any physician or podiatrist in this state which in the opinion of that person amounts to medical professional liability or professional incompetence.

The board shall provide forms for filing reports pursuant to this section. Reports submitted in other forms shall be accepted by the board.

The filing of a report with the board pursuant to any provision of this article, any investigation by the board or any disposition of a case by the board does not preclude any action by a hospital, other health care facility or professional society comprised primarily of physicians or podiatrists to suspend, restrict or revoke the privileges or membership of the physician or podiatrist.

(c) The board may deny an application for license or other authorization to practice medicine and surgery or podiatry in this state and may discipline a physician or podiatrist licensed or otherwise lawfully practicing in this state who, after a hearing, has been adjudged by the board as unqualified due to any of the following reasons:

(1) Attempting to obtain, obtaining, renewing or attempting to renew a license to practice medicine and surgery or podiatry by bribery, fraudulent misrepresentation or through known error of the board;

(2) Being found guilty of a crime in any jurisdiction, which offense is a felony, involves moral turpitude or directly relates to the practice of medicine. Any plea of nolo contendere is a conviction for the purposes of this subdivision;

(3) False or deceptive advertising;

(4) Aiding, assisting, procuring or advising any unauthorized person to practice medicine and surgery or podiatry contrary to law;

(5) Making or filing a report that the person knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record required by state or federal law; or inducing

another person to do any of the foregoing. The reports and records covered in this subdivision mean only those that are signed in the capacity as a licensed physician or podiatrist;

(6) Requesting, receiving or paying directly or indirectly a payment, rebate, refund, commission, credit or other form of profit or valuable consideration for the referral of patients to any person or entity in connection with providing medical or other health care services or clinical laboratory services, supplies of any kind, drugs, medication or any other medical goods, services or devices used in connection with medical or other health care services;

(7) Unprofessional conduct by any physician or podiatrist in referring a patient to any clinical laboratory or pharmacy in which the physician or podiatrist has a proprietary interest unless the physician or podiatrist discloses in writing such interest to the patient. The written disclosure shall indicate that the patient may choose any clinical laboratory for purposes of having any laboratory work or assignment performed or any pharmacy for purposes of purchasing any prescribed drug or any other medical goods or devices used in connection with medical or other health care services;

As used in this subdivision, "proprietary interest" does not include an ownership interest in a building in which space is leased to a clinical laboratory or pharmacy at the prevailing rate under a lease arrangement that is not conditional upon the income or gross receipts of the clinical laboratory or pharmacy;

(8) Exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity;

(9) Making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery or podiatry;

(10) Soliciting patients, either personally or by an agent, through the use of fraud, intimidation or undue influence;

(11) Failing to keep written records justifying the course of treatment of a patient, including, but not limited to, patient histories, examination and test results and treatment rendered, if any;

(12) Exercising influence on a patient in such a way as to exploit the patient for financial gain of the physician or podiatrist or of a third party. Any influence includes, but is not limited to, the promotion or sale of services, goods, appliances or drugs;

(13) Prescribing, dispensing, administering, mixing or otherwise preparing a prescription drug, including any controlled substance under state or federal law, other than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's or podiatrist's professional practice. ~~Provided, That a~~ A physician who discharges his or her professional obligation to relieve the pain and suffering and promote the dignity and autonomy of dying patients in his or her care and, in so doing, exceeds the average dosage of a pain relieving controlled substance, as defined in Schedules II and III of the Uniform Controlled Substance Act, does not violate this article. A physician licensed under this chapter may not be disciplined for providing expedited partner therapy in accordance with the provisions of article four-f, chapter sixteen of this code;

(14) Performing any procedure or prescribing any therapy that, by the accepted standards of medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed and written consent;

(15) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the person knows or has reason to know he or she is not competent to perform;

(16) Delegating professional responsibilities to a person when the physician or podiatrist delegating the responsibilities knows or has reason to know that the person is not qualified by training, experience or licensure to perform them;

(17) Violating any provision of this article or a rule or order of the board or failing to comply with a subpoena or subpoena duces tecum issued by the board;

(18) Conspiring with any other person to commit an act or committing an act that would tend to coerce, intimidate or preclude another physician or podiatrist from lawfully advertising his or her services;

(19) Gross negligence in the use and control of prescription forms;

(20) Professional incompetence; or

(21) The inability to practice medicine and surgery or podiatry with reasonable skill and safety due to physical or mental impairment, including deterioration through the aging process, loss of motor skill or abuse of drugs or alcohol. A physician or podiatrist adversely affected under this subdivision shall be afforded an opportunity at reasonable intervals to demonstrate that he or she may resume the competent practice of medicine and surgery or podiatry with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor any orders entered by the board shall be used against the physician or podiatrist in any other proceeding.

(d) The board shall deny any application for a license or other authorization to practice medicine and surgery or podiatry in this state to any applicant who, and shall revoke the license of any physician or podiatrist licensed or otherwise lawfully practicing within this state who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes. Presentation to the board of a certified copy of the guilty verdict or plea rendered in the court is sufficient proof thereof for the purposes

of this article. A plea of nolo contendere has the same effect as a verdict or plea of guilt. Upon application of a physician that has had his or her license revoked because of a drug-related felony conviction, upon completion of any sentence of confinement, parole, probation or other court-ordered supervision and full satisfaction of any fines, judgments or other fees imposed by the sentencing court, the board may issue the applicant a new license upon a finding that the physician is, except for the underlying conviction, otherwise qualified to practice medicine: *Provided*, That the board may place whatever terms, conditions or limitations it deems appropriate upon a physician licensed pursuant to this subsection.

(e) The board may refer any cases coming to its attention to an appropriate committee of an appropriate professional organization for investigation and report. Except for complaints related to obtaining initial licensure to practice medicine and surgery or podiatry in this state by bribery or fraudulent misrepresentation, any complaint filed more than two years after the complainant knew, or in the exercise of reasonable diligence should have known, of the existence of grounds for the complaint shall be dismissed: *Provided*, That in cases of conduct alleged to be part of a pattern of similar misconduct or professional incapacity that, if continued, would pose risks of a serious or substantial nature to the physician's or podiatrist's current patients, the investigating body may conduct a limited investigation related to the physician's or podiatrist's current capacity and qualification to practice and may recommend conditions, restrictions or limitations on the physician's or podiatrist's license to practice that it considers necessary for the protection of the public. Any report shall contain recommendations for any necessary disciplinary measures and shall be filed with the board within ninety days of any referral. The recommendations shall be considered by the board and the case may be further investigated by the board. The board after full investigation shall take whatever action it considers appropriate, as provided in this section.

(f) The investigating body, as provided for in subsection (e) of this section, may request and the board under any circumstances may require a physician or podiatrist or person applying for licensure or other authorization to practice medicine and surgery or podiatry in this state to submit to a physical or mental examination by a physician or physicians approved by the board. A physician or podiatrist submitting to an examination has the right, at his or her expense, to designate another physician to be present at the examination and make an independent report to the investigating body or the board. The expense of the examination shall be paid by the board. Any individual who applies for or accepts the privilege of practicing medicine and surgery or podiatry in this state is considered to have given his or her consent to submit to all examinations when requested to do so in writing by the board and to have waived all objections to the admissibility of the testimony or examination report of any examining physician on the ground that the testimony or report is privileged communication. If a person fails or refuses to submit to an examination under circumstances which the board finds are not beyond his or her control, failure or refusal is prima facie evidence of his or her inability to practice medicine and surgery or podiatry competently and in compliance with the standards of acceptable and prevailing medical practice.

(g) In addition to any other investigators it employs, the board may appoint one or more licensed physicians to act for it in investigating the conduct or competence of a physician.

(h) In every disciplinary or licensure denial action, the board shall furnish the physician or podiatrist or applicant with written notice setting out with particularity the reasons for its action. Disciplinary and licensure denial hearings shall be conducted in accordance with the provisions of article five, chapter twenty-nine-a of this code. However, hearings shall be heard upon sworn testimony and the rules of evidence for trial courts of record in this state shall apply to all hearings. A transcript of all hearings under this section shall be made, and the respondent may obtain a copy of the transcript at his or her expense. The physician or podiatrist has the right to defend

against any charge by the introduction of evidence, the right to be represented by counsel, the right to present and cross examine witnesses and the right to have subpoenas and subpoenas duces tecum issued on his or her behalf for the attendance of witnesses and the production of documents. The board shall make all its final actions public. The order shall contain the terms of all action taken by the board.

(i) In disciplinary actions in which probable cause has been found by the board, the board shall, within twenty days of the date of service of the written notice of charges or sixty days prior to the date of the scheduled hearing, whichever is sooner, provide the respondent with the complete identity, address and telephone number of any person known to the board with knowledge about the facts of any of the charges; provide a copy of any statements in the possession of or under the control of the board; provide a list of proposed witnesses with addresses and telephone numbers, with a brief summary of his or her anticipated testimony; provide disclosure of any trial expert pursuant to the requirements of Rule 26(b)(4) of the West Virginia Rules of Civil Procedure; provide inspection and copying of the results of any reports of physical and mental examinations or scientific tests or experiments; and provide a list and copy of any proposed exhibit to be used at the hearing: *Provided*, That the board shall not be required to furnish or produce any materials which contain opinion work product information or would be a violation of the attorney-client privilege. Within twenty days of the date of service of the written notice of charges, the board shall disclose any exculpatory evidence with a continuing duty to do so throughout the disciplinary process. Within thirty days of receipt of the board's mandatory discovery, the respondent shall provide the board with the complete identity, address and telephone number of any person known to the respondent with knowledge about the facts of any of the charges; provide a list of proposed witnesses with addresses and telephone numbers, to be called at hearing, with a brief summary of his or her anticipated testimony; provide disclosure of any trial expert pursuant to the requirements of Rule 26(b)(4) of the West Virginia Rules of Civil Procedure; provide

inspection and copying of the results of any reports of physical and mental examinations or scientific tests or experiments; and provide a list and copy of any proposed exhibit to be used at the hearing.

(j) Whenever it finds any person unqualified because of any of the grounds set forth in subsection (c) of this section, the board may enter an order imposing one or more of the following:

(1) Deny his or her application for a license or other authorization to practice medicine and surgery or podiatry;

(2) Administer a public reprimand;

(3) Suspend, limit or restrict his or her license or other authorization to practice medicine and surgery or podiatry for not more than five years, including limiting the practice of that person to, or by the exclusion of, one or more areas of practice, including limitations on practice privileges;

(4) Revoke his or her license or other authorization to practice medicine and surgery or podiatry or to prescribe or dispense controlled substances for a period not to exceed ten years;

(5) Require him or her to submit to care, counseling or treatment designated by the board as a condition for initial or continued licensure or renewal of licensure or other authorization to practice medicine and surgery or podiatry;

(6) Require him or her to participate in a program of education prescribed by the board;

(7) Require him or her to practice under the direction of a physician or podiatrist designated by the board for a specified period of time; and

(8) Assess a civil fine of not less than \$1,000 nor more than \$10,000.

(k) Notwithstanding the provisions of section eight, article one, chapter thirty of this code, if the board determines the evidence in its possession indicates that a physician's or podiatrist's continuation in practice or unrestricted practice constitutes an immediate danger to the public, the board may take any of the actions provided in subsection (j) of this section on a temporary basis and without a hearing if institution of proceedings for a hearing before the board are initiated simultaneously with the temporary action and begin within fifteen days of the action. The board shall render its decision within five days of the conclusion of a hearing under this subsection.

(l) Any person against whom disciplinary action is taken pursuant to the provisions of this article has the right to judicial review as provided in articles five and six, chapter twenty-nine-a of this code: *Provided*, That a circuit judge may also remand the matter to the board if it appears from competent evidence presented to it in support of a motion for remand that there is newly discovered evidence of such a character as ought to produce an opposite result at a second hearing on the merits before the board and:

(1) The evidence appears to have been discovered since the board hearing; and

(2) The physician or podiatrist exercised due diligence in asserting his or her evidence and that due diligence would not have secured the newly discovered evidence prior to the appeal.

A person may not practice medicine and surgery or podiatry or deliver health care services in violation of any disciplinary order revoking, suspending or limiting his or her license while any appeal is pending. Within sixty days, the board shall report its final action regarding restriction, limitation, suspension or revocation of the license of a physician or podiatrist, limitation on practice privileges or other disciplinary action against any physician or podiatrist to all appropriate state agencies, appropriate licensed health facilities and hospitals, insurance companies or associations writing medical malpractice insurance in this state, the American Medical

Association, the American Podiatry Association, professional societies of physicians or podiatrists in the state and any entity responsible for the fiscal administration of Medicare and Medicaid.

(m) Any person against whom disciplinary action has been taken under the provisions of this article shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the practice of medicine and surgery or podiatry on a general or limited basis. At the conclusion of a suspension, limitation or restriction period the physician or podiatrist may resume practice if the board has so ordered.

(n) Any entity, organization or person, including the board, any member of the board, its agents or employees and any entity or organization or its members referred to in this article, any insurer, its agents or employees, a medical peer review committee and a hospital governing board, its members or any committee appointed by it acting without malice and without gross negligence in making any report or other information available to the board or a medical peer review committee pursuant to law and any person acting without malice and without gross negligence who assists in the organization, investigation or preparation of any such report or information or assists the board or a hospital governing body or any committee in carrying out any of its duties or functions provided by law is immune from civil or criminal liability, except that the unlawful disclosure of confidential information possessed by the board is a misdemeanor as provided in this article.

(o) A physician or podiatrist may request in writing to the board a limitation on or the surrendering of his or her license to practice medicine and surgery or podiatry or other appropriate sanction as provided in this section. The board may grant the request and, if it considers it appropriate, may waive the commencement or continuation of other proceedings under this section. A physician or podiatrist whose license is limited or surrendered or against whom other action is taken under this subsection may, at reasonable intervals, petition for removal of any restriction or limitation on or

for reinstatement of his or her license to practice medicine and surgery or podiatry.

(p) In every case considered by the board under this article regarding discipline or licensure, whether initiated by the board or upon complaint or information from any person or organization, the board shall make a preliminary determination as to whether probable cause exists to substantiate charges of disqualification due to any reason set forth in subsection (c) of this section. If probable cause is found to exist, all proceedings on the charges shall be open to the public who are entitled to all reports, records and nondeliberative materials introduced at the hearing, including the record of the final action taken: *Provided*, That any medical records, which were introduced at the hearing and which pertain to a person who has not expressly waived his or her right to the confidentiality of the records, may not be open to the public nor is the public entitled to the records.

(q) If the board receives notice that a physician or podiatrist has been subjected to disciplinary action or has had his or her credentials suspended or revoked by the board, a hospital or a professional society, as defined in subsection (b) of this section, for three or more incidents during a five-year period, the board shall require the physician or podiatrist to practice under the direction of a physician or podiatrist designated by the board for a specified period of time to be established by the board.

(r) Notwithstanding any other provisions of this article, the board may, at any time, on its own motion, or upon motion by the complainant, or upon motion by the physician or podiatrist, or by stipulation of the parties, refer the matter to mediation. The board shall obtain a list from the West Virginia State Bar's mediator referral service of certified mediators with expertise in professional disciplinary matters. The board and the physician or podiatrist may choose a mediator from that list. If the board and the physician or podiatrist are unable to agree on a mediator, the board shall designate a mediator from the list by neutral rotation. The mediation shall not be considered a proceeding open to the public and any

reports and records introduced at the mediation shall not become part of the public record. The mediator and all participants in the mediation shall maintain and preserve the confidentiality of all mediation proceedings and records. The mediator may not be subpoenaed or called to testify or otherwise be subject to process requiring disclosure of confidential information in any proceeding relating to or arising out of the disciplinary or licensure matter mediated: *Provided*, That any confidentiality agreement and any written agreement made and signed by the parties as a result of mediation may be used in any proceedings subsequently instituted to enforce the written agreement. The agreements may be used in other proceedings if the parties agree in writing.

§30-3-16. Physician assistants; definitions; Board of Medicine rules; annual report; licensure; temporary license; relicensure; job description required; revocation or suspension of licensure; responsibilities of supervising physician; legal responsibility for physician assistants; reporting by health care facilities; identification; limitations on employment and duties; fees; continuing education; unlawful representation of physician assistant as a physician; criminal penalties.

(a) As used in this section:

(1) “Approved program” means an educational program for physician assistants approved and accredited by the Committee on Accreditation of Allied Health Education Programs or its successor;

(2) “Health care facility” means any licensed hospital, nursing home, extended care facility, state health or mental institution, clinic or physician’s office;

(3) “Physician assistant” means an assistant to a physician who is a graduate of an approved program of instruction in primary health care or surgery, has attained a baccalaureate or master’s degree, has passed the national certification examination and is qualified to perform direct patient care services under the supervision of a physician;

(4) “Physician assistant-midwife” means a physician assistant who meets all qualifications set forth under subdivision (3) of this subsection and fulfills the requirements set forth in subsection (d) of this section, is subject to all provisions of this section and assists in the management and care of a woman and her infant during the prenatal, delivery and post-natal periods; and

(5) “Supervising physician” means a doctor or doctors of medicine or podiatry permanently and fully licensed in this state without restriction or limitation who assume legal and supervisory responsibility for the work or training of any physician assistant under his or her supervision.

(b) The board shall promulgate rules pursuant to the provisions of article three, chapter twenty-nine-a of this code governing the extent to which physician assistants may function in this state. The rules shall provide that the physician assistant is limited to the performance of those services for which he or she is trained and that he or she performs only under the supervision and control of a physician permanently licensed in this state but that supervision and control does not require the personal presence of the supervising physician at the place or places where services are rendered if the physician assistant’s normal place of employment is on the premises of the supervising physician. The supervising physician may send the physician assistant off the premises to perform duties under his or her direction but a separate place of work for the physician assistant may not be established. In promulgating the rules, the board shall allow the physician assistant to perform those procedures and examinations and, in the case of certain authorized physician assistants, to prescribe at the direction of his or her supervising physician, in accordance with subsection (r) of this section, those categories of drugs submitted to it in the job description required by this section. Certain authorized physician assistants may pronounce death in accordance with the rules proposed by the board which receive legislative approval. The board shall compile and publish an annual report that includes a list of currently licensed physician assistants and their supervising physician(s) and location in the state.

(c) The board shall license as a physician assistant any person who files an application together with a proposed job description and furnishes satisfactory evidence to it that he or she has met the following standards:

(1) Is a graduate of an approved program of instruction in primary health care or surgery;

(2) Has passed the certifying examination for a primary care physician assistant administered by the National Commission on Certification of Physician Assistants and has maintained certification by that commission so as to be currently certified;

(3) Is of good moral character; and

(4) Has attained a baccalaureate or master's degree.

(d) The board shall license as a physician assistant-midwife any person who meets the standards set forth under subsection (c) of this section and, in addition thereto, the following standards:

(1) Is a graduate of a school of midwifery accredited by the American College of Nurse-Midwives;

(2) Has passed an examination approved by the board; and

(3) Practices midwifery under the supervision of a board-certified obstetrician, gynecologist or a board-certified family practice physician who routinely practices obstetrics.

(e) The board may license as a physician assistant any person who files an application together with a proposed job description and furnishes satisfactory evidence that he or she is of good moral character and meets either of the following standards:

(1) He or she is a graduate of an approved program of instruction in primary health care or surgery prior to July 1, 1994, and has

passed the certifying examination for a physician assistant administered by the National Commission on Certification of Physician Assistants and has maintained certification by that commission so as to be currently certified; or

(2) He or she had been certified by the board as a physician assistant then classified as Type B prior to July 1, 1983.

(f) Licensure of an assistant to a physician practicing the specialty of ophthalmology is permitted under this section: *Provided*, That a physician assistant may not dispense a prescription for a refraction.

(g) When a graduate of an approved program who has successfully passed the National Commission on Certification of Physician Assistants' certifying examination submits an application to the board for a physician assistant license, accompanied by a job description as referenced by this section, and a \$50 temporary license fee, and the application is complete, the board shall issue to that applicant a temporary license allowing that applicant to function as a physician assistant.

(h) When a graduate of an approved program submits an application to the board for a physician assistant license, accompanied by a job description as referenced by this section, and a \$50 temporary license fee, and the application is complete, the board shall issue to the applicant a temporary license allowing the applicant to function as a physician assistant until the applicant successfully passes the National Commission on Certification of Physician Assistants' certifying examination so long as the applicant sits for and obtains a passing score on the examination next offered following graduation from the approved program.

(i) No applicant may receive a temporary license who, following graduation from an approved program, has not obtained a passing score on the examination.

(j) A physician assistant who has not been certified by the National Commission on Certification of Physician Assistants will

be restricted to work under the direct supervision of the supervising physician.

(k) A physician assistant who has been issued a temporary license shall, within thirty days of receipt of written notice from the National Commission on Certification of Physician Assistants of his or her performance on the certifying examination, notify the board in writing of his or her results. In the event of failure of that examination, the temporary license shall terminate automatically and the board shall so notify the physician assistant in writing.

(l) In the event a physician assistant fails a recertification examination of the National Commission on Certification of Physician Assistants and is no longer certified, the physician assistant shall immediately notify his or her supervising physician or physicians and the board in writing. The physician assistant shall immediately cease practicing, the license shall terminate automatically and the physician assistant is not eligible for reinstatement until he or she has obtained a passing score on the examination.

(m) A physician applying to the board to supervise a physician assistant shall affirm that the range of medical services set forth in the physician assistant's job description are consistent with the skills and training of the supervising physician and the physician assistant. Before a physician assistant can be employed or otherwise use his or her skills, the supervising physician and the physician assistant must obtain approval of the job description from the board. The board may revoke or suspend any license of an assistant to a physician for cause, after giving the assistant an opportunity to be heard in the manner provided by article five, chapter twenty-nine-a of this code and as set forth in rules duly adopted by the board.

(n) The supervising physician is responsible for observing, directing and evaluating the work, records and practices of each physician assistant performing under his or her supervision. He or she shall notify the board in writing of any termination of his or her

supervisory relationship with a physician assistant within ten days of the termination. The legal responsibility for any physician assistant remains with the supervising physician at all times including occasions when the assistant under his or her direction and supervision aids in the care and treatment of a patient in a health care facility. In his or her absence, a supervising physician must designate an alternate supervising physician but the legal responsibility remains with the supervising physician at all times. A health care facility is not legally responsible for the actions or omissions of the physician assistant unless the physician assistant is an employee of the facility.

(o) The acts or omissions of a physician assistant employed by health care facilities providing inpatient or outpatient services are the legal responsibility of the facilities. Physician assistants employed by facilities in staff positions shall be supervised by a permanently licensed physician.

(p) A health care facility shall report in writing to the board within sixty days after the completion of the facility's formal disciplinary procedure and after the commencement and conclusion of any resulting legal action, the name of any physician assistant practicing in the facility whose privileges at the facility have been revoked, restricted, reduced or terminated for any cause including resignation, together with all pertinent information relating to the action. The health care facility shall also report any other formal disciplinary action taken against any physician assistant by the facility relating to professional ethics, medical incompetence, medical malpractice, moral turpitude or drug or alcohol abuse. Temporary suspension for failure to maintain records on a timely basis or failure to attend staff or section meetings need not be reported.

(q) When functioning as a physician assistant, the physician assistant shall wear a name tag that identifies him or her as a physician assistant. A two and one-half by three and one-half inch

card of identification shall be furnished by the board upon licensure of the physician assistant.

(r) A physician assistant may write or sign prescriptions or transmit prescriptions by word of mouth, telephone or other means of communication at the direction of his or her supervising physician. A fee of \$50 will be charged for prescription-writing privileges. The board shall promulgate rules pursuant to the provisions of article three, chapter twenty-nine-a of this code governing the eligibility and extent to which a physician assistant may prescribe at the direction of the supervising physician. The rules shall include, but not be limited to, the following:

(1) Provisions and restrictions for approving a state formulary classifying pharmacologic categories of drugs that may be prescribed by a physician assistant are as follows:

(A) Schedules I and II of the Uniform Controlled Substances Act, antineoplastic, radiopharmaceuticals, general anesthetics and radiographic contrast materials shall be excluded from the formulary;

(B) Drugs listed under Schedule III shall be limited to a 72-hour supply without refill;

(C) In addition to the above-referenced provisions and restrictions and at the direction of a supervising physician, the rules shall permit the prescribing of an annual supply of any drug, with the exception of controlled substances, which is prescribed for the treatment of a chronic condition, other than chronic pain management. For the purposes of this section, a "chronic condition" is a condition which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication and does not generally disappear. These conditions, with the exception of chronic pain, include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures and obesity. The

prescriber authorized in this section shall note on the prescription the chronic disease being treated.

(D) Categories of other drugs may be excluded as determined by the board.

(2) All pharmacological categories of drugs to be prescribed by a physician assistant shall be listed in each job description submitted to the board as required in subsection (i) of this section;

(3) The maximum dosage a physician assistant may prescribe;

(4) A requirement that to be eligible for prescription privileges, a physician assistant shall have performed patient care services for a minimum of two years immediately preceding the submission to the board of the job description containing prescription privileges and shall have successfully completed an accredited course of instruction in clinical pharmacology approved by the board; ~~and~~

(5) A requirement that to maintain prescription privileges, a physician assistant shall continue to maintain national certification as a physician assistant and, in meeting the national certification requirements, shall complete a minimum of ten hours of continuing education in rational drug therapy in each certification period. Nothing in this subsection permits a physician assistant to independently prescribe or dispense drugs; and

(6) A provision that a physician assistant licensed under this chapter may not be disciplined for providing expedited partner therapy in accordance with the provisions of article four-f, chapter sixteen of this code.

(s) A supervising physician may not supervise at any one time more than three full-time physician assistants or their equivalent, except that a physician may supervise up to four hospital-employed physician assistants. No physician shall supervise more than four physician assistants at any one time.

(t) A physician assistant may not sign any prescription, except in the case of an authorized physician assistant at the direction of his or her supervising physician in accordance with the provisions of subsection (r) of this section. A physician assistant may not perform any service that his or her supervising physician is not qualified to perform. A physician assistant may not perform any service that is not included in his or her job description and approved by the board as provided for in this section.

(u) The provisions of this section do not authorize a physician assistant to perform any specific function or duty delegated by this code to those persons licensed as chiropractors, dentists, dental hygienists, optometrists or pharmacists or certified as nurse anesthetists.

(v) Each application for licensure submitted by a licensed supervising physician under this section is to be accompanied by a fee of \$200. A fee of \$100 is to be charged for the biennial renewal of the license. A fee of \$50 is to be charged for any change or addition of supervising physician or change or addition of job location. A fee of \$50 will be charged for prescriptive writing privileges.

(w) As a condition of renewal of physician assistant license, each physician assistant shall provide written documentation of participation in and successful completion during the preceding two-year period of continuing education, in the number of hours specified by the board by rule, designated as Category I by the American Medical Association, American Academy of Physician Assistants or the Academy of Family Physicians and continuing education, in the number of hours specified by the board by rule, designated as Category II by the association or either academy.

(x) Notwithstanding any provision of this chapter to the contrary, failure to timely submit the required written documentation results in the automatic expiration of any license as a physician assistant until the written documentation is submitted to and approved by the board.

(y) If a license is automatically expired and reinstatement is sought within one year of the automatic expiration, the former licensee shall:

(1) Provide certification with supporting written documentation of the successful completion of the required continuing education;

(2) Pay a renewal fee; and

(3) Pay a reinstatement fee equal to fifty percent of the renewal fee.

(z) If a license is automatically expired and more than one year has passed since the automatic expiration, the former licensee shall:

(1) Apply for a new license;

(2) Provide certification with supporting written documentation of the successful completion of the required continuing education; and

(3) Pay such fees as determined by the board.

(aa) It is unlawful for any physician assistant to represent to any person that he or she is a physician, surgeon or podiatrist. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than two years, or be fined not more than \$2,000, or both fined and imprisoned.

(bb) All physician assistants holding valid certificates issued by the board prior to July 1, 1992, are licensed under this section.

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS,
PHARMACY INTERNS AND PHARMACIES.**

§30-5-3. When licensed pharmacist required; person not licensed pharmacist, pharmacy technician or licensed intern not to

compound prescriptions or dispense poisons or narcotics; licensure of interns; prohibiting the dispensing of prescription orders in absence of practitioner-patient relationship.

(a) It is unlawful for any person not a pharmacist, or who does not employ a pharmacist, to conduct any pharmacy or store for the purpose of retailing, compounding or dispensing prescription drugs or prescription devices.

(b) It is unlawful for the proprietor of any store or pharmacy, any ambulatory health care facility, as that term is defined in section one, article five-b, chapter sixteen of this code, that offers pharmaceutical care, or a facility operated to provide health care or mental health care services free of charge or at a reduced rate and that operates a charitable clinic pharmacy to permit any person not a pharmacist to compound or dispense prescriptions or prescription refills or to retail or dispense the poisons and narcotic drugs named in sections two, three and six, article eight, chapter sixteen of this code: *Provided*, That a licensed intern may compound and dispense prescriptions or prescription refills under the direct supervision of a pharmacist: *Provided, however*, That registered pharmacy technicians may assist in the preparation and dispensing of prescriptions or prescription refills, including, but not limited to, reconstitution of liquid medications, typing and affixing labels under the direct supervision of a licensed pharmacist.

(c) It is the duty of a pharmacist or employer who employs an intern to license the intern with the board within ninety days after employment. The board shall furnish proper forms for this purpose and shall issue a certificate to the intern upon licensure.

(d) The experience requirement for licensure as a pharmacist shall be computed from the date certified by the supervising pharmacist as the date of entering the internship. If the internship is not registered with the Board of Pharmacy, then the intern shall receive no credit for the experience when he or she makes application for examination for licensure as a pharmacist: *Provided*, That credit may

be given for the unregistered experience if an appeal is made and evidence produced showing experience was obtained but not registered and that failure to register the internship experience was not the fault of the intern.

(e) An intern having served part or all of his or her internship in a pharmacy in another state or foreign country shall be given credit for the same when the affidavit of his or her internship is signed by the pharmacist under whom he or she served, and it shows the dates and number of hours served in the internship and when the affidavit is attested by the secretary of the State Board of Pharmacy of the state or country where the internship was served.

(f) Up to one third of the experience requirement for licensure as a pharmacist may be fulfilled by an internship in a foreign country.

(g) No pharmacist may 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) For the treatment of sexually transmitted diseases by expedited partner therapy as set forth in article four-f, chapter sixteen of this code; or

~~(3)~~ (4) 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.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**§30-7-15a. Prescriptive authority for prescription drugs; coordination with Board of Pharmacy.**

(a) The board may, in its discretion, authorize an advanced practice registered nurse to prescribe prescription drugs in a collaborative relationship with a physician licensed to practice in West Virginia and in accordance with applicable state and federal laws. An authorized advanced practice registered nurse may write or sign prescriptions or transmit prescriptions verbally or by other means of communication.

(b) For purposes of this section an agreement to a collaborative relationship for prescriptive practice between a physician and an advanced practice registered nurse shall be set forth in writing. Verification of the agreement shall be filed with the board by the advanced practice registered nurse. The board shall forward a copy of the verification to the Board of Medicine and the Board of Osteopathic Medicine. Collaborative agreements shall include, but are not limited to, the following:

(1) Mutually agreed upon written guidelines or protocols for prescriptive authority as it applies to the advanced practice registered nurse's clinical practice;

(2) Statements describing the individual and shared responsibilities of the advanced practice registered nurse and the physician pursuant to the collaborative agreement between them;

(3) Periodic and joint evaluation of prescriptive practice; and

(4) Periodic and joint review and updating of the written guidelines or protocols.

(c) The board shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code governing the eligibility and extent to which an advanced practice registered

nurse may prescribe drugs. Such rules shall provide, at a minimum, a state formulary classifying those categories of drugs which shall not be prescribed by advanced practice registered nurse including, but not limited to, Schedules I and II of the Uniform Controlled Substances Act, antineoplastics, radiopharmaceuticals and general anesthetics. Drugs listed under Schedule III shall be limited to a 72-hour supply without refill. The rules shall also include a provision that advanced nurse practitioners licensed under this chapter may not be disciplined for providing expedited partner therapy in accordance with the provisions of article four-f, chapter sixteen of this code. In addition to the above-referenced provisions and restrictions and pursuant to a collaborative agreement as set forth in subsections (a) and (b) of this section, the rules shall permit the prescribing of an annual supply of any drug, with the exception of controlled substances, which is prescribed for the treatment of a chronic condition, other than chronic pain management. For the purposes of this section, a “chronic condition” is a condition which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication and does not generally disappear. These conditions, with the exception of chronic pain, include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures and obesity. The prescriber authorized in this section shall note on the prescription the chronic disease being treated.

(d) The board shall consult with other appropriate boards for the development of the formulary.

(e) The board shall transmit to the Board of Pharmacy a list of all advanced practice registered nurses with prescriptive authority. The list shall include:

(1) The name of the authorized advanced practice registered nurse;

(2) The prescriber’s identification number assigned by the board;
and

- (3) The effective date of prescriptive authority.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-11. Refusal, suspension or revocation of license; suspension or revocation of certificate of authorization.

(a) The board may either refuse to issue or may suspend or revoke any license for any one or more of the following causes:

(1) Conviction of a felony, as shown by a certified copy of the record of the trial court;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Violation of any provision of this article regulating the practice of osteopathic physicians and surgeons;

(4) Fraud, misrepresentation or deceit in procuring or attempting to procure admission to practice;

(5) Gross malpractice;

(6) Advertising by means of knowingly false or deceptive statements;

(7) Advertising, practicing or attempting to practice under a name other than one's own;

(8) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

(b) The board shall also have the power to suspend or revoke for cause any certificate of authorization issued by it. It shall have the power to reinstate any certificate of authorization suspended or revoked by it.

(c) An osteopathic physician licensed under this chapter may not be disciplined for providing expedited partner therapy in accordance with the provisions of article four-f, chapter sixteen of this code.

ARTICLE 14A. ASSISTANTS TO OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14A-1. Osteopathic physician assistant to osteopathic physicians and surgeons; definitions; Board of Osteopathy rules; licensure; temporary licensure; renewal of license; job description required; revocation or suspension of license; responsibilities of the supervising physician; legal responsibility for osteopathic physician assistants; reporting of disciplinary procedures; identification; limitation on employment and duties; fees; unlawful use of the title of osteopathic physician assistant; unlawful representation of an osteopathic physician assistant as a physician; criminal penalties.

(a) As used in this section:

(1) “Approved program” means an educational program for osteopathic physician assistants approved and accredited by the Committee on Allied Health Education and Accreditation or its successor.

(2) “Board” means the Board of Osteopathy established under the provisions of article fourteen, chapter thirty of this code.

(3) “Direct supervision” means the presence of the supervising physician at the site where the osteopathic physician assistant performs medical duties.

(4) “Health care facility” means any licensed hospital, nursing home, extended care facility, state health or mental institution, clinic or physician’s office.

(5) “License” means a certificate issued to an osteopathic physician assistant who has passed the examination for a primary

care or surgery physician assistant administered by the National Board of Medical Examiners on behalf of the National Commission on Certification of Physician Assistants. All osteopathic physician assistants holding valid certificates issued by the board prior to March 31, 2010, are licensed under the provisions of this article, but must renew the license pursuant to the provisions of this article.

(6) “Osteopathic physician assistant” means an assistant to an osteopathic physician who is a graduate of an approved program of instruction in primary care or surgery, has passed the National Certification Examination and is qualified to perform direct patient care services under the supervision of an osteopathic physician.

(7) “Supervising physician” means a doctor of osteopathy permanently licensed in this state who assumes legal and supervising responsibility for the work or training of an osteopathic physician assistant under his or her supervision.

(b) The board shall propose emergency and legislative rules for legislative approval pursuant to the provisions of article three, chapter twenty-nine-a of this code, governing the extent to which osteopathic physician assistants may function in this state. The rules shall provide that:

(1) The osteopathic physician assistant is limited to the performance of those services for which he or she is trained;

(2) The osteopathic physician assistant performs only under the supervision and control of an osteopathic physician permanently licensed in this state but such supervision and control does not require the personal presence of the supervising physician at the place or places where services are rendered if the osteopathic physician assistant’s normal place of employment is on the premises of the supervising physician. The supervising physician may send the osteopathic physician assistant off the premises to perform duties under his or her direction, but a separate place of work for the osteopathic physician assistant may not be established; ~~and~~

(3) The board may allow the osteopathic physician assistant to perform those procedures and examinations and, in the case of authorized osteopathic physician assistants, to prescribe at the direction of his or her supervising physician in accordance with subsections (p) and (q) of this section those categories of drugs submitted to it in the job description required by subsection (f) of this section; and

(4) An osteopathic physician assistant may not be disciplined for providing expedited partner therapy in accordance with the provisions of article four-f, chapter sixteen of this code.

(c) The board shall compile and publish an annual report that includes a list of currently licensed osteopathic physician assistants and their employers and location in the state.

(d) The board shall license as an osteopathic physician assistant a person who files an application together with a proposed job description and furnishes satisfactory evidence that he or she has met the following standards:

(1) Is a graduate of an approved program of instruction in primary health care or surgery;

(2) Has passed the examination for a primary care or surgery physician assistant administered by the National Board of Medical Examiners on behalf of the National Commission on Certification of Physician Assistants; and

(3) Is of good moral character.

(e) When a graduate of an approved program submits an application to the board, accompanied by a job description in conformity with this section, for an osteopathic physician assistant license, the board may issue to the applicant a temporary license allowing the applicant to function as an osteopathic physician assistant for the period of one year. The temporary license may be

renewed for one additional year upon the request of the supervising physician. An osteopathic physician assistant who has not been certified as such by the National Board of Medical Examiners on behalf of the National Commission on Certification of Physician Assistants will be restricted to work under the direct supervision of the supervising physician.

(f) An osteopathic physician applying to the board to supervise an osteopathic physician assistant shall provide a job description that sets forth the range of medical services to be provided by the assistant. Before an osteopathic physician assistant can be employed or otherwise use his or her skills, the supervising physician must obtain approval of the job description from the board. The board may revoke or suspend a license of an assistant to a physician for cause, after giving the person an opportunity to be heard in the manner provided by sections eight and nine, article one of this chapter.

(g) The supervising physician is responsible for observing, directing and evaluating the work records and practices of each osteopathic physician assistant performing under his or her supervision. He or she shall notify the board in writing of any termination of his or her supervisory relationship with an osteopathic physician assistant within ten days of his or her termination. The legal responsibility for any osteopathic physician assistant remains with the supervising physician at all times, including occasions when the assistant, under his or her direction and supervision, aids in the care and treatment of a patient in a health care facility. In his or her absence, a supervising physician must designate an alternate supervising physician but the legal responsibility remains with the supervising physician at all times. A health care facility is not legally responsible for the actions or omissions of an osteopathic physician assistant unless the osteopathic physician assistant is an employee of the facility.

(h) The acts or omissions of an osteopathic physician assistant employed by health care facilities providing in-patient services are

the legal responsibility of the facilities. Osteopathic physician assistants employed by such facilities in staff positions shall be supervised by a permanently licensed physician.

(i) A health care facility shall report in writing to the board within sixty days after the completion of the facility's formal disciplinary procedure, and after the commencement and the conclusion of any resulting legal action, the name of an osteopathic physician assistant practicing in the facility whose privileges at the facility have been revoked, restricted, reduced or terminated for any cause including resignation, together with all pertinent information relating to such action. The health care facility shall also report any other formal disciplinary action taken against an osteopathic physician assistant by the facility relating to professional ethics, medical incompetence, medical malpractice, moral turpitude or drug or alcohol abuse. Temporary suspension for failure to maintain records on a timely basis or failure to attend staff or section meetings need not be reported.

(j) When functioning as an osteopathic physician assistant, the osteopathic physician assistant shall wear a name tag that identifies him or her as a physician assistant.

(k) (1) A supervising physician shall not supervise at any time more than three osteopathic physician assistants except that a physician may supervise up to four hospital-employed osteopathic physician assistants: *Provided*, That an alternative supervisor has been designated for each.

(2) An osteopathic physician assistant shall not perform any service that his or her supervising physician is not qualified to perform.

(3) An osteopathic physician assistant shall not perform any service that is not included in his or her job description and approved by the board as provided in this section.

(4) The provisions of this section do not authorize an osteopathic physician assistant to perform any specific function or duty delegated by this code to those persons licensed as chiropractors, dentists, registered nurses, licensed practical nurses, dental hygienists, optometrists or pharmacists or certified as nurse anesthetists.

(l) An application for license or renewal of license shall be accompanied by payment of a fee established by legislative rule of the Board of Osteopathy pursuant to the provisions of article three, chapter twenty-nine-a of this code.

(m) As a condition of renewal of an osteopathic physician assistant license, each osteopathic physician assistant shall provide written documentation satisfactory to the board of participation in and successful completion of continuing education in courses approved by the Board of Osteopathy for the purposes of continuing education of osteopathic physician assistants. The osteopathy board shall propose legislative rules for minimum continuing hours necessary for the renewal of a license. These rules shall provide for minimum hours equal to or more than the hours necessary for national certification. Notwithstanding any provision of this chapter to the contrary, failure to timely submit the required written documentation results in the automatic suspension of a license as an osteopathic physician assistant until the written documentation is submitted to and approved by the board.

(n) It is unlawful for any person who is not licensed by the board as an osteopathic physician assistant to use the title of osteopathic physician assistant or to represent to any other person that he or she is an osteopathic physician assistant. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,000.

(o) It is unlawful for an osteopathic physician assistant to represent to any person that he or she is a physician. A person who violates the provisions of this subsection is guilty of a felony and,

upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than two years, or be fined not more than \$2,000, or both fined and imprisoned.

(p) An osteopathic physician assistant may write or sign prescriptions or transmit prescriptions by word of mouth, telephone or other means of communication at the direction of his or her supervising physician. The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the eligibility and extent to which an osteopathic physician assistant may prescribe at the direction of the supervising physician. The rules shall provide for a state formulary classifying pharmacologic categories of drugs which may be prescribed by such an osteopathic physician assistant. In classifying such pharmacologic categories, those categories of drugs which shall be excluded include, but are not limited to, Schedules I and II of the Uniform Controlled Substances Act, antineoplastics, radiopharmaceuticals, general anesthetics and radiographic contrast materials. Drugs listed under Schedule III are limited to a 72-hour supply without refill. In addition to the above-referenced provisions and restrictions and at the direction of a supervising physician, the rules shall permit the prescribing an annual supply of any drug other than controlled substances which is prescribed for the treatment of a chronic condition other than chronic pain management. For the purposes of this section, a "chronic condition" is a condition which last three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication and does not generally disappear. These conditions include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures and obesity. The prescriber authorized in this section shall note on the prescription the condition for which the patient is being treated. The rules shall provide that all pharmacological categories of drugs to be prescribed by an osteopathic physician assistant be listed in each job description submitted to the board as required in this section. The rules shall provide the maximum dosage an osteopathic physician assistant may prescribe.

(q) (1) The rules shall provide that to be eligible for such prescription privileges, an osteopathic physician assistant must:

(A) Submit an application to the board for prescription privileges;

(B) Have performed patient care services for a minimum of two years immediately preceding the application; and

(C) Have successfully completed an accredited course of instruction in clinical pharmacology approved by the board.

(2) The rules shall provide that to maintain prescription privileges, an osteopathic physician assistant shall:

(A) Continue to maintain national certification as an osteopathic physician assistant; and

(B) Complete a minimum of ten hours of continuing education in rational drug therapy in each licensing period.

(3) Nothing in this subsection permits an osteopathic physician assistant to independently prescribe or dispense drugs.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 12, 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. 12) 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 Com. Sub. for Senate Bill No. 204,
Relating to crime victims compensation awards.

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 twenty-one, section fourteen, line seventeen, after the word “period” by changing the period to a colon and inserting the following proviso: *Provided,* That no reporting to a law-enforcement officer or agency or a forensic medical examination is required if the claimant is a juvenile in order for a judge or commissioner to approve an award of compensation.;

On page twenty-five, section eighteen, line five, after the word “compensation” by striking out the remainder of the sentence and inserting in lieu thereof a colon and the following proviso: *Provided,* That no criminal charges need be filed if: (1) The claimant is an adult at the time the conduct giving rise to the claim occurred and no criminal charges were filed for reasons other than

the desire of the claimant and a law-enforcement agency confirms that the available evidence supports a finding that a crime occurred; or (2) the claimant was a juvenile at the time the conduct giving rise to the claim occurred.;

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. 204—A Bill to amend and reenact §14-2A-3, §14-2A-9, §14-2A-12, §14-2A-14 and §14-2A-18 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes generally; redefining terms; increasing the amount of victim relocation costs; allowing student loans obtained by a victim to be treated as a lost scholarship in certain instances; eliminating the authority to make awards of compensation for damage caused by operation of a methamphetamine laboratory under certain circumstances; modifying required time period in which a claimant should report offense to law enforcement under certain circumstances; requiring that a criminal complaint being filed is a prerequisite to receipt of compensation in certain circumstances; providing circumstances in which a criminal complaint need not be filed as a prerequisite to receipt of compensation; allowing victims of sexual offenses to undergo a forensic examination rather than reporting to law enforcement; permitting the Court of Claims to hire two additional claim investigators; and permitting claim investigators to acquire autopsy reports from the State Medical Examiner.

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. 204, 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, 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 204) 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, 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 Com. Sub. for S. B. No. 204) 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. 252,
Allowing certain expelled students to return to school through Juvenile Drug Court.

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. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a ~~pupil~~ student from school or from transportation to or from the school on any school bus if the ~~pupil~~ student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Violated the provisions of subsection (b), section fifteen, article two, chapter sixty-one of this code; (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; or (iii) sold a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-sponsored function or on a school bus. If a student has been suspended pursuant to this subsection, the principal shall, within

twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled. Upon such a request by a principal, the county superintendent shall recommend to the county board that the student be expelled. Upon such recommendation, the county board shall conduct a hearing in accordance with subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.

(b) A principal shall suspend a pupil student from school, or from transportation to or from the school on any school bus, if the pupil student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Committed an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (ii) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act as described in chapter sixty-a of this code. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

(c) A principal may suspend a pupil student from school, or transportation to or from the school on any school bus, if the pupil student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: (i) Threatened to injure, or in any manner injured, a pupil student, teacher, administrator or other school personnel; (ii) willfully disobeyed a teacher; (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (iv) used

profane language directed at a school employee or pupil student; (v) intentionally defaced any school property; (vi) participated in any physical altercation with another person while under the authority of school personnel; or (vii) habitually violated school rules or policies. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

(d) The actions of any pupil student which may be grounds for his or her suspension or expulsion under the provisions of this section shall be reported immediately to the principal of the school in which the pupil student is enrolled. If the principal determines that the alleged actions of the pupil student would be grounds for suspension, he or she shall conduct an informal hearing for the pupil student immediately after the alleged actions have occurred. The hearing shall be held before the pupil student is suspended unless the principal believes that the continued presence of the pupil student in the school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil student shall be suspended immediately and a hearing held as soon as practicable after the suspension.

The pupil student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for suspension.

At the commencement of the informal hearing, the principal shall inquire of the pupil student as to whether he or she admits or denies the charges. If the pupil student does not admit the charges, he or she shall be given an explanation of the evidence possessed by the

principal and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the noticed student to appear, the principal may suspend the pupil student for a maximum of ten school days, including the time prior to the hearing, if any, for which the pupil student has been excluded from school.

The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the pupil student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension.

(e) Prior to a hearing before the county board, the county board shall cause a written notice which states the charges and the recommended disposition to be served upon the pupil student and his or her parent(s), guardian(s) or custodian(s), as the case may be. The notice shall state clearly whether the board will attempt at hearing to establish the student as a dangerous student, as defined by section one, article one of this chapter. The notice also shall include any evidence upon which the board will rely in asserting its claim that the student is a dangerous student. The notice shall set forth a date and time at which the hearing shall be held, which date shall be within the ten-day period of suspension imposed by the principal.

(f) The county board shall hold the scheduled hearing to determine if the pupil student should be reinstated or should or, under the provisions of this section, must be expelled from school. If the county board determines that the student should or must be expelled from school, it also may determine whether the student is a dangerous student pursuant to subsection (g) of this section. At this, or any hearing before a county board conducted pursuant to this section, the pupil student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross examine witnesses supporting the charge against him or her. The a hearing shall be recorded by mechanical means unless recorded by a certified court reporter. The

hearing may be postponed for good cause shown by the pupil student but he or she shall remain under suspension until after the hearing. The state board may adopt other supplementary rules of procedure to be followed in these hearings. At the conclusion of the hearing the county board shall either: (1) Order the pupil student reinstated immediately at the end of his or her initial suspension; (2) suspend the pupil student for a further designated number of days; or (3) expel the pupil student from the public schools of the county.

(g) A county board that did not intend prior to a hearing to assert a dangerous student claim, that did not notify the student prior to the hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the pupil student, but he or she remains under suspension until after the hearing.

A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, after a hearing conducted pursuant to this section for determining whether a student is a dangerous student, when the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three months after the refusal by the board to provide alternative education to reexamine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. Thereafter, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the board may consider the history of the pupil's student's conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall

be provided alternative education during the remainder of the expulsion period.

(h) The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents, upon his or her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination, before a county board conducted pursuant to the provisions of this section. Upon the written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding related to a recommended student expulsion or dangerous student determination before a county board. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both requested by the other party. Furthermore, if the authority to subpoena is granted, it shall be exercised in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code.

Any hearing conducted pursuant to this subsection may be postponed: (1) For good cause shown by the pupil student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A pupil student remains under suspension until after the hearing in any case where a postponement occurs.

The county boards are directed to report the number of pupils students determined to be dangerous students to the state board. ~~of Education~~ The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.

(i) Pupils Students may be expelled pursuant to ~~the provisions of~~ this section for a period not to exceed one school year, except that if a pupil student is determined to have violated the provisions of subsection (a) of this section the pupil student shall be expelled for

a period of not less than twelve consecutive months, subject to the following:

(1) ~~Provided, That the~~ The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the pupil student if the circumstances of the pupil's student's case demonstrably warrant;

(2) Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the pupil's student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the pupil student was expelled. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

(1) (A) The extent of the pupil's student's malicious intent;

(2) (B) The outcome of the pupil's student's misconduct;

(3) (C) The pupil's student's past behavior history; ~~and~~

(4) (D) The likelihood of the pupil's student's repeated misconduct; and

(E) If applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court pursuant to section one-d of this section.

(j) In all hearings under this section, facts shall be found by a preponderance of the evidence.

(k) For purposes of this section, nothing herein may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, 20 U. S. C. §1400 *et seq.*

(l) Each suspension or expulsion imposed upon a pupil student under the authority of this section shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code.

(1) The principal of the school at which the pupil student is enrolled shall create an electronic record within twenty-four hours of the imposition of the suspension or expulsion.

(2) Each record of a suspension or expulsion shall include the pupil's student's name and identification number, the reason for the suspension or expulsion and the beginning and ending dates of the suspension or expulsion.

(3) The state board ~~of Education~~ shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any pupil student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under subsection (b), section fifteen-f, article five, chapter eighteen of this code to determine whether a pupil student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about pupils' students' disciplinary histories.

(m) Principals may exercise any other authority and perform any other duties to discipline pupils students consistent with state and federal law, including policies of the state board. ~~of Education~~

(n) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions.

(o) For the purpose of this section, “principal” means the principal, assistant principal, vice principal or the administrative head of the school or a professional personnel designee of the principal or the administrative head of the school.

§18A-5-1d. Return to school through Juvenile Drug Court for certain students.

(a) When a student is expelled from school pursuant to section one-a of this article, the county board, county superintendent or principal for the school from which the student was expelled or the parent, guardian or custodian may refer the student to a Juvenile Drug Court, operated pursuant to section two-b, article five, chapter forty-nine of this code. Upon such referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

(b) If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. Such jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

(c) (1) Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to section one-a of this article.

(2) The Juvenile Drug Court shall notify the county superintendent of such completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court and the student assistance team of the school from which the student was expelled to discuss the student’s history, progress and potential for improvement.

(3) The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced and the student reinstated in school.

(4) The student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by subsection (i), section one-a of this article and place the student in an appropriate school within the district.

(5) A student to be reinstated shall be permitted to return to school no later than the tenth regular school day following notice by the court to the superintendent regarding the student's successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.;

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. 252—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 allowing a school expulsion period to be reduced for certain student participants in Juvenile Drug Court; specifying individuals who may refer an expelled student to Juvenile Drug Court; designating responsibilities of Juvenile Drug Court, judge and treatment team of Juvenile Drug Court, county superintendent and student assistance team; granting Juvenile Drug Court jurisdiction over certain students; providing that successful completion or satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduced expulsion period; recommendations and determinations

regarding expulsion period reduction; and providing for reinstatement of students in school, subject to approval of the superintendent.

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. 252, 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. 252) passed with its House of Delegates amended title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 325, Providing State Fire Marshal serve at will and pleasure of Fire Commission.

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. FIRE PREVENTION AND CONTROL ACT.

§29-3-11. Appointment of State Fire Marshal; term of office; removal; salary; qualifications; responsibilities; employees; equipment.

(a) ~~The State Fire Commission shall appoint a State Fire Marshal. in accordance with the qualifications approved by the state civil service commission as provided in article six, chapter twenty-nine of this code. He can be removed by the commission at any time for neglect of duty or other conduct unbecoming his office as provided in article six, chapter twenty-nine of this code~~ The State Fire Marshal serves at the will and pleasure of the commission and is exempt from coverage under the classified civil service system.

(b) The State Fire Marshal shall have a baccalaureate degree from an accredited four-year college or university, or equivalent experience as determined by the commission, and six years of full-time or part-time equivalent paid or volunteer experience in fire prevention or fire safety, including two years in a supervisory capacity in fire prevention and fire safety.

(c) The State Fire Marshal, within policy established by the State Fire Commission, shall have all responsibility for the implementation of fire safety programs in this state designated to minimize fire hazards and disaster and loss of life and property from these causes. These responsibilities include, but are not limited to, the establishment and enforcement of fire safety practices throughout the state, preventive inspection and correction activities,

coordination of fire safety programs with volunteer and paid fire departments and critical analysis and evaluation of West Virginia's fire loss statistics for determination of problems and solutions.

(~~e~~) (d) The State Fire Marshal may employ such technical, clerical, stenographic and other personnel and fix their compensation and may incur such expenses as may be necessary in the performance of the duties of his or her office within the appropriation therefor. Employees of the Fire Marshal's office shall be members of the state civil service system, and all appointments of the office shall be a part of the classified service under the civil service system.

Further, any individual who is employed to conduct criminal investigations or who may become actively involved in matters of a criminal nature shall first be required to pass a civil service examination testing his or her competency and proficiency in the law of arrest, search and seizure and other criminal procedures relating to the powers granted to the State Fire Marshal pursuant to the provisions of this article.

(~~d~~) (e) The State Fire Marshal and other personnel of the State Fire Marshal's office shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for other state agencies.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 325—A Bill to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; providing that the State Fire Marshal be appointed by and serve at the will and pleasure of the Fire Commission; exempting the State Fire Marshal from the classified civil service system; and providing requirements to serve as the State Fire Marshal.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 325, 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. 325) 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. 375, Excluding certain personal property from TIF assessment.

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 pages two and three, section three, lines twelve through twenty-two, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) “Base assessed value” means the taxable assessed value of all real and tangible personal property, excluding personal motor vehicles, having a tax situs within a development or redevelopment district as shown upon the landbooks and personal property books of the assessor on July 1 of the calendar year preceding the effective date of the order or ordinance creating and establishing the development or redevelopment district: *Provided*, That for any development or redevelopment district approved after the effective date of the amendments to this section enacted during the regular session of the Legislature in 2014, personal trailers, personal boats, personal campers, personal motor homes, personal ATVs and personal motorcycles having a tax situs within a development or redevelopment district are excluded from the base assessed value.;

And,

On pages five and six, section three, lines seventy-three through seventy-nine, by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision, designated subdivision (6), to read as follows:

(6) “Current assessed value” means the annual taxable assessed value of all real and tangible personal property, excluding personal motor vehicles, having a tax situs within a development or redevelopment district as shown upon the landbook and personal property records of the assessor: *Provided*, That for any development or redevelopment district approved after the effective date of the amendments to this section enacted during the regular session of the Legislature in 2014, personal trailers, personal boats, personal campers, personal motor homes, personal ATVs and personal motorcycles having a tax situs within a development or redevelopment district are excluded from the current assessed value.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 375, 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. 375) 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 Com. Sub. for Senate Bill No. 393, Amending funding levels and date Governor may borrow from Revenue Shortfall Reserve Fund.

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. STATE BUDGET OFFICE.

§11B-2-20. Reduction of appropriations; powers of Governor; Revenue Shortfall Reserve Fund and permissible expenditures therefrom.

(a) Notwithstanding any provision of this section, the Governor may reduce appropriations according to any of the methods set forth in sections twenty-one and twenty-two of this article. The Governor may, in lieu of imposing a reduction in appropriations, request an appropriation by the Legislature from the Revenue Shortfall Reserve Fund established in this section.

(b) ~~A~~ The Revenue Shortfall Reserve Fund is ~~hereby~~ continued within the State Treasury. The Revenue Shortfall Reserve Fund shall be funded continuously and on a revolving basis in accordance with this subsection up to an aggregate amount not to exceed thirteen percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended. The Revenue Shortfall Reserve Fund shall be funded as set forth in this subsection from surplus revenues, if any, in the State Fund, General Revenue, as the surplus revenues may accrue from time to time.

Within sixty days of the end of each fiscal year, the secretary shall cause to be deposited into the Revenue Shortfall Reserve Fund such amount of the first fifty percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended, as may be necessary to bring the balance of the Revenue Shortfall Reserve Fund to thirteen percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended. If at the end of any fiscal year the Revenue Shortfall Reserve Fund is funded at an amount equal to or exceeding thirteen percent of the state's

General Revenue Fund budget for the fiscal year just ended, then there shall be no further deposit by the secretary under the provisions of this section of any surplus revenues as set forth in this subsection until that time the Revenue Shortfall Reserve Fund balance is less than thirteen percent of the total appropriations from the State Fund, General Revenue.

(c) Not earlier than November 1 of each calendar year, if the state's fiscal circumstances are such as to otherwise trigger the authority of the Governor to reduce appropriations under this section or section twenty-one or twenty-two of this article, then in that event the Governor may notify the presiding officers of both houses of the Legislature in writing of his or her intention to convene the Legislature pursuant to section nineteen, article VI of the Constitution of West Virginia for the purpose of requesting the introduction of a supplementary appropriation bill or to request a supplementary appropriation bill at the next preceding regular session of the Legislature to draw money from the surplus Revenue Shortfall Reserve Fund to meet any anticipated revenue shortfall. If the Legislature fails to enact a supplementary appropriation from the Revenue Shortfall Reserve Fund during any special legislative session called for the purposes set forth in this section or during the next preceding regular session of the Legislature, then the Governor may proceed with a reduction of appropriations pursuant to sections twenty-one and twenty-two of this article. Should any amount drawn from the Revenue Shortfall Reserve Fund pursuant to an appropriation made by the Legislature prove insufficient to address any anticipated shortfall, then the Governor may also proceed with a reduction of appropriations pursuant to sections twenty-one and twenty-two of this article.

(d) Upon the creation of the fund, the Legislature is authorized and may make an appropriation from the Revenue Shortfall Reserve Fund for revenue shortfalls, for emergency revenue needs caused by acts of God or natural disasters or for other fiscal needs as determined solely by the Legislature.

(e) Prior to October 31 in any fiscal year in which revenues are inadequate to make timely payments of the state's obligations, the Governor may, by executive order, after first notifying the presiding officers of both houses of the Legislature in writing, borrow funds from the Revenue Shortfall Reserve Fund: Provided, That for the fiscal year 2014, pursuant to this subsection and subject to all other conditions, requirements and limitations set forth in this section, the Governor may borrow funds from the Revenue Shortfall Reserve Fund prior to April 1. The amount of funds borrowed under this subsection shall not exceed one and one-half percent of the general revenue estimate for the fiscal year in which the funds are to be borrowed, or the amount the Governor determines is necessary to make timely payment of the state's obligations, whichever is less. Any funds borrowed pursuant to this subsection shall be repaid, without interest, and redeposited to the credit of the Revenue Shortfall Reserve Fund within ninety days of their withdrawal.

(f) ~~There is hereby created in the State Treasury the~~ The Revenue Shortfall Reserve Fund – Part B is continued within the State Treasury. The Revenue Shortfall Reserve Fund – Part B shall consist of moneys transferred from the West Virginia Tobacco Settlement Medical Trust Fund pursuant to the provisions of section two, article eleven-a, chapter four of this code, repayments made of the loan from the West Virginia Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company pursuant to the provisions of article twenty-f, chapter thirty-three of this code and all interest and other return earned on the moneys in the Revenue Shortfall Reserve Fund – Part B. Moneys in the Revenue Shortfall Reserve Fund – Part B may be expended solely for the purposes set forth in subsection (d) of this section, subject to the following conditions:

(1) No moneys in the Revenue Shortfall Reserve Fund – Part B nor any interest or other return earned thereon may be expended for any purpose unless all moneys in the Revenue Shortfall Reserve Fund described in subsection (b) of this section have first been expended, except that the interest or other return earned on moneys

in the Revenue Shortfall Reserve Fund – Part B may be expended as provided in subdivision (2) of this subsection; ~~and~~

(2) Notwithstanding any other provision of this section to the contrary, the Legislature may appropriate any interest and other return earned thereon that may accrue on the moneys in the Revenue Shortfall Reserve Fund – Part B after June 30, 2025, for expenditure for the purposes set forth in section three, article eleven-a, chapter four of this code; and

(3) Any appropriation made from Revenue Shortfall Reserve Fund – Part B shall be made only in instances of revenue shortfalls or fiscal emergencies of an extraordinary nature.

(g) Subject to the conditions upon expenditures from the Revenue Shortfall Reserve Fund – Part B prescribed in subsection (f) of this section, in appropriating moneys pursuant to the provisions of this section, the Legislature may in any fiscal year appropriate from the Revenue Shortfall Reserve Fund and the Revenue Shortfall Reserve Fund – Part B a total amount up to, but not exceeding, ten percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended.

(h) (1) Of the moneys in the Revenue Shortfall Reserve Fund, \$100 million, or such greater amount as may be certified as necessary by the Director of the Budget Office for the purposes of subsection (e) of this section, shall be made available to the West Virginia Board of Treasury Investments for management and investment of the moneys in accordance with the provisions of article six-c, chapter twelve of this code. All other moneys in the Revenue Shortfall Reserve Fund shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code. Any balance of the Revenue Shortfall Reserve Fund, including accrued interest and other return earned thereon at the end of any fiscal year, ~~shall~~ does not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund for the purposes set forth in this section.

(2) All of the moneys in the Revenue Shortfall Reserve Fund – Part B shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code. Any balance of the Revenue Shortfall Reserve Fund – Part B, including accrued interest and other return earned thereon at the end of any fiscal year, shall not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund – Part B for the purposes set forth in this section.;

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. 393—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to the Revenue Shortfall Reserve Fund; and allowing the Governor to borrow money from the fund prior to April 1, 2014, if revenues are inadequate to make timely payments of the state's obligations.

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. 393, 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. 393) 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 Com. Sub. for S. B. No. 393) 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. 426, Relating to appointments to certain higher education commissions, councils and boards.

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 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-2. Composition of commission; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The commission is comprised of ten members, all of whom are entitled to vote. The membership of the commission is as follows:

(1) The Secretary of Education and the Arts, *ex officio*;

(2) The State Superintendent of Schools, *ex officio*;

(3) The chair of the West Virginia Council for Community and Technical College Education, *ex officio*; and

(4) Seven at-large members who are citizens of the state, appointed by the Governor, by and with the advice and consent of the Senate: *Provided*, That prior to appointment, the Governor shall interview each candidate to assure that the person selected understands and is committed to achieving the goals and objectives as set forth in the institutional compacts and in section one-a, article one of this chapter. The Governor shall invite the President of the Senate, the Speaker of the House of Delegates, the chairs of the Senate and House of Delegates committees on finance and education and such other legislative leaders as the Governor may determine to participate in interviewing potential candidates.

(b) Each of the at-large members appointed by the Governor shall represent the public interest and shall be committed to the legislative intent and goals set forth in state law and policy.

(c) The Governor may not appoint any person to be a member of the commission who is an officer, employee or member of the council or an advisory board of any state college or university; 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 appointee or employee of any governing board; or an immediate family member of any employee under the jurisdiction of the commission, the council or any governing board.

(d) Of the seven at-large members appointed by the Governor:

(1) No more than four may belong to the same political party;

(2) At least two shall be appointed from each congressional district; and

(3) ~~Effective July 1, 2008 no~~ No more than one member may serve from the same county.

(e) The at-large members appointed by the Governor serve overlapping terms of four years.

(f) The Governor shall appoint a member to fill any vacancy among the seven at-large members, by and with the advice and consent of the Senate. Any member appointed to fill a vacancy serves for the remainder of the unexpired term. ~~of the vacating member~~ The Governor shall fill the vacancy within ~~thirty~~ sixty days of the occurrence of the vacancy.

(g) An at-large member appointed by the Governor may not serve more than two consecutive terms. If the Governor intends to reappoint an at-large member for a second term, the Governor shall do so within thirty days prior to expiration of the term. If the Governor does not reappoint within the thirty-day period, the term is deemed expired, effective on the scheduled expiration date.

(h) Upon expiration of an at-large member's term, the Governor shall appoint a successor within sixty days of the end of term. An at-large member whose term has expired may not serve more than sixty days following expiration of the term.

(†) (i) Before exercising any authority or performing any duties as a member of the commission, 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.

(†) (j) A member of the commission 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.

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 continued.* – A Board of Governors is continued at each of the following institutions: Bluefield State College, Blue Ridge Community and Technical College, ~~Bridgmont~~ BridgeValley 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 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. If the Governor intends to reappoint a lay citizen member for a second term, the Governor shall do so within thirty days prior to expiration of the term. If the Governor does not reappoint within the thirty-day period, the term is deemed expired, effective on the scheduled expiration date.

(5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within ~~thirty~~ sixty 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. A member whose term has expired may not serve more than sixty days following expiration 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.

ARTICLE 2B. WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION.

§18B-2B-4. Appointment, composition and terms of council.

(a) The council is comprised of thirteen members selected as follows:

(1) Eight members appointed by the Governor, with the advice and consent of the Senate as follows:

(A) One member shall be appointed from each community and technical college consortia district as established in this ~~section~~ article.

(B) Prior to appointment, the Governor shall interview each candidate to assure that the person selected understands and is committed to achieving the goals and objectives as set forth in the institutional compacts and in section one-a, article one of this chapter. The Governor shall invite the President of the Senate, the Speaker of the House of Delegates, the chairs of the Senate and House of Delegates committees on finance and education and such other legislative leaders as the Governor may determine to

participate in interviewing potential candidates. ~~Each member appointed to the council by the Governor shall represent the public interest and shall be committed to the legislative intent and goals set forth in section one-a, article one of this chapter.~~

(2) The Chairperson of the West Virginia Workforce Investment Council;

(3) The Executive Director of the West Virginia Development Office, or designee;

(4) The President of the West Virginia AFL-CIO, or a designee;

(5) The Chair of the Higher Education Policy Commission who serves as an ex officio, nonvoting member of the council; and

(6) The Assistant Superintendent for Technical and Adult Education of the State Department of Education who serves as an ex officio, nonvoting member of the council;

(b) Any appointed member shall be a citizen of the state, shall represent the public interest and shall understand and be committed to the legislative intent and achieving the goals and objectives set forth in section one-a, article one of this chapter, the essential conditions set forth in article three-c of this chapter, and the goals for secondary and post-secondary vocational-technical-occupational and adult basic education in the state. Any appointed member shall represent the interests of the business, labor and employer communities and demonstrate knowledge of the education needs of the various regions, attainment levels and age groups within the state.

(c) The Governor may not appoint any person to be a member of the council who is an officer, employee or member of an advisory board of any state college or university, the holder of any other public office or public employment under the government of this state or any of its political subdivisions, an appointee or employee

of any governing board or an immediate family member of any employee under the jurisdiction of the commission or any governing board. An individual may not serve on the council who is engaged in providing, or employed by a person or company whose primary function is to provide, workforce development services and activities.

(d) ~~Members of the council serve for staggered terms of four years. Notwithstanding the provisions of subdivision (1), subsection (a) of this section, on the effective date of this section any current member of the council maintains his or her appointment to the council and continues to serve for the remainder of the term for which originally appointed. Any additional appointment required by the provisions of said subdivision shall represent a consortia district not otherwise represented on the council.~~

(e) A member appointed by the Governor may not serve more than two consecutive terms. If the Governor intends to reappoint a member for a second term, the Governor shall do so within thirty days prior to expiration of the term. If the Governor does not reappoint within the thirty-day period, the term is deemed expired, effective on the scheduled expiration date.

(f) Upon expiration of an appointed member's term, the Governor shall appoint a successor within sixty days of the end of the term. An appointed member whose term has expired may not serve more than sixty days following expiration of the term.

(g) The Governor shall appoint a member to fill any vacancy among the eight appointed members, by and with the advice and consent of the Senate. Any member appointed to fill a vacancy serves for the remainder of the unexpired term. The Governor shall fill the vacancy within sixty days of the occurrence of the vacancy.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed 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. S. B. No. 426) 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. 426) 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. 450, Relating to sale and consumption of alcoholic liquors in certain outdoor dining areas.

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 §60-1-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §60-8-3 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5. Definitions.

For the purposes of this chapter:

“Alcohol” shall mean ethyl alcohol whatever its origin and shall include synthetic ethyl alcohol but not denatured alcohol.

“Beer” shall mean any beverage obtained by the fermentation of barley, malt, hops or any other similar product or substitute, and containing more alcohol than that of nonintoxicating beer.

“Nonintoxicating beer” shall mean any beverage, obtained by the fermentation of barley, malt, hops or similar products or substitute,

and containing not more alcohol than that specified by section two, article sixteen, chapter eleven of this code.

“Wine” shall mean any alcoholic beverage obtained by the fermentation of the natural content of fruits, or other agricultural products, containing sugar.

“Spirits” shall mean any alcoholic beverage obtained by distillation and mixed with potable water and other substances in solution, and includes brandy, rum, whiskey, cordials and gin.

“Alcoholic liquor” shall include alcohol, beer, wine and spirits, and any liquid or solid capable of being used as a beverage, but shall not include nonintoxicating beer.

“Original package” shall mean any closed or sealed container or receptacle used for holding alcoholic liquor.

“Sale” shall mean any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.

“Selling” shall include solicitation or receipt of orders; possession for sale; and possession with intent to sell.

“Person” shall mean an individual, firm, partnership, limited partnership, corporation or voluntary association.

“Manufacture” means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor.

“Manufacturer” shall mean any person engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker and a brewer.

“Brewery” shall mean an establishment where beer is manufactured or in any way prepared.

“Winery” shall mean an establishment where wine is manufactured or in any way prepared.

“Distillery” shall mean an establishment where alcoholic liquor other than wine or beer is manufactured or in any way prepared.

“Public place” shall mean any place, building or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies and corridors of hotels and any highway, street, lane, park or place of public resort or amusement: *Provided*, That the term “public place” shall not mean or include any of the above-named places or any portion or portions thereof which qualify and are licensed under the provisions of this chapter to sell alcoholic liquors for consumption on the premises: *Provided, however, That the term “public place” shall not mean or include any legally demarcated area designated solely for the consumption of beverages and freshly prepared food that directly connects and adjoins any portion or portions of a premises that qualifies and is licensed under the provisions of this chapter to sell alcoholic liquors for consumption thereupon: Provided further, That the term “public place” shall also not include a facility constructed primarily for the use of a Division I college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer or other Division I sports stadium which holds a special license to sell wine pursuant to the provisions of section three, article eight of this chapter, in the designated areas of sale and consumption of wine and other restrictions established by that section and the terms of the special license issued thereunder.*

“State liquor store” shall mean a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

“An agency” shall mean a drugstore, grocery store or general store designated by the commission as a retail distributor of alcoholic liquor for the West Virginia Alcohol Beverage Control Commissioner.

“Department” shall mean the organization through which the commission exercises powers imposed upon it by this chapter.

“Commissioner” or “commission” shall mean the West Virginia Alcohol Beverage Control Commissioner.

“Intoxicated” shall mean having one’s faculties impaired by alcohol or other drugs to the point where physical or mental control or both are markedly diminished.

ARTICLE 8. SALE OF WINES.

Part II. Sale of Wine Generally.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person may be licensed simultaneously as a supplier and a private wine bed and breakfast, private wine restaurant or a private wine spa. No person may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant or a private wine spa. No person may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant or a private wine spa.

(b) The commissioner shall collect an annual fee for licenses issued under this article, as follows:

- (1) One hundred fifty dollars per year for a supplier’s license;

(2) Two thousand five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers or delivers wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$2,500 as herein provided;

(3) One hundred fifty dollars per year for a retailer's license;

(4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license, except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a winery or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in section two of this article;

(5) One hundred fifty dollars per year for a wine tasting license;

(6) One hundred fifty dollars per year for a private wine bed and breakfast license, and each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as herein provided;

(7) Two hundred fifty dollars per year for a private wine restaurant license, and each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as herein provided;

(8) One hundred fifty dollars per year for a private wine spa license and each separate private wine spa from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as herein provided;

(9) One hundred fifty dollars per year for a wine sampling license issued for a wine specialty shop under subsection (n) of this section;

(10) No fee shall be charged for a special one-day license under subsection (p) of this section or for a heritage fair and festival license under subsection (q) of this section; and

(11) One hundred fifty dollars per year for a direct shipper's license for a licensee who sells and ships only wine and \$250 per for a direct shipper's license who ships and sells wine, nonfortified dessert wine, port, sherry or Madeira wines.

(12) Three hundred dollars per year for a multicapacity winery or farm winery license which shall enable the holder to operate as a retailer, wine specialty shop, supplier and direct shipper without obtaining an individual license for each capacity.

(c) The license period shall begin on July 1 of each year and end on June 30 of the following year and if granted for a less period, the same shall be computed semiannually in proportion to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided by article seven of this chapter, except as provided by subsection (k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code: *Provided*, That a delicatessen, a caterer or party supply store which is a grocery store as defined in section two of this article and which is licensed as a Class A retail dealer in nonintoxicating beer may be a retailer under this article: *Provided, however*, That any delicatessen, caterer or party supply store licensed in both capacities must maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. Such wine

specialty shop shall organize a wine taster's club, which has at least fifty duly elected or approved dues-paying members in good standing. Such club shall meet on the wine specialty shop's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public, or shall meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h) The commissioner may issue a special license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. Such special license shall be issued for a term of no longer than ten consecutive days and the fee therefor shall be \$250 regardless of the term of the license unless the applicant is the manufacturer of said wine on a winery or a farm winery as defined in section five-a, article one of this chapter, in which event the fee shall be \$50 if the event is held on the premises of the winery or farm winery. The application for the license shall contain information as the commissioner may reasonably require and shall be submitted to the commissioner at least thirty days prior to the first day when wine is to be sold at the festival or fair. A winery or a farm winery licensed under this subsection may exhibit, conduct tastings or sell samples, not to exceed a reasonable serving of three ounces, and may sell wine samples for consumption on the premises during the operation of a festival or fair: *Provided*, That for licensed wineries or farm wineries at a licensed festival or fair the tastings, samples and off-premises sales shall occur under the hours of operation as required in this article, except that on Sunday tastings, samples and off-premises sales are unlawful between the hours of 2:00 a. m. and 10:00 a. m. A special license issued other than to a winery or a farm

winery may be issued to a “wine club” as defined herein below. The festival or fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the festival or fair and the words “wine club”. The license shall be issued in the name of the wine club. A licensee may not commence the sale of wine as provided in this subsection until the wine club has at least fifty dues-paying members who have been enrolled and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subsection may sell wine only to its members, and in portions not to exceed eight ounces per serving. The sales shall take place on premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to the premises or area. A wine club licensee under the provisions of this subsection shall be authorized to serve complimentary samples of wine in moderate quantities for tasting.

A license issued under the provisions of this subsection and the licensee holding the license shall be subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule, regulation or order provide for certain waivers or exceptions with respect to the provisions, rules, regulations or orders as the circumstances of each festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of section twenty-seven and twenty-eight of this article: *Provided, however*, That under no circumstances shall the provisions of subsection (c) or (d), section twenty of this article be waived nor shall any exception be granted with respect thereto.

A license issued under the provisions of this subsection and the licensee holding the license is not subject to the provisions of subsection (g) of this section.

(i) (A) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine, for consumption in a professional baseball stadium. For the purpose of this subsection, “professional baseball stadium” means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information as the commissioner may reasonably require and must be submitted to the commissioner at least thirty days prior to the first day when wine is to be sold at the professional baseball stadium. The special license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium, provided that the exterior of the area where wine sales may occur are surrounded by a fence or other barrier prohibiting entry except upon the franchisee’s express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(B) A license issued under this subsection and the licensee holding the license is subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each professional baseball stadium may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding sections twenty-seven and twenty-eight of this article: *Provided, however*, That under no circumstances may subsection (c) or (d), section twenty of this article be waived nor shall any exception be granted concerning those subsections.

(C) The commissioner has the authority to propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: *Provided*, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa or a private club may permit a person over twenty-one years of age to purchase wine, consume wine and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with regulations promulgated by the commissioner for the purpose of consumption of said wine off premises: *Provided, however*, That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity or other fees is at least \$15: *Provided further*, That a licensed private wine restaurant or a private club may offer for sale for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over twenty-one years of age, as verified by the private wine restaurant or private club, for consumption off the premises. Such licensees are authorized to keep and maintain on their premises a supply of wine in quantities as may be appropriate for the conduct of operations thereof. Any sale of wine so made shall be subject to all restrictions set forth in section twenty of this article. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code.

(k) With respect to subsections (h), (i), (j), (o) and (p) of this section, the commissioner shall promulgate legislative rules in

accordance with the provisions of chapter twenty-nine-a of this code with regard to the form of the applications, the suitability of both the applicant and location of the licensed premises and other legislative rules deemed necessary to carry the provisions of the subsections into effect.

(l) The commissioner shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code to allow restaurants to serve wine with meals, and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each restaurant so licensed shall be charged an additional \$100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.

(n) Wineries and farm wineries may advertise off premises as provided in section seven, article twenty-two, chapter seventeen of this code.

(o) A wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events at a licensed wine specialty shop location during regular hours of business. The wine specialty shop may serve up to three complimentary samples of wine, consisting of no more than one ounce each, to any one consumer in one day. Persons serving the complimentary samples must be twenty-one years of age and an authorized representative of the licensed wine specialty shop, winery, farm winery or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events must be registered with the commissioner. No licensee, employee or representative may furnish, give or serve complimentary samples of wine to any person less than twenty-one years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events one

month prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees must purchase all wines used during these events from a licensed farm winery or a licensed distributor.

(p) The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine when raising money for athletic, charitable, educational or religious purposes. The license application shall contain information as the commissioner may reasonably require and shall be submitted to the commissioner at least thirty days prior to the event. Wines used during these events may be donated by or purchased from a licensed retailer, a distributor or a farm winery. Under no circumstances may the provision of subsection (c), section twenty of this article be waived nor may any exception be granted with respect thereto.

(q) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least thirty days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of subsection (c), section twenty of this article be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement the provisions of this subsection.

(r) (1) The commissioner may issue a special license for the retail sale of wine in a college stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college stadium. For the purpose of this subsection, "college stadium" means a facility constructed primarily for the use of a Division I college that is a member of the National Collegiate Athletic Association, or its successor, and used as a

football, basketball, baseball, soccer or other Division I sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information as the commissioner may reasonably require and must be submitted to the commissioner at least thirty days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I college or university or the name of the primary food and beverage vendor under contract with that college or university. These sales must take place within the confines of the college stadium: *Provided*, That the exterior of the area where wine sales may occur are surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission and under the conditions and restrictions established by the college or university, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each the college stadium may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding sections twenty-seven and twenty-eight of this article: *Provided, however*, That subsection (c) or (d), section twenty of this article may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 450—A Bill to amend and reenact §60-1-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-8-3 of said code, all relating to the licensed sale and consumption of alcoholic beverages in outdoor settings adjacent to public places; relating to the sale of liquors in liquors in outdoor dining areas adjoining an Alcohol Beverage Control Administration-licensed facility; permitting the sale of wine at certain college and university sports stadiums; establishing the conditions under which wine may be sold; setting a licensing fee; establishing who may hold a license; stating where wine may be served; granting the authority to grant waivers and exceptions and to revoke licenses; defining a term; authorizing rulemaking; and clarifying the definition of public place as it relates to such special licenses.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 450, 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. 450) 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, Sybolt, 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. 450) 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. 469, Creating Veterans and Warriors to Agriculture Program.

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 three and four, section eleven, lines twenty-five through forty-one, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) *Veterans and Warriors to Agriculture Fund.* – There is hereby created in the State Treasury a special revenue account designated the Veterans and Warriors to Agriculture Fund. The fund shall consist of income from leasing the department’s property for the program, surplus funds which may be transferred from the fund created by section six-a, article twelve-a of this chapter, gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively, in accordance with appropriations by the Legislature, to pay costs, fees and expenses necessary to administer the Veterans and Warriors to Agriculture Program: *Provided*, That for fiscal year ending June 30, 2015, expenditures are authorized from collections rather than pursuant to an appropriation by the Legislature.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendment to 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 title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

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 rejection by that body of

Eng. Com. Sub. for Senate Joint Resolution No. 12, Proposing constitutional amendment designated Protecting and Conserving West Virginia's Water Resources for the Use and Benefit of its Citizens Amendment.

A message from The Clerk of the House of Delegates announced the rejection by that body of

Eng. Com. Sub. for Senate Joint Resolution No. 14, Proposing constitutional amendment designated Future Fund Amendment.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for Senate Bill No. 307, Relating to pretrial management of persons charged with committing crimes.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended with its House of Delegates amended title, of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 373, Relating to water resources protection.

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. 395, Relating to operation and oversight of certain human services benefit programs.

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. 425, Relating to licensure, supervision and regulation of physician assistants.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended, of

Eng. Senate Bill No. 454, Defining dam “owner”.

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. Com. Sub. for Senate Bill No. 477, Providing teachers determine use of time during planning period.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 485, Exempting DOH from certain permitting requirements of Natural Streams Preservation Act.

A message from The Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, to take effect July 1, 2014, of

Eng. Com. Sub. for Senate Bill No. 507, Relating to Board of Barbers and Cosmetologists.

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. 535, Clarifying definition of “ginseng”.

A message from The Clerk of the House of Delegates announced the passage by that body of

Eng. Senate Bill No. 547, Relating to number of municipal wards or election districts and council members.

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. 553, Relating to certificates of nomination for elected office.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 572, Relating to financing statements covering as-extracted collateral or timber to be cut.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 585, Removing unconstitutional language regarding access to rail lines.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 586, Removing unconstitutional language regarding jurors and verdicts in certain civil litigation.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 601, Relating to property assessment appeals.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, of

Eng. Com. Sub. for Senate Bill No. 623, Requiring notification of certain substance abuse screening of mine personnel.

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. 631, Extending time for Fayetteville 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 Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2387, Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

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. 2477, Permitting certain auxiliary lighting on motorcycles.

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. 2606, Permitting the State Rail Authority to set the salary of the executive director.

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. 2757, Private cause of action for the humane destruction of a dog.

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. 3011, Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.

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. 3156, Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

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. 4005, Relating to criminal offenses for child abuse and child neglect.

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. 4039, 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. Com. Sub. for House Bill No. 4139, Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

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. 4184, Relating to the West Virginia Tourism Development Act.

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. 4204, Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.

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. 4210, Juvenile sentencing reform.

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. 4220, Relating to waiver of jury trial in claims arising from consumer transactions.

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. 4228, Repealing or removing certain portions of education-related statutes that have expired.

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. 4237, Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

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. 4294, Establishing standards for court reporters and entities that provide court reporting 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. 4316, Creating the student data accessibility, transparency and accountability act.

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. 4335, Relating to a child's right to nurse.

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. 4339, Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

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. 4343, West Virginia Project Launchpad Act.

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. 4346, Establishing separate standards of performance for carbon dioxide emissions.

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. 4360, Relating to consumer credit protection.

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. 4560, Relating to reimbursement for copies of medical 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. House Bill No. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

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. 4601, Relating to fiscal management and regulation of publicly-owned utilities.

On motion of Senator Unger, the Senate adjourned until tomorrow, Sunday, March 9, 2014, 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 March 5, 2014, extending the second annual session of the eighty-first Legislature until and including the twelfth day of March, two thousand fourteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

SUNDAY, MARCH 9, 2014

The Senate met at 12:05 a.m. for an extended session to complete action on the annual state budget (Eng. Com. Sub. for S. B. No. 306), today's proceedings being authorized by the Governor's proclamation of March 5, 2014, extending the regular sixty-day session until and including the twelfth day of March, two thousand fourteen, 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 Senate Bill No. 306, Budget Bill.

(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 Saturday, March 8, 2014,

On motion of Senator Nohe, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Wells and M. Hall.

Thereafter, at the request of Senator Cann, and by unanimous consent, the remarks by Senator Wells were ordered printed in the Appendix to the Journal.

(Senator McCabe in the Chair.)

Remarks were made by Senators Chafin, Edgell, Cann, Plymale and Stollings.

Thereafter, at the request of Senator Wells, and by unanimous consent, the remarks by Senators Chafin, Edgell, Cann, Plymale and Stollings were ordered printed in the Appendix to the Journal.

Senator Unger then moved that the Senate adjourn until tomorrow, Monday, March 10, 2014, at 6 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: Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—32.

The nays were: Barnes and Tucker—2.

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, March 10, 2014, at 6 p.m.

MONDAY, MARCH 10, 2014

The Senate met at 6 p.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 Sunday, March 9, 2014,

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 that that body had refused to recede from its amendment, and requested 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 Senate Bill No. 306, Budget Bill.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Boggs, Reynolds, Williams, Perdue, Anderson, A. Evans and Canterbury.

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 Prezioso, Unger, Plymale, Facemire, Stollings, M. Hall and Sypolt.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Senator Unger then moved that the Senate adjourn until tomorrow, Tuesday, March 11, 2014, at 9:30 a.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: Beach, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Wells, Williams, Yost and Kessler (Mr. President)—24.

The nays were: Barnes, Blair, Boley, Cann, Cole, Jenkins, Nohe, Sypolt and Walters—9.

Absent: Chafin—1.

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, March 11, 2014, at 9:30 a.m.

TUESDAY, MARCH 11, 2014

The Senate met at 9:30 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 Monday, March 10, 2014,

On motion of Senator Plymale, the Journal was approved and the further reading thereof dispensed with.

Senator Unger then moved that the Senate recess until 2 p.m. today.

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: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Chafin and Jenkins—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 recessed until 2 p.m. today.

At the expiration of the recess, the Senate reconvened.

Pending announcement of majority and minority party caucuses,

On motion of Senator Unger, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened.

Pending announcement of a majority party caucus,

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, March 12, 2014, at 11 a.m.

WEDNESDAY, MARCH 12, 2014

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 Tuesday, March 11, 2014,

On motion of Senator Cann, the Journal was approved and the further reading thereof dispensed with.

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

March 11, 2014

Senate Executive Message No. 6

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

The following amends and replaces the “FY 2015 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on January 8, 2014, as part of my Budget Document for the fiscal year ending June 30, 2015:

**General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)**

Source of Revenue	FY 2015 Official Estimate Revised
Business and Occupation Tax	\$ 107,000
Consumers Sales and Use Tax	1,253,500 ¹
Personal Income Tax	1,809,600
Liquor Profit Transfers	16,000
Racing Fees	0
Beer Tax and Licenses	8,350
Tobacco Products Tax (Cigarette & Other)	105,000
Estate Tax	0
Business Franchise Fees	650
Charter Tax	0
Property Transfer Tax	12,500
Property Tax	6,700
Insurance Tax	117,600
Departmental Collections	17,600
Corporate Income/Business Franchise Tax	201,500 ²
Miscellaneous Transfers	1,000
Interest Income	1,500
Severance Tax	474,600
Telecommunication Tax	0
Miscellaneous Receipts	17,800

HB102 - Lottery Transfers	92,600
Video Lottery Transfers	0
Liquor License Renewal	451
Senior Citizen Tax Credit	
Reimbursement	<u>10,000</u>
Total	<u>\$ 4,253,951³</u>

¹ Revised from \$1,266,500 to \$1,253,500 – decrease of \$13,000 due to failure of HB4155/SB334 during the 2014 Regular Legislative Session.

² Revised from \$205,800 to \$201,500 – decrease of \$4,300 due to failure of HB4157/SB329 during the 2014 Regular Legislative Session.

³ Revised from \$4,271,251 to \$4,253,951 – decrease of \$17,300.

The following amends and replaces the “Excess Lottery Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 8, 2014, as part of my Budget Document for the fiscal year ending June 30, 2015:

**Excess Lottery Fund
Statement of Revenues, Expenditures
and Changes in Cash Balance
(Nearest Dollar)**

Balance @ July 1, 2012	\$ 126,802,497
Less: Reserve for	
Cash Flow/Contingencies	(5,300,000)
Less: Catastrophic Event Contingency . .	(30,000,000)
Plus: FY 2013 Actual Revenue	<u>295,588,465</u>
Available for FY 2013 Appropriations . .	\$ 387,090,962
Less: FY 2013 Appropriations	
(net of vetos)	(290,564,890)
Plus: Cash not needed for FY	
2013 Appropriations	<u>17,899</u>
Unappropriated Balance	
@ June 30, 2013	\$ 96,543,971
Plus: FY 2014 Revenue Estimate	\$ 256,522,000
Less: FY 2014 Regular Appropriations . .	(256,522,000)
Less: FY 2014 Appropriations	
from available surplus	(29,111,465)

Plus: Cash not needed for FY 2014	
Appropriations	20,217
Less: FY 2014 Supplemental Appropriation (2014 Regular Session):	
SB341 DHHR - Medicaid - Basebuilding funding	<u>(67,432,506)</u>
Estimated Unappropriated Balance	
@ June 30, 2014	\$ 20,217
Plus: FY 2015 Revenue Estimate ¹	\$ 241,651,000
Less: FY 2015 Regular Appropriations (2014 Regular Session)	
Estimated Unappropriated Balance @ June 30, 2015	<u>\$ 20,217</u>

¹ FY 2015 revenue estimate revised from \$260,776,000 to \$241,651,000 – decrease of \$19,125,000 due to failure of HB4333 during the 2014 Regular Legislative Session.

Thank you for your cooperation in this matter.

Sincerely,

Earl Ray Tomblin,
Governor.

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were referred to the Committee on Finance.

Senator Unger then moved that the Senate recess until 6 p.m. today.

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: Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, D. Hall, M. Hall, 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: None.

Absent: Chafin, Green and Jenkins—3.

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 recessed until 6 p.m. today.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

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 fourteenth day of March, two thousand fourteen, 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, Pursuant to Subsection D, Article VI, Section 51 of the Constitution of West Virginia, a proclamation was issued on the fifth day of March, two thousand fourteen, extending the two thousand fourteen regular session of the Legislature for

consideration of the Budget Bill through the twelfth day of March, two thousand fourteen; and

WHEREAS, It is necessary to further extend the two thousand fourteen regular session of the Legislature for passage of the Budget Bill.

NOW, THEREFORE, I, EARL RAY TOMBLIN, GOVERNOR of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, to extend the two thousand fourteen regular session of the Legislature for consideration of the Budget Bill for an additional period of two days, through and including the fourteenth day of March, two thousand fourteen; but no matters other than the Budget Bill shall be considered during this extension of the session, except providing 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 twelfth day of March, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-First year of the State.

EARL RAY TOMBLIN,
Governor.

By the Governor:

NATALIE E. TENNANT,
Secretary of State.

Senator Unger then moved that the Senate adjourn until tomorrow, Thursday, March 13, 2014, at 1 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: Beach, Blair, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, McCabe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams and Kessler (Mr. President)—26.

The nays were: None.

Absent: Barnes, Boley, Cann, Jenkins, Laird, Miller, Nohe and Yost—8.

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, Thursday, March 13, 2014, at 1 p.m.

THURSDAY, MARCH 13, 2014

The Senate met at 1 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 Wednesday, March 12, 2014,

On motion of Senator Boley, 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 March 13, 2014, he had approved **Enr. Committee Substitute for Committee Substitute for Senate Bill No. 499.**

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator M. Hall.

Thereafter, at the request of Senator Walters, and by unanimous consent, the remarks by Senator M. Hall were ordered printed in the Appendix to the Journal.

Senator Unger then moved that the Senate recess until 5 p.m. today.

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: Beach, Blair, Boley, 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)—31.

The nays were: None.

Absent: Barnes, Cann and Chafin—3.

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 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 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 13th day of March, 2014, 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. 58), Relating to basis for voidable marriages and annulments.

(Com. Sub. for S. B. No. 90), Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.

(S. B. No. 314), Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.

(Com. Sub. for S. B. No. 322), Providing state compensate officials, officers and employees every two weeks with certain exceptions.

(S. B. No. 327), Updating terms in Corporation Net Income Tax Act.

(**S. B. No. 328**), Terminating Strategic Research and Development Tax Credit.

(**Com. Sub. for S. B. No. 387**), Clarifying duly authorized officers have legal custody of their prisoners while in WV.

(**S. B. No. 456**), Extending expiration date for health care provider tax on eligible acute care hospitals.

(**S. B. No. 470**), Providing completed grand jury questionnaires are confidential.

(**S. B. No. 483**), Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.

And,

(**H. B. No. 4445**), Modifying the definition of “battery” and “domestic battery”.

Respectfully submitted,
Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

On motion of Senator Unger, the Senate recessed until 7 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened and proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:08 p.m. tonight:

Eng. Com. Sub. for Senate Bill No. 306, Budget Bill.

On motion of Senator Unger, the Senate adjourned until tomorrow, Friday, March 14, 2014, at 11 a.m.

FRIDAY, MARCH 14, 2014

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 Thursday, March 13, 2014,

On motion of Senator Green, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the fifth order of business.

Senator Prezioso, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 306, Budget Bill.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill No. 306 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 clause, and agree to the same as follows:

[CLERK'S NOTE: For full text of conference committee report, see Enrolled Committee Substitute for Senate Bill No. 306.]

Respectfully submitted,

Roman W. Prezioso, Jr., *Chair*, John R. Unger II, Robert H. Plymale, Douglas E. Facemire, Ron Stollings, Mike Hall, Dave Sypolt, *Conferees on the part of the Senate*.

Brent Boggs, *Chair*, Doug Reynolds, Larry A. Williams, Don Perdue, Everette W. Anderson, Jr., Allen V. Evans, Ray Canterbury, *Conferees on the part of the House of Delegates*.

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 Senate Bill No. 306, as amended by the conference report, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill No. 306 pass?"

On the passage of the bill, as amended, the yeas were: Beach, Boley, 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)—25.

The nays were: Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters—9.

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. 306) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, 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)—25.

The nays were: Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt 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. Com. Sub. for S. B. No. 306) 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 Carmichael, and by unanimous consent, the remarks by Senator Blair regarding the passage of Engrossed Committee Substitute for Senate Bill No. 306 were ordered printed in the Appendix to the Journal.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 14, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 58, Enr. Senate Bill No. 314, Enr. Committee Substitute for Senate Bill No. 322, Enr. Senate Bill No. 327, Enr. Senate Bill No. 328, Enr. Committee Substitute for Senate Bill No. 387, Enr. Senate Bill No. 470 and Enr. Senate Bill No. 483.**

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 14th day of March, 2014, 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:

(Com. Sub. for S. B. No. 307), Authorizing community corrections programs to operate pretrial release program.

Respectfully submitted,

Donald H. Cookman,
Chair, Senate Committee.
Danny Wells,
Chair, House Committee.

On motion of Senator Unger, the Senate recessed until 12:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and, without objection, 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

March 14, 2014

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

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. 307.

I disapprove this bill because it embraces more than one object in violation of section thirty, article VI of the Constitution of West Virginia. In addition to authorizing the establishment of community corrections programs for the pre-trial release of certain offenders at the county level, the bill amends the article of the West Virginia Code regulating bail bondsmen in criminal cases throughout West Virginia.

For this reason, I must disapprove the bill. However, I encourage the Legislature to reconsider this matter and return it to my desk for approval.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy Miley
The Honorable Natalie E. Tennant

Senator Unger moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

Enr. Com. Sub. for Senate Bill No. 307, Authorizing community corrections programs to operate pretrial release program.

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 Senate Bill No. 307, the same was put and prevailed.

On motion of Senator Cookman, the following amendments to the bill were reported by the Clerk, considered simultaneously, 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 §51-10-5a; that §62-11C-5 and §62-11C-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all to read as follows:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. BAIL BONDSMEN IN CRIMINAL CASES.

§51-10-5a. Bonding fee and collateral security required by bail bondsmen.

(a) The bonding fee required by a bail bondsman shall be at least ten percent of the amount of the bond. The bonding fee received by the bondsman shall not, in the aggregate, exceed the amount of the bond.

(b) The bonding fee may be paid as follows:

(1) In full at the time of the issuance of the bond; or

(2) At least three percent paid at the issuance of the bond with the remaining percentage to be paid over a period not to exceed twelve months.

(c) When collateral or security is received by a bail bondsman a receipt shall be furnished. Copies of all receipts issued shall be kept by the bail bondsman for a minimum of five years. All receipts issued shall:

(1) Be prenumbered and used and filed in consecutive numerical order;

(2) Show the name and address of the bail bondsman;

(3) Show the name and address of the person providing the collateral;

(4) Show the amount and nature of the collateral and the date received;

(5) Show the name of the person accepting collateral; and

(6) Show the total amount of the bond for which the collateral is being accepted and the name of the defendant.

(d) When a bond is to be forfeited, the court is to give notification to the bail bondsman within twenty-four hours of the failure to appear.

CHAPTER 62. CRIMINAL PROCEDURE.**ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.****§62-11C-5. Establishment of programs.**

(a) Any county or combination of counties, or a county or counties, and a Class I or II municipality may establish and operate community corrections programs, as provided in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alternative sentencing option for those offenders sentenced within the jurisdiction of the county or counties which establish and operate the program: *Provided*, That the chief judge must certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

(b) Any county or combination of counties, or a county or counties, and a Class I or II municipality that seek to establish programs as authorized in this section shall submit plans and specifications for the programs to be established, including proposed budgets, for review and approval by the community corrections subcommittee established in section three of this article.

(c) Any county or combination of counties, or a county or counties, and a Class I or II municipality may establish and operate an approved community corrections program to provide alternative sanctioning options for an offender who is convicted of an offense for which he or she may be sentenced to a period of incarceration in a county or regional jail or a state correctional facility and for which probation or home incarceration may be imposed as an alternative to incarceration.

(d) Community corrections programs authorized by subsection (a) of this section may provide, but are not limited to providing, any of the following services:

- (1) Probation supervision programs;
 - (2) Community service restitution programs;
 - (3) Home incarceration programs;
 - (4) Substance abuse treatment programs;
 - (5) Sex offender containment programs;
 - (6) Licensed domestic violence offender treatment programs;
 - (7) Day reporting centers;
 - (8) Educational or counseling programs;
 - (9) Drug courts;
 - (10) Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens; and
 - (11) Pretrial release programs.
- (e) A county or combination of counties, or a county or counties, and a Class I or II municipality which establish and operate community corrections programs as provided in this section may contract with other counties to provide community corrections services.
- (f) For purposes of this section, the phrase “may be sentenced to a period of incarceration” means that the statute defining the offense provides for a period of incarceration as a possible penalty.
- (g) No provision of this article may be construed to allow a person participating in or under the supervision of a community corrections program to earn good time or any other reduction in sentence.

(h) Nothing in this section should be construed as to prohibit a court from imposing a surety bond as a condition of a pretrial release.

§62-11C-7. Supervision or participation fee.

(a) A circuit judge, magistrate, municipal court judge or community criminal justice board may require the payment of a supervision or participation fee from any person required to be supervised by or participate in a community corrections program. The circuit judge, magistrate, municipal court judge or community criminal justice board shall consider the person's ability to pay in determining the imposition and amount of the fee.

(b) A circuit judge, magistrate or community criminal justice board may require payment of a supervision or participation fee of \$7 per person per day of pretrial supervision from the county commission pursuant to a pretrial release program established pursuant to article eleven-f of this chapter.

(c) A person supervised pursuant to the provisions of article eleven-f of this chapter who is later convicted of an offense or offenses underlying the person's participation in the pretrial release program may be assessed by the sentencing court, as a cost of prosecution, a fee not to exceed \$30 per month for each month the person was in the pretrial supervision program.

(d) All fees ordered by the circuit court, magistrate court, municipal court or community criminal justice board pursuant to this section are to be paid to the community criminal justice board, who shall remit the fees monthly to the treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article.

ARTICLE 11F. PRETRIAL RELEASE PROGRAMS.

§62-11F-1. Applicability.

This article applies to adults charged with one or more misdemeanors or felonies and who are incarcerated in a regional jail prior to adjudication due to their inability to post bond.

§62-11F-2. Establishment of pretrial release programs.

(a) *Legislative findings and purpose.* – It is the purpose of pretrial release programs to employ recommendations from the Council of State Government’s Justice Center’s Analyses and Policy Options to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety, by providing for uniform statewide risk assessment and monitoring of those released prior to trial, facilitating a statewide response to the problem of overcrowded regional jails and costs to county commissions.

(b) Any county, circuit or combination thereof that establishes a pretrial program pursuant to this article shall establish a local community pretrial committee that consists of:

- (1) A prosecutor, or his or her designee;
- (2) A county commissioner, or his or her designee;
- (3) A sheriff, or his or her designee;
- (4) An executive director of a community corrections program, or his or her designee;
- (5) A chief probation officer, or his or her designee; and
- (6) A member of the criminal defense bar.

(c) Pretrial release programs may monitor, supervise and assist defendants released prior to trial.

(d) Nothing in this article should be construed to prohibit a court from requiring a defendant to post a secured bond as a condition of pretrial release.

(e) In addition to funding provided pursuant to subsection (c), section three of this article, pretrial release programs may be funded by appropriations made to the Supreme Court of Appeals for such purpose.

§62-11F-3. Pretrial release program guidelines.

(a) The Supreme Court of Appeals has complete oversight and authority over all pretrial services.

(b) The Supreme Court of Appeals shall establish recommended guidelines for pretrial programs to use when ordering pretrial release for defendants whose pretrial risk assessment indicates that they are an appropriate candidate for pretrial release.

(c) The Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, pursuant to section two, article eleven-c of this chapter, shall approve policy and funding for the development, maintenance and evaluation of pretrial release programs. Any county, circuit or combination thereof that establishes a pretrial program intended to provide pretrial release services shall submit a grant proposal to the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction for review and approval.

§62-11F-4. Pretrial release assessment.

The Supreme Court of Appeals of West Virginia may adopt a standardized pretrial risk assessment for use by pretrial release programs to aid in making pretrial decisions under article one-c of this chapter.

§62-11F-5. Role of pretrial release programs.

A pretrial release program established pursuant to this article shall:

(1) Collect and present the necessary information, present risk assessment and make release recommendations to the court;

(2) Present information to the court relating to the risk defendants may pose in failing to appear in court or of threatening the safety of the community or any other person and, consistent with court policy, develop release recommendations responding to risk;

(3) Develop and provide appropriate and effective supervision for all persons released pending adjudication who are assigned supervision as a condition of release;

(4) Monitor compliance of released defendants with the requirements of assigned release conditions;

(5) Promptly inform the court of all apparent violations of pretrial release conditions or arrests of persons released pending trial, including those directly supervised by pretrial services as well as those released under other forms of conditional release, and recommend appropriate modifications of release conditions;

(6) Coordinate the services of other agencies, individuals or organizations that may serve as custodians for released defendants, and advise the court as to their appropriateness, availability, reliability and capacity relating to pretrial release conditions;

(7) Review the status of detained defendants on an ongoing basis for any changes in eligibility for release options and facilitate their release as soon as feasible and appropriate;

(8) Develop and operate an accurate information management system to support prompt identification, information collections and presentation, risk assessment, release conditions selection, compliance monitoring and detention review functions essential to an effective pretrial release program; and

(9) Remind persons released before trial of their court dates to attempt to facilitate their court appearance.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. Com. Sub. for Senate Bill No. 307—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10-5a; to amend and reenact §62-11C-5 and §62-11C-7 of said code; 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 the pretrial management of persons charged with committing a crime; clarifying bonding fees for persons charged with a crime; establishing minimum fees for bail bonds; setting schedule for payment of bail bond fees; requiring written prenumbered receipts for bail bond fees; establishing content requirements for bail bond receipts; requiring bail bondsmen to maintain receipt records for not less than five years; requiring courts to notify bondsmen within twenty-four hours if bond is to be forfeited; authorizing pretrial release programs; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release upon subsequent conviction; 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; setting forth the duties of pretrial release programs; clarifying that a circuit judge or a magistrate may impose a secured bond on participants in pretrial release programs; and removing day fine programs from the list of authorized community corrections programs.

The question now being on the passage of the bill, disapproved by the Governor and amended by the Senate.

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 (Enr. Com. Sub. for S. B. No. 307) 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 and request concurrence therein.

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

March 13, 2014

The Honorable Timothy Miley
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Miley:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 4445.

I disapprove this bill because its object is not adequately expressed in the title. The bill modifies the definitions of “assault”,

“battery” and “domestic battery”; however, its title does not make reference to the revised definition of “assault” set forth in the bill. Accordingly, I find the title of the bill inconsistent with the substance of the bill, so as to render Enrolled House Bill No. 4445 constitutionally defective.

For this reason, I must disapprove the bill. However, I encourage the Legislature to reconsider this matter in the future and return it to my desk for approval.

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. 4445, Modifying the definition of “battery” and “domestic battery”.

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. 4445), 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. 4445, 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. 4445—An Act to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating amending the elements of assault and battery; and modifying the elements of “assault”, “battery”, “domestic assault” and “domestic battery” to include the use or attempted use of physical force.

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, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, 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 (Enr. H. B. No. 4445) 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.

On motion of Senator Unger, the Senate recessed until 1:15 p.m. today.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

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, to take effect from passage, as to

Eng. Com. Sub. for Senate Bill No. 306, Budget Bill.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment and passage as amended, by a vote of a majority of all the members elected to the House of Delegates, as a result of the objections of the Governor, of

Enr. Com. Sub. for Senate Bill No. 307, Authorizing community corrections programs to operate pretrial release program.

The Senate proceeded to the sixth order of business.

Senator Unger offered the following pre-adjournalment resolution:

Senate Resolution No. 55—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 Cann, D. Hall and Carmichael.

Senator Unger then offered the following resolution:

Senate Resolution No. 56—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 Sypolt.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates Poore, Skaff and Andes, 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 Perdue, M. Poling and Azinger, 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 Sypolt, 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 17th day of March, 2014, 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. 165), Authorizing Department of Transportation promulgate legislative rules.

(Com. Sub. for S. B. No. 196), Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.

(Com. Sub. for S. B. No. 357), Relating to Logging Sediment Control Act civil and criminal penalties.

(Com. Sub. for Com. Sub. for S. B. No. 373), Relating to water resources protection.

(Com. Sub. for S. B. No. 376), Requiring certain construction workers complete OSHA safety program.

(Com. Sub. for S. B. No. 383), Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.

(Com. Sub. for Com. Sub. for S. B. No. 395), Relating to operation and oversight of certain human services benefit programs.

(Com. Sub. for S. B. No. 397), Expanding scope of activities considered financial exploitation of elderly.

(S. B. No. 403), Regulating importation and possession of certain injurious aquatic species.

(Com. Sub. for Com. Sub. for S. B. No. 414), Redirecting nonprobate appraisalment filings.

(Com. Sub. for S. B. No. 427), Relating to motor vehicle insurance.

(Com. Sub. for Com. Sub. for S. B. No. 431), Relating to issuance and renewal of certain driver's licenses and federal ID cards.

(Com. Sub. for S. B. No. 461), Creating Future Fund.

(Com. Sub. for S. B. No. 621), Authorizing insurers offer flood insurance.

(Com. Sub. for H. B. No. 2165), Relating to death certificates of military veterans.

(Com. Sub. for H. B. No. 4003), Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.

(Com. Sub. for H. B. No. 4067), Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules.

(Com. Sub. for H. B. No. 4151), Relating to military members and their spouses who obtain licensure through professional boards.

(H. B. No. 4154), Fixing a technical error relating to the motor fuel excise tax.

(H. B. No. 4159), Updating the meaning of federal adjusted gross income and certain other terms.

(H. B. No. 4178), Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.

(H. B. No. 4186), Relating to the procedures for issuing a concealed weapon license.

(Com. Sub. for H. B. No. 4188), Updating the authority and responsibility of the Center for Nursing.

(Com. Sub. for H. B. No. 4270), Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center.

(Com. Sub. for H. B. No. 4284), Pregnant Workers' Fairness Act.

(Com. Sub. for H. B. No. 4287), Administration of health maintenance tasks.

(Com. Sub. for H. B. No. 4290), Revising the regulatory structure of money transmitters and other entities.

(H. B. No. 4301), Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.

(H. B. No. 4302), Relating to elections for public school purposes.

(Com. Sub. for H. B. No. 4304), Providing rules for motor vehicles passing bicycles on roadways.

(H. B. No. 4365), Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board.

(Com. Sub. for H. B. No. 4384), Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.

(Com. Sub. for H. B. No. 4393), Creating the Dangerous Wild Animals Act.

(Com. Sub. for H. B. No. 4402), Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

(Com. Sub. for H. B. No. 4425), Giving the Superintendent of State Police authority to hire additional staff.

(H. B. No. 4437), Relating to the Division of Juvenile Services.

(Com. Sub. for H. B. No. 4449), Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes.

(H. B. No. 4457), Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program.

(H. B. No. 4488), Eliminating the requirement for notarization of the articles of incorporation for cooperative associations.

And,

(H. B. No. 4503), Declaring certain claims against the state and its agencies to be moral obligations of the state.

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 19th day of March, 2014, 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. 306), Budget Bill.

(Com. Sub. for H. B. No. 4183), Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.

And,

(H. B. No. 4621), Expiring funds to the Board of Risk and Insurance Management, Patient Injury Compensation Fund from the Board of Risk and Insurance Management Medical Liability Fund.

Respectfully submitted,

Robert J. Fitzsimmons,
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 20th day of March, 2014, 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. 3), Creating Uniform Real Property Transfer on Death Act.

(Com. Sub. for S. B. No. 253), Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.

And,

(Com. Sub. for Com. Sub. for S. B. No. 523), Providing for additional state veterans skilled nursing facility in Beckley.

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 20th day of March, 2014, 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. 2387), Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.

(H. B. No. 2477), Permitting certain auxiliary lighting on motorcycles.

(Com. Sub. for H. B. No. 2606), Permitting the State Rail Authority to set the salary of the executive director.

(Com. Sub. for H. B. No. 2803), Requiring electric utilities to implement integrated resource plans.

(Com. Sub. for H. B. No. 2954), Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.

(Com. Sub. for H. B. No. 3011), Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.

(Com. Sub. for H. B. No. 3156), Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.

(Com. Sub. for H. B. No. 4005), Relating to criminal offenses for child abuse and child neglect.

(H. B. No. 4006), Relating to the possession and distribution of child pornography.

(Com. Sub. for H. B. No. 4039), Authorizing miscellaneous boards and agencies to promulgate legislative rules.

(H. B. No. 4135), Designating the first Thursday in May the West Virginia Day of Prayer.

(Com. Sub. for H. B. No. 4139), Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.

(Com. Sub. for H. B. No. 4147), Relating to emergency preparedness.

(Com. Sub. for H. B. No. 4149), Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.

(Com. Sub. for H. B. No. 4156), Electronic Toll Collection Act.

(Com. Sub. for H. B. No. 4175), West Virginia Small Business Emergency Act.

(Com. Sub. for H. B. No. 4184), Relating to the West Virginia Tourism Development Act.

(Com. Sub. for H. B. No. 4196), Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs.

(Com. Sub. for H. B. No. 4204), Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.

(Com. Sub. for H. B. No. 4363), Creating an informal dispute resolution process available to behavioral health providers.

(Com. Sub. for H. B. No. 4496), Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.

And,

(H. B. No. 4618), Establishing transformative system of support for early literacy.

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 21st day of March, 2014, 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. 12), Relating to expedited partner therapy treatment.

(Com. Sub. for S. B. No. 315), Clarifying use of certain funds under Military Authority Act.

(Com. Sub. for Com. Sub. for S. B. No. 317), Relating to municipal firearm laws.

(S. B. No. 325), Providing State Fire Marshal serve at will and pleasure of Fire Commission.

(**S. B. No. 350**), Relating to Rural Rehabilitation Loan Program.

(**Com. Sub. for Com. Sub. for S. B. No. 356**), Relating to purchasing reform.

(**S. B. No. 359**), Reducing number of precincts for manual count in post-election canvass.

(**Com. Sub. for S. B. No. 365**), Relating to administration of Conservation Agency programs.

(**S. B. No. 375**), Excluding certain personal property from TIF assessment.

(**S. B. No. 380**), Redefining “all-terrain and utility terrain vehicles”.

(**Com. Sub. for Com. Sub. for S. B. No. 393**), Providing Governor may borrow revenue shortfall reserve funds prior to April 1, 2014.

(**Com. Sub. for S. B. No. 434**), Eliminating revocation period for certain DUI offenders.

And,

(**S. B. No. 454**), Defining dam “owner”.

Respectfully submitted,

Robert J. Fitzsimmons,
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 21st day of March, 2014, 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. 88), Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

(Com. Sub. for S. B. No. 140), Authorizing Department of Commerce promulgate legislative rules.

(Com. Sub. for Com. Sub. for S. B. No. 204), Relating to crime victims compensation awards.

(Com. Sub. for Com. Sub. for S. B. No. 252), Allowing certain expelled students to return to school through Juvenile Drug Court.

(Com. Sub. for S. B. No. 267), Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.

And,

(Com. Sub. for Com. Sub. for S. B. No. 425), Relating to licensure, supervision and regulation of physician assistants.

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 27th day of March, 2014, 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. 133), Authorizing DEP promulgate legislative rules.

(Com. Sub. for S. B. No. 155), Authorizing DHHR promulgate legislative rules.

(Com. Sub. for S. B. No. 167), Authorizing Department of Revenue promulgate legislative rules.

(Com. Sub. for S. B. No. 181), Authorizing Department of Administration promulgate legislative rules.

(S. B. No. 202), Creating Benefit Corporation Act.

(S. B. No. 209), Allowing special needs students to participate in graduation ceremonies.

(Second Enrollment Com. Sub. for S. B. No. 307), Relating to pretrial management of persons charged with committing crimes.

(S. B. No. 331), Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.

(Com. Sub. for Com. Sub. for S. B. No. 353), Relating to timber theft from state forests.

(Com. Sub. for Com. Sub. for S. B. No. 378), Relating to special speed limitations as to waste service vehicles.

(Com. Sub. for Com. Sub. for S. B. No. 391), Providing salary increase for teachers and school service personnel.

(S. B. No. 394), Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.

(Com. Sub. for S. B. No. 405), Allowing presiding judge to release juror qualification forms after trial's conclusion.

(Com. Sub. for S. B. No. 408), Relating to parole.

(Com. Sub. for S. B. No. 416), Relating to tentative appraisals of natural resources property.

(S. B. No. 426), Relating to appointments to certain higher education commissions, councils and boards.

(Com. Sub. for S. B. No. 439), Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

(Com. Sub. for S. B. No. 450), Relating to sale and consumption of alcoholic beverages in certain outdoor settings.

(S. B. No. 457), Requiring programs for temporarily detained inmates in regional jails.

(Com. Sub. for S. B. No. 458), Dedicating certain circuit court fees to fund low-income persons' civil legal services.

(Com. Sub. for S. B. No. 469), Creating Veterans and Warriors to Agriculture Program.

(Com. Sub. for S. B. No. 477), Providing teachers determine use of time during planning period.

(S. B. No. 485), Exempting DOH from certain permitting requirements of Natural Streams Preservation Act.

(Com. Sub. for Com. Sub. for S. B. No. 486), Establishing certain salary increases for State Police civilian and forensic lab employees.

(Com. Sub. for S. B. No. 507), Relating to Board of Barbers and Cosmetologists.

(Com. Sub. for S. B. No. 535), Clarifying definition of “ginseng”.

(S. B. No. 547), Relating to number of municipal wards or election districts and council members.

(Com. Sub. for S. B. No. 553), Relating to certificates of nomination for elected office.

(S. B. No. 558), Finding and declaring certain claims against state.

(S. B. No. 572), Relating to financing statements covering as-extracted collateral or timber to be cut.

(Com. Sub. for S. B. No. 574), Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

(Com. Sub. for S. B. No. 579), Creating Land Reuse Agency Authorization Act.

(S. B. No. 585), Removing unconstitutional language regarding access to rail lines.

(S. B. No. 586), Removing unconstitutional language regarding jurors and verdicts in certain civil litigation.

(Com. Sub. for S. B. No. 600), Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.

(S. B. No. 601), Relating to property assessment appeals.

(Com. Sub. for S. B. No. 602), Requiring health care providers wear ID badges.

(Com. Sub. for S. B. No. 603), Relating to testing for presence of methane in underground mines.

(Com. Sub. for S. B. No. 619), Exempting certain critical access hospitals from certificate of need requirement.

(Com. Sub. for S. B. No. 623), Requiring notification of certain substance abuse screening of mine personnel.

And,

(S. B. No. 631), Extending time for Fayetteville City Council to meet as levying body.

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 28th day of March, 2014, 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. 2757), Private cause of action for the humane destruction of a dog.

(Com. Sub. for H. B. No. 3108), Relating to criminal background checks on applicants for employment by nursing homes.

(Com. Sub. for H. B. No. 4012), Relating to the Revised Uniform Law on Notarial Acts.

(Com. Sub. for H. B. No. 4208), Banning synthetic hallucinogens.

(Com. Sub. for H. B. No. 4210), Juvenile sentencing reform.

(Com. Sub. for H. B. No. 4217), Relating to Medicaid reports to the Legislature.

(Com. Sub. for H. B. No. 4220), Relating to waiver of jury trial in claims arising from consumer transactions.

(Com. Sub. for H. B. No. 4228), Repealing or removing certain portions of education-related statutes that have expired.

(Com. Sub. for H. B. No. 4237), Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.

(Com. Sub. for H. B. No. 4242), Increasing gross weight limitations on certain roads in Brooke County.

(Com. Sub. for H. B. No. 4245), Relating to anticipated retirement dates of certain health care professionals.

(Com. Sub. for H. B. No. 4254), Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency.

(H. B. No. 4256), Amending the annual salary schedule for members of the state police.

(H. B. No. 4259), Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.

(Com. Sub. for H. B. No. 4268), Relating to the administration of veterans' assistance.

(Com. Sub. for H. B. No. 4278), Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.

(Com. Sub. for H. B. No. 4283), Raising the minimum wage.

(Com. Sub. for H. B. No. 4294), Establishing standards for court reporters and entities that provide court reporting services.

(Com. Sub. for H. B. No. 4298), Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.

(Com. Sub. for H. B. No. 4312), Creating a certification for emergency medical technician-industrial.

(Com. Sub. for H. B. No. 4316), Creating the student data accessibility, transparency and accountability act.

(Com. Sub. for H. B. No. 4318), Continuing education of veterans mental health.

(H. B. No. 4332), Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

(Com. Sub. for H. B. No. 4335), Relating to a child's right to nurse.

(Com. Sub. for H. B. No. 4339), Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.

(Com. Sub. for H. B. No. 4343), West Virginia Project Launchpad Act.

(H. B. No. 4346), Establishing separate standards of performance for carbon dioxide emissions.

(Com. Sub. for H. B. No. 4347), Relating to affirmative defenses against mechanics' liens.

(Com. Sub. for H. B. No. 4349), Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order.

(Com. Sub. for H. B. No. 4360), Relating to consumer credit protection.

(Com. Sub. for H. B. No. 4373), Relating to driver education programs.

(Com. Sub. for H. B. No. 4392), Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.

(Com. Sub. for H. B. No. 4410), Redefining auctioneer exceptions.

(H. B. No. 4421), Allowing the lottery to pay prizes utilizing other payment methods in addition to checks.

(H. B. No. 4431), Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license.

(Com. Sub. for H. B. No. 4432), Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.

(Second Enrollment H. B. No. 4445), Modifying the definition of “battery” and “domestic battery”.

(H. B. No. 4460), Relating to violating provisions of the civil service law for paid fire departments.

(Com. Sub. for H. B. No. 4473), Relating to establishing voting precincts and changing the composition of standard receiving boards.

(Com. Sub. for H. B. No. 4480), Relating to investment of the Acid Mine Drainage Fund.

(H. B. No. 4529), Relating to the sale of wine.

(Com. Sub. for H. B. No. 4538), Relating to the Board of Dentistry.

(H. B. No. 4549), Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.

(Com. Sub. for H. B. No. 4552), Relating to the court of claims.

(Com. Sub. for H. B. No. 4560), Relating to reimbursement for copies of medical records.

(H. B. No. 4588), Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.

(H. B. No. 4601), Relating to fiscal management and regulation of publicly-owned utilities.

(Com. Sub. for H. B. No. 4608), Defining dyslexia and dyscalculia.

And,

(H. B. No. 4619), Authorizing innovation school districts.

Respectfully submitted,

Corey Palumbo,
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 March 18, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 90, Enr. Committee Substitute for Senate Bill No. 357, Enr. Committee Substitute for Senate Bill No. 383, Enr. Committee Substitute for Senate Bill No. 397 and Enr. Senate Bill No. 403**; on March 19, 2014, he had approved **Enr. Senate Bill No. 456, Enr. Committee Substitute for House Bill No. 4183 and Enr. House Bill No. 4621**; on March 20, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 165, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 414, Enr. Committee Substitute for Senate Bill No. 461, Enr. Committee Substitute for Senate Bill No. 621, Enr. Committee Substitute for House Bill No. 4003, Enr. House Bill No. 4154, Enr. House Bill No. 4159, Enr. Committee Substitute for House Bill No. 4184, Enr. Committee Substitute for House Bill No. 4188, Enr. Committee Substitute for House Bill No. 4270 and Enr. House Bill No. 4301**; on March 21, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 196, Enr. Committee Substitute for Senate Bill No. 253, Enr. Committee Substitute for House Bill No. 2606, Enr. Committee Substitute for House Bill No. 3011, Enr.**

Committee Substitute for House Bill No. 4005, Enr. Committee Substitute for House Bill No. 4067, Enr. Committee Substitute for House Bill No. 4135, Enr. Committee Substitute for House Bill No. 4147, Enr. Committee Substitute for House Bill No. 4149, Enr. Committee Substitute for House Bill No. 4196, Enr. Committee Substitute for House Bill No. 4284, Enr. Committee Substitute for House Bill No. 4290, Enr. Committee Substitute for House Bill No. 4304, Enr. House Bill No. 4365, Enr. Committee Substitute for House Bill No. 4384, Enr. Committee Substitute for House Bill No. 4393, Enr. Committee Substitute for House Bill No. 4449, Enr. House Bill No. 4457 and Enr. House Bill No. 4488; on March 24, 2014, he had approved Enr. Senate Bill No. 88, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 204, Enr. Committee Substitute for Senate Bill No. 267, Enr. Committee Substitute for Senate Bill No. 315, Enr. Senate Bill No. 325, Enr. Senate Bill No. 350, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 356, Enr. Senate Bill No. 359, Enr. Senate Bill No. 380, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 393, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 425, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 523, Enr. Committee Substitute for House Bill No. 2387, Enr. House Bill No. 2477, Enr. House Bill No. 4006, Enr. Committee Substitute for House Bill No. 4139, Enr. House Bill No. 4178, Enr. Committee Substitute for House Bill No. 4204 and Enr. House Bill No. 4503; on March 25, 2014, he had approved Enr. Committee Substitute for Committee Substitute for Senate Bill No. 317; on March 26, 2014, he had approved Enr. Senate Bill No. 3, Enr. Committee Substitute for Senate Bill No. 140, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 252, Enr. Committee Substitute for Senate Bill No. 365, Enr. Committee Substitute for Senate Bill No. 376, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 395, Enr. Senate Bill No. 454, Enr. Committee Substitute for House Bill No. 2803, Enr. Committee Substitute for House Bill No. 2954, Enr. Committee Substitute for House Bill No. 3156, Enr. Committee Substitute for House

Bill No. 4039, Enr. Committee Substitute for House Bill No. 4156, Enr. House Bill No. 4186, Enr. Committee Substitute for House Bill No. 4287, Enr. House Bill No. 4302, Enr. Committee Substitute for House Bill No. 4363, Enr. Committee Substitute for House Bill No. 4402, Enr. Committee Substitute for House Bill No. 4496 and Enr. House Bill No. 4618; on March 27, 2014, he had approved **Enr. Senate Bill No. 375, Enr. Committee Substitute for Senate Bill No. 450 and Enr. Committee Substitute for Senate Bill No. 469;** on March 28, 2014, he had approved **Enr. Senate Bill No. 209, Enr. Senate Bill No. 331, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 353, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 378, Enr. Senate Bill No. 394, Enr. Committee Substitute for Senate Bill No. 405, Enr. Committee Substitute for Senate Bill No. 408, Enr. Committee Substitute for Senate Bill No. 416, Enr. Committee Substitute for Senate Bill No. 427, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 431, Enr. Committee Substitute for Senate Bill No. 434, Enr. Committee Substitute for Senate Bill No. 439, Enr. Committee Substitute for Senate Bill No. 458, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 486, Enr. Committee Substitute for Senate Bill No. 535, Enr. Senate Bill No. 547, Enr. Committee Substitute for Senate Bill No. 553, Enr. Senate Bill No. 558, Enr. Committee Substitute for Senate Bill No. 574, Enr. Senate Bill No. 585, Enr. Senate Bill No. 586, Enr. Committee Substitute for Senate Bill No. 600, Enr. Senate Bill No. 601, Enr. Committee Substitute for Senate Bill No. 602, Enr. Committee Substitute for Senate Bill No. 603, Enr. Committee Substitute for Senate Bill No. 623, Enr. Senate Bill No. 631, Enr. Committee Substitute for House Bill No. 2757, Enr. Committee Substitute for House Bill No. 3108, Enr. Committee Substitute for House Bill No. 4012, Enr. Committee Substitute for House Bill No. 4210, Enr. Committee Substitute for House Bill No. 4220, Enr. Committee Substitute for House Bill No. 4237, Enr. Committee Substitute for House Bill No. 4242, Enr. Committee Substitute for House Bill No. 4245, Enr. House Bill No. 4256, Enr. House Bill No. 4259, Enr. Committee Substitute for House Bill No. 4268, Enr.**

Committee Substitute for House Bill No. 4278, Enr. Committee Substitute for House Bill No. 4294, Enr. Committee Substitute for House Bill No. 4298, Enr. Committee Substitute for House Bill No. 4312, Enr. Committee Substitute for House Bill No. 4318, Enr. Committee Substitute for House Bill No. 4335, Enr. Committee Substitute for House Bill No. 4360, Enr. Committee Substitute for House Bill No. 4392, Enr. House Bill No. 4421, Enr. House Bill No. 4431, Enr. House Bill No. 4437, Enr. House Bill No. 4460, Enr. House Bill No. 4529, Enr. Committee Substitute for House Bill No. 4538 and Enr. Committee Substitute for House Bill No. 4560; on March 31, 2014, he had approved Enr. Committee Substitute for Senate Bill No. 167, Enr. Committee Substitute for Senate Bill No. 181, Enr. Committee Substitute for Senate Bill No. 202, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 391, Enr. Senate Bill No. 485, Enr. Committee Substitute for Senate Bill No. 619, Enr. Committee Substitute for House Bill No. 4217, Enr. Committee Substitute for House Bill No. 4228, Enr. House Bill No. 4332, Enr. Committee Substitute for House Bill No. 4339, Enr. Committee Substitute for House Bill No. 4349, Enr. Committee Substitute for House Bill No. 4373, Enr. Committee Substitute for House Bill No. 4410, Second Enrollment Enr. House Bill No. 4445, Enr. Committee Substitute for House Bill No. 4473, Enr. Committee Substitute for House Bill No. 4480, Enr. Committee Substitute for House Bill No. 4549 and Enr. Committee Substitute for House Bill No. 4552; and on April 1, 2014, he had approved Enr. Committee Substitute for Senate Bill No. 133, Enr. Committee Substitute for Senate Bill No. 155, Second Enrollment Enr. Committee Substitute for Senate Bill No. 307, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 373, Enr. Senate Bill No. 457, Enr. Committee Substitute for Senate Bill No. 507, Enr. Senate Bill No. 572, Enr. Committee Substitute for Senate Bill No. 579, Enr. Committee Substitute for House Bill No. 4151, Enr. Committee Substitute for House Bill No. 4175, Enr. Committee Substitute for House Bill No. 4208, Enr. Committee Substitute for House Bill No. 4283, Enr. Committee Substitute for House Bill No.

4316, Enr. House Bill No. 4346, Enr. Committee Substitute for House Bill No. 4347, Enr. Committee Substitute for House Bill No. 4432, Enr. House Bill No. 4601, Enr. Committee Substitute for House Bill No. 4608 and Enr. House Bill No. 4619.

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 19, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Due to a decline in projected revenues and a long-projected increase in the state match required for Medicaid expenses, this year's budget was the most challenging to deal with in years. I believe my recommended budget was solid and fundamentally sound.

I proposed a budget relying on a two-year "bridge" of revenue from the Rainy Day Fund. My proposal tapped the Rainy Day Fund to fill budget gaps until fiscal year 2018, when the projected budget shortfalls transition to surpluses. With \$914 million in cash, we have a sufficient amount in our Rainy Day Fund to deal with a two-year limited problem. As one of the creators of the State's reserve fund, I understand it was established for limited-term shortfalls, like this one.

My budget proposal borrowed \$83 million for Medicaid expenses. It assured the Rainy Day Fund would remain above the 15 percent threshold recommended by Wall Street rating agencies and by bond experts to continue the State's favorable bond ratings.

Enrolled Committee Substitute for Senate Bill No. 306 built additional expenses into the budget that increase future fiscal year budgets. These increase the amount of revenue needed to balance the budget and make budget gaps deeper. Without a tax increase or other revenue source, and absent the action I am taking today, Enrolled Committee Substitute for Senate Bill No. 306 will drop the Rainy Day Fund below what is considered the recommended threshold of 15 percent down to 11.5 percent in three fiscal years.

As stewards of taxpayer money, we must be committed to fiscal responsibility and not commit one-time surplus funds to increase ongoing spending. Therefore, I have vetoed almost \$67 million from Enrolled Committee Substitute for Senate Bill No. 306. In doing so:

- (1) Utilization of the Rainy Day Fund is limited to \$100 million in FY 2015.
- (2) The threshold of the Rainy Day Fund does not drop below 15 percent in Fiscal Year 2016.
- (3) Our bond ratings will continue to be excellent.
- (4) The State will continue to receive the best interest rate on debt transactions.

Some of these reductions curb grants and services and, while they are difficult, they are necessary to responsibly manage future year budgets without raising taxes.

Pursuant to the provisions of Section 51, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for Senate Bill No. 306, passed March 14, 2014, approved with the following objections:

My first objection to the Bill is contained in Item 35, page 34, lines 26 and 27, which states:

Regional Contracting

Assistance Center 41800 375,000

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$166,785 to \$208,215.

My second objection to the Bill is contained in Item 35, page 35, lines 38 and 39, which states:

Local Economic Development

Assistance (R) 81900 4,688,940

This is a significant increase over the FY 2014 appropriation and this line item has a substantial reappropriated balance available. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$2,838,940 to \$1,850,000.

My third objection to the Bill is contained in Item 35, page 36, lines 76 through 78, which states:

From the above appropriation for Current Expenses (fund 0256, appropriation 13000) \$231,250 is for TechConnect and \$231,250 is for Tamarack Foundation.

The above language references an appropriation that has a zero balance. Therefore, I am deleting the language in its entirety, page 36, lines 76 through 78.

My fourth objection to the Bill is contained in Item 47, page 41, line 6, which states:

Current Expenses (R) 13000 2,797,390

In my budget adjustment letter submitted to the Legislature on February 19, 2014, I recommended an additional \$600,000 for the Office of Education Performance Audits to provide for increased audits in preparation for the new school grading system. A portion of this recommendation was reallocated to other lines within the Department of Education, not consistent with my recommended intent. Therefore, I am reducing the appropriation by the amount of \$125,000 to \$2,672,390.

My fifth objection to the Bill is contained in Item 47, page 42, line 40, which states:

21st Century Innovation Zones 87600 466,144

While the passage of HB 4619 during the 2014 regular session provides for an additional layer of Innovation Zones, the current level of funding has not been fully utilized and should be sufficient to meet the additional needs required by the bill. Therefore, I am reducing the appropriation by the amount of \$200,000 to \$266,144.

My sixth objection to the Bill is contained in Item 47, page 42, line 41, which states:

21st Century Learners (R) 88600 2,187,598

In my budget adjustment letter submitted to the Legislature on February 19, 2014, I recommended an additional \$600,000 for the Office of Education Performance Audits to provide for increased audits in preparation for the new school grading system. A portion of this recommendation was reallocated to other lines within the Department of Education, not consistent with my recommended intent. Therefore, I am reducing the appropriation by the amount of \$125,000 to \$2,062,598.

My seventh objection to the Bill is contained in Item 47, page 44, lines 93 through 97, which states:

Included in the above appropriation for 21st Century Innovation Zones (fund 0313, appropriation 87600) is \$200,000 for Entrepreneurship Education Priority Innovation Zones to be used in accordance with the provisions of W. Va. Code §18-5b-3.

Having reduced the appropriation to 21st Century Innovation Zones in objection five above, I am deleting the language in its entirety, page 44, lines 93 through 97.

My eighth objection to the Bill is contained in Item 47, page 44, lines 98 through 106, which states:

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 for the Randolph County Board of Education for Pickens School; and \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$85,000 is for Project Based Learning in STEM fields.

The above language directs expenditures in excess of the available appropriation. Therefore, I am deleting the phrase on page 44, lines 104 and 105, "\$100,000 shall be for the Fayette County Board of Education for Meadow Bridge;" and reducing the amount in the language on page 44, line 105 from \$85,000 to \$66,250.

My ninth objection to the Bill is contained in Item 53, page 49, line 12, which states:

Educational Enhancements 69500 350,000

The above appropriation includes new funding for the Reconnecting McDowell - Save the Children and the Clay Center. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid new spending and building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$150,000 to \$200,000.

My tenth objection to the Bill is contained in Item 53, page 49, lines 28 through 31, which states:

Included in the above appropriation for Educational Enhancements (fund 0294, appropriation 69500) is \$250,000 for Reconnecting McDowell - Save the Children, and \$100,000 for the Clay Center.

Having reduced the appropriation to Educational Enhancements in objection nine above, I am reducing the amount in the language on page 49, line 29 from \$250,000 to \$125,000 and on page 49, line 31 from \$100,000 to \$75,000.

My eleventh objection to the Bill is contained in Item 62, page 56, lines 16 and 17, which states:

Primary Care Centers -

Mortgage Finance 41300 343,505

At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce spending. An independent audit of the Department recommended the elimination of this funding because it was not tied to outcome measures. In addition, federal grant funding for capital and infrastructure investment has mitigated the need for general revenue funds for this purpose. With the expansion of Medicaid and the implementation of the Affordable Care Act, the Primary Care Centers will experience less uncompensated care and will be in a better position to deal with a reduction in the state subsidy for their mortgages. Through a structured methodology, I recommend phasing out this subsidy over the next three years. Therefore, I am reducing the appropriation by the amount of \$114,502 to \$229,003.

My twelfth objection to the Bill is contained in Item 62, page 58, lines 82 through 113, which states:

Included in the above appropriation for Primary Care Centers - Mortgage Finance (fund 0407, appropriation 41300)

is \$22,919 for the mortgage payment for the Lincoln Primary Care Center, Inc.; \$24,359 for the mortgage payment for the Monroe Health Center; \$19,510 for the mortgage payment for Roane County Family Health Care, Inc.; \$22,002 for the mortgage payment for Community Care (formerly Primary Care Systems); \$9,168 for the mortgage payment for the Belington Community Medical Services; \$13,751 for the mortgage payment for Community Care (formerly Tri-County Health Clinic); \$6,876 for the mortgage payment for Valley Health Care (Randolph); \$12,176 for the mortgage payment for WomenCare (Family Care Health Center - Madison); \$3,667 for the mortgage payment for Northern Greenbrier Health Clinic; \$5,819 for the mortgage payment for the Women's Care, Inc. (Putnam); \$9,168 for the mortgage payment for the North Fork Clinic (Pendleton); \$18,335 for the mortgage payment for the Pendleton Community Care; \$17,602 for the mortgage payment for Clay-Battelle Community Health Center; \$22,678 for the mortgage payment for Monongahela Valley Association of Health Centers, Inc. (Marion); \$15,401 for the mortgage payment for Mountaineer Community Health Center; \$5,959 for the mortgage payment for the St. George Medical Clinic; \$12,835 for the mortgage payment for the Bluestone Health Center; \$20,627 for the mortgage payment for Wheeling Health Right; \$22,002 for the mortgage payment for the Minnie Hamilton Health Care Center, Inc.; \$24,752 for the mortgage payment for the Shenandoah Valley Medical Systems, Inc.; \$20,627 for the mortgage payment for the Change, Inc.; and \$13,274 for the mortgage payment for the Wirt County Health Services Association.

Having reduced the appropriation to Primary Care Center - Mortgage Finance in objection eleven above, I am reducing the amount in the language on page 58, line 84 from \$22,919 to \$15,279, on page 58, line 85 from \$24,359 to \$16,239, on page 58, line 86 from \$19,510 to \$13,007, on page 58, line 87 from \$22,002 to \$14,668, on page 58, line 89 from \$9,168 to \$6,112, on page 58, line 90 from \$13,751 to \$9,167, on page 58, line 92 from \$6,876 to \$4,584, on page 58, line 93 from \$12,176 to \$8,117, on page 58, line

95 from \$3,667 to \$2,445, on page 58, line 96 from \$5,819 to \$3,879, on page 58, line 97 from \$9,168 to \$6,112, on page 58, line 98 from \$18,335 to \$12,223, on page 58, line 100 from \$17,602 to \$11,735, on page 58, line 101 from \$22,678 to \$15,119, on page 58, line 103 from \$15,401 to \$10,267, on page 58, line 104 from \$5,959 to \$3,973, on page 58, line 106 from \$12,835 to \$8,557, on page 58, line 107 from \$20,627 to \$13,751, on page 58, line 108 from \$22,002 to \$14,668, on page 58, line 109 from \$24,752 to \$16,501, on page 58, line 111 from \$20,627 to \$13,751, and on page 58, line 112 from \$13,274 to \$8,849.

My thirteenth objection to the Bill is contained in Item 66, page 62, line 11, which states:

Family Resource Networks 27400 1,762,464

My recommended FY 2015 budget included an appropriation of \$1,612,000 for this line item. At a time when we are facing major future funding challenges, it is imperative that a proactive approach be used to reduce base budget spending. Efforts are underway to ensure this service is efficiently operated and monitored for evidence-based results. Part of this effort will determine if any duplication is taking place amongst the family support programs. Cuts are never easy, but are necessary in our State’s current financial situation. Therefore, I am reducing the appropriation by the amount of \$150,464 to \$1,612,000.

My fourteenth objection to the Bill is contained in Item 66, page 62, lines 12 and 13, which states:

**Domestic Violence
Legal Services Fund 38400 400,000**

My recommended FY 2015 budget included an appropriation of \$370,000 for this line item. This line item is also supported by special revenue fees from the circuit court which are adequate to cover a reduction to this line item. Therefore, I am reducing the appropriation by the amount of \$30,000 to \$370,000.

My fifteenth objection to the Bill is contained in Item 66, page 62, line 25, which states:

In-Home Family Education 68800 1,000,000

My recommended FY 2015 budget included an appropriation of \$750,000 for this line item. Efforts are underway to ensure this service is efficiently operated and monitored for evidence-based results. Part of this effort will determine if any duplication is taking place amongst the family support programs. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending to better position the State to address anticipated budget gaps. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$750,000.

My sixteenth objection to the Bill is contained in Item 66, page 62, lines 37 through 39, which states:

**Grants for Licensed Domestic
Violence Programs and
Statewide Prevention 75000 2,500,000**

My recommended FY 2015 budget included an appropriation of \$2,142,100 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending. Cuts are never easy, but are necessary in our State’s current financial situation. Therefore, I am reducing the appropriation by the amount of \$357,900 to \$2,142,100.

My seventeenth objection to the Bill is contained in Item 66, page 63, line 48, which states:

Children’s Trust Fund - Transfer . . . 95100 300,000

My recommended FY 2015 budget included an appropriation of \$220,000 for this line item. Efforts are underway to ensure this

service is efficiently operated and monitored for evidence-based results. Part of this effort will determine if any duplication is taking place amongst the family support programs. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending to better position the State to address anticipated budget gaps. Therefore, I am reducing the appropriation by the amount of \$80,000 to \$220,000.

My eighteenth objection to the Bill is contained in Item 68, page 66, line 1, which states:

Unclassified 09900 \$16,710,103

My recommended FY 2015 budget included an appropriation of \$15,524,044 for this fund. While the programmatic appropriations I recommended were consolidated into one Unclassified line item, the aggregate funding level was also increased. As good stewards of the taxpayers’ dollars, there are times we must do more with less and reduce the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$1,186,059 to \$15,524,044.

My nineteenth objection to the Bill is contained in Item 73, page 69, line 15, which states:

Corrections Academy 56900 1,602,129

This line increased funding for above my FY 2015 recommendation by \$200,000. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$1,502,129.

My twentieth objection to the Bill is contained in Item 74, page 71, lines 1 and 2, which states:

**Personal Services and
Employee Benefits 00100 \$59,075,965**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. The State Police have historically been able to transfer extra funds from Personal Services to other lines within their budget and do not require as large of an increase to fund the salary increases for civilian employees required under SB 486 passed during the 2014 regular session and the new State Troopers for the Internet Crimes Against Children Unit. Therefore, I am reducing the appropriation by the amount of \$507,913 to \$58,568,052.

My twenty-first objection to the Bill is contained in Item 74, page 71, line 3, which states:

Children’s Protection Act 09000 947,942

My recommended FY 2015 budget included an appropriation of \$935,819 for this line item. As good stewards of the taxpayers’ dollars, there are times we must do more with less and reduce the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$12,123 to \$935,819.

My twenty-second objection to the Bill is contained in Item 74, page 71, line 4, which states:

Current Expenses 13000 11,219,232

My recommended FY 2015 budget included an appropriation of \$10,397,784 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending. Therefore, I am reducing the appropriation by the amount of \$821,448 to \$10,397,784.

My twenty-third objection to the Bill is contained in Item 74, page 71, line 6, which states:

Vehicle Purchase 45100 2,403,790

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$903,790 to \$1,500,000.

My twenty-fourth objection to the Bill is contained in Item 74, page 71, lines 8 and 9, which states:

**Communications and
Other Equipment (R) 55800 1,338,968**

My recommended FY 2015 budget included an appropriation of \$1,268,968 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$70,000 to \$1,268,968.

My twenty-fifth objection to the Bill is contained in Item 74, page 71, line 10, which states:

Trooper Retirement Fund 60500 4,625,240

Having reduced the appropriation for Personal Services and Employee Benefits in objection twenty above, it is necessary to reduce the appropriation proportionally for retirement matching. Therefore, I am reducing the appropriation by the amount of \$38,899 to \$4,586,341.

My twenty-sixth objection to the Bill is contained in Item 74, page 71, line 11, which states:

Handgun Administration Expense . . . 74700 81,668

My recommended FY 2015 budget included an appropriation of \$80,240 for this line item. Cuts are never easy, but are necessary in

our State’s current fiscal situation. Therefore, I am reducing the appropriation by the amount of \$1,248 to \$80,420.

My twenty-seventh objection to the Bill is contained in Item 74, page 71, lines 12 and 13, which states:

Capital Outlay and		
Maintenance (R)	75500	314,425

My recommended FY 2015 budget included an appropriation of \$250,000 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$64,425 to \$250,000.

My twenty-eighth objection to the Bill is contained in Item 74, page 71, lines 16 and 17, which states:

Automated Fingerprint		
Identification System	89800	704,920

My recommended FY 2015 budget included an appropriation of \$671,994 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$32,926 to \$671,994.

My twenty-ninth objection to the Bill is contained in Item 76, page 73, line 5, which states:

Child Advocacy Centers (R)	45800	1,702,466
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At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending to better position the State to address anticipated budget

gaps. Therefore, I am reducing the appropriation by the amount of \$200,000 to \$1,502,466, which is the FY 2014 funding level.

My thirtieth objection to the Bill is contained in Item 76, page 73, lines 8 and 9, which states:

Sexual Assault Forensic

Examination Commission 71400 150,000

This is a new program for which a necessary level of appropriation has not yet been established. In light of this uncertainty and the ongoing budget challenges we are facing, a cautious and prudent approach be taken to control and limit new spending and the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$50,000 to \$100,000.

My thirty-first objection to the Bill is contained in Item 90, page 82, lines 1 through 4, which states:

Transfer to Division of

Human Services for Health

Care and Title XIX Waiver

for Senior Citizens 53900 \$19,457,690

At a time when we are facing major future funding challenges, it is imperative that a cautious and prudent approach be taken to slow growth in the State’s base budget. The above appropriation expands an optional Medicaid program. Providing services to our seniors in their homes is an important option. Therefore, I have directed the Secretary of the Department of Health and Human Resources to evaluate all the care provided to our seniors to ensure appropriate utilization of services. The expansion of Medicaid and the implementation of the Affordable Care Act should be monitored prior to significantly expanding any program without utilization data. Therefore, I am reducing the appropriation by the amount of \$3,500,000 to \$15,957,690. Notwithstanding, this appropriation provides an additional 335 slots in the program.

My thirty-second objection to the Bill is contained in Item 91, page 83, lines 7 and 8, which states:

**West Virginia Advance
Workforce Development (R) 89300 3,645,095**

This line represents a \$400,000 increase above my recommended FY 2015 budget. As good stewards of the taxpayers’ dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$200,000 to \$3,445,095, which is still above the FY 2014 funding level for this line item.

My thirty-third objection to the Bill is contained in Item 91, pages 83 and 84, lines 33 through 37, which states:

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is an additional \$400,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

Having reduced the appropriation to West Virginia Advance Workforce Development in objection thirty-two above, I am reducing the amount in the language on page 83, line 35 from \$400,000 to \$200,000.

My thirty-fourth objection to the Bill is contained in Item 96, page 85, lines 1 and 2, which states:

**West Virginia University -
Parkersburg 47100 \$10,081,330**

My recommended FY 2015 budget included an appropriation of \$9,858,752 for this line item. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending to better position the State to address

anticipated budget gaps. Therefore, I am reducing the appropriation by the amount of \$222,578 to \$9,858,752.

My thirty-fifth objection to the Bill is contained in Item 104, page 90, line 1, which states:

West Virginia University 45900 \$103,099,869

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to slow the growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$102,999,869.

My thirty-sixth objection to the Bill is contained in Item 104, pages 90 and 91, lines 18 through 45, which states:

Included in the above appropriation for West Virginia University (fund 0344, appropriation 45900) is \$34,500 for the Marshall and WVU Faculty and Course Development International Study Project; \$546,429 for the WVU Law School - Skills Program; \$300,000 for the WVU Coal and Energy Research Bureau to be expended in consultation with the Board of Coal Mine Health and Safety, the Mine Safety Technology Task Force, and the DEP Advisory Council; \$19,714 for the WVU College of Engineering and Mineral Resources - Diesel Training - Transfer; \$500,000 for the Mining Engineering Program; \$220,000 for the WVU Petroleum Engineering Program; \$82,500 for the WVU - Sheep Study; \$630,000 for the Davis College of Forestry Agriculture and Consumer Sciences of which \$80,000 is for a Landscape Architect, \$112,500 is to be used for Morgantown Farms, \$112,500 is to be used for repairs at the Raymond Memorial Farm, \$112,500 is to be used for Reedsville Farm, and \$112,500 is to be used for Kerneysville Farm; \$200,000 for Reedsville Arena and Jackson’s Mill Arena; \$100,000 for the WVU - Soil Testing Program; \$100,000 for a veterinarian; \$50,000 for the WVU Cancer Study; \$500,000 for the Center for Multiple Sclerosis Program; \$150,000 for the WV

Alzheimer Disease Register; \$100,000 for the rifle team; \$125,000 is for the West Virginia University National Center of Excellence in Women’s Health; and \$30,000 for the West Virginia University Extension Service to develop a cyber-bullying prevention program.

Having reduced the appropriation to West Virginia University in objection thirty-five above, I am reducing the amount in the language on page 90, line 21 from \$546,429 to \$446,429. The language also directs additional expenditures without increasing the appropriation, placing a greater strain on current resources. Therefore, I am deleting the phrase on page 91, line 41 through line 43, “\$125,000 is for the West Virginia University National Center of Excellence in Women’s Health;”.

My thirty-seventh objection to the Bill is Item 149, page 112, lines 1 through 5, which states:

From the balance of funds in the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund (fund 2367) the amount of \$2,216,846 shall be expired to the Medical Services Trust Fund (fund 5185).

The Board of Risk and Insurance Management - Premium Tax Savings Fund is not the proper place to make an expiration to the Medical Services Trust Fund. Therefore, I am deleting the language in its entirety, page 112, lines 1 through 5.

My thirty-eighth objection to the Bill is contained in Item 233, page 146, lines 1 and 2, which states:

**Medical Services Trust Fund -
Transfer 51200 \$147,552,295**

While we are forced, for the first time, to utilize a portion of our Revenue Shortfall Reserve Fund to fund rising state Medicaid

appropriations, it is critical that appropriate actions be taken to minimize the usage of the fund, which, among others, is a factor in the state’s bond rating. Early projections for next year’s FY 2016 budget show a budget gap that must be addressed next year and maintaining a healthy balance in the Revenue Shortfall Reserve Fund will serve West Virginians well.

Through the actions in this veto message, and the actions of the Legislature in the passage of HB 101 during the 2014 first extraordinary session, there will be additional funds available to appropriate to Medicaid at a later time. This allows the appropriation to Medicaid from the Revenue Shortfall Reserve Fund to be decreased to a more responsible level. Therefore, I am reducing the appropriation by the amount of \$47,552,295 to \$100,000,000.

My thirty-ninth objection to the Bill is contained in Item 287, page 170, line 1, which states:

Current Expenses 13000 \$3,653,750

This is a significant increase over the FY 2014 appropriation. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to slow the growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$2,384,375 to \$1,269,375.

My fortieth objection to the Bill is contained in Item 291, page 182, line 5, which states:

Libraries - Special Projects (R) 62500 786,250

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$786,250 to \$0.

My forty-first objection to the Bill is contained in Item 292, page 183, lines 8 and 9, which states:

Senior Citizen Centers and Programs (R)	46200	2,284,750
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This is a significant increase over the FY 2014 appropriation and this line item has a substantial reappropriated balance available. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$1,284,750 to \$1,000,000.

My forty-second objection to the Bill is contained in Item 292, page 183, lines 25 and 26, which states:

In-Home Services and Nutrition for Senior Citizens	91700	4,420,941
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At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending. Cuts are never easy, but are necessary in our State’s current financial situation. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$4,320,941.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for Senate Bill No. 306.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Timothy R. Miley

Veto Messages

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 25, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 12.

I disapprove this bill because there is a technical error in the provision amending section three, article five, chapter thirty. Specifically, the bill purports to amend subsection (g) of this section as it appeared prior to the enactment of Enrolled Committee Substitute for House Bill No. 2577 in 2013. Enrolled Committee Substitute for House Bill No. 2577 rewrote article five, and made wholesale changes to section three – including the elimination of all subsections. The amendment made to section three in Enrolled Committee Substitute for Senate Bill No. 12 adds language to a subsection that does not appear in current law.

For this reason, I must disapprove the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Timothy R. Miley

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 25, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 2165. This bill, if signed into law, would require the State Registrar and the clerks of the county commissions to issue, without charging a fee, no more than two certified copies of a veteran's death certificate to certain individuals. Although the bill's title references its impact on clerks of the county commissions, it fails to address the new obligations the bill would impose on the State Registrar. In these circumstances, the title is defective and I must, therefore, disapprove and return Enrolled Committee Substitute for House Bill No. 2165.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy R. Miley
The Honorable Jeffrey V. Kessler

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 28, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 4425, which amends West Virginia Code §15-2-7. Unfortunately, this code section was also amended during the 2014 Regular Session of the Legislature in Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 486. Because these bills contain alternative versions of the same code section, only one may become law. Therefore, I disapprove and return Enrolled Committee Substitute for House Bill No. 4425.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy R. Miley
The Honorable Jeffrey V. Kessler

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 28, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 4588. I am advised the bill is unconstitutional under controlling precedent of the Supreme Court of the United States. See *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U. S. 833, 879 (1992) (holding a state “may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability”); see also *Isaacson v. Horne*, 716 F.3d 1213 (9th Cir. 2013), *cert. denied*, 134 S. Ct. 905 (Jan. 13, 2014) (declaring unconstitutional Arizona’s fetal pain statute prohibiting the termination of pregnancy at twenty weeks gestation, before the fetus is viable).

The bill is also problematic because it unduly restricts the physician-patient relationship. All patients, particularly expectant mothers, require the best, most unfettered medical judgment and advice from their physicians regarding treatment options. The medical community has made it clear to me that the criminal penalties this bill imposes will impede that advice and those options to the detriment of the health and safety of expectant mothers. West Virginia has a need for qualified, competent physicians. I fear this bill, if signed into law, would make it difficult for the Mountain State to attract and retain the obstetricians and gynecologists it requires.

In disapproving and returning the bill, I wish to highlight that I have the utmost respect for the legislative process and for the views of my able friends in the West Virginia Senate and House of Delegates on both sides of this difficult issue – an issue that, as Justice Blackmun observed, “raises moral and spiritual questions over which honorable persons can disagree sincerely and profoundly.” See *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U. S. 747, 772 (1986). I believe there is no greater gift of love than the gift of life. I have stated this time and again throughout my career and it is reflected in my legislative

voting record. However, as the Governor of West Virginia, I am duty bound to “support the Constitution of the United States and the Constitution of this State.” See W. Va. Const. art. IV, §5. It is in this role that I disapprove and return Enrolled House Bill No. 4588.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy R. Miley
The Honorable Jeffrey V. Kessler

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 31, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 426. If signed into law, this bill would, among other things, require gubernatorial appointments to the Higher Education Policy Commission, institutional boards of governors, and the Council for Community and Technical College Education to be made within certain limited time constraints. The deadlines set forth in the bill would unreasonably restrict the time required to thoughtfully investigate and deliberate on candidates for appointment. In these circumstances, the bill restricts the broad powers of appointment afforded to the governor by the Constitution of West

Virginia. See W. Va. Const. art. VII, §8. Consequently, I must disapprove and return Enrolled Senate Bill No. 426.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Timothy R. Miley

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 31, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 4254.

The aim of this bill—granting certain state employees a temporary leave of absence with pay and benefits to assist emergency aid providers during a declared State of Emergency—is admirable. However, the bill lacks critical details. For example, it authorizes and pays an employee to render aid in a disaster area where he or she could be exposed to danger, but fails to shield the state from liability. It also fails to address insurance coverage issues. Further, it does not provide the employees' immediate supervisors with guidance or criteria to consider in their assessment of whether to approve requests for paid leave. In these circumstances, the

Legislature may wish to reconsider this bill in the future with an eye toward clarifying the details of Enrolled Committee Substitute for House Bill No. 4254.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy R. Miley
The Honorable Jeffrey V. Kessler

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 31, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 4343. This bill aims to attract new businesses to economically depressed areas of the state by authorizing broad tax exemptions and credits for locating within a defined district, employing residents of the district, and basing operations on state-of-the-art technology.

The goals of the “Project Launchpad Act” are admirable, and I applaud its stakeholders and the Legislature for their hard work on this unique economic development effort. However, I am advised by the State Tax Department that the bill, as presently drafted, is problematic and unworkable for multiple reasons. The bill, for

instance, contains a host of technical errors and inconsistencies. The Department of Commerce has also expressed concerns about the bill and the administrative challenges it would pose, if signed.

In light of the foregoing, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4343.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Timothy R. Miley
The Honorable Jeffrey V. Kessler

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2014

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary of State 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. 477.

I support the policy that teachers should be provided planning periods that are reasonably unburdened by other demands. However, the revisions made to W. Va. Code §18A-4-14 prevent principals and teachers from working in a collaborative manner to arrange the instructional day. It is vital that West Virginia law

reflect education policies that encourage mutual administrative engagement in joint planning. Research demonstrates this type of cooperation has a profoundly positive impact on effective teacher instruction and increases student achievement.

Enrolled Committee Substitute for Senate Bill No. 477 would also impose additional costs on the already strained budgets of county boards of education. In light of the negative impact on teacher collaboration and county board of education budgets, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 477.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Jeffrey V. Kessler
The Honorable Timothy R. Miley

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*.

Appendix – Remarks

REMARKS OF
**HONORABLE
 HERB SNYDER**

Thursday, January 16, 2014

SENATOR SNYDER: Thank you, Mr. President.

I rise today to draw your attention to a bill that I feel is probably one of the more important bills that I have offered in the Legislature since my tenure here. Senate Bill No. 368 (Repealing article relating to unfair trade practices) which, on its face, is a little hard to understand what it does because it is repealing a code section—an old code section, of unfair trade practice.

Why would I be interested in it? Well you've heard, particularly, the senators and delegates from the Eastern Panhandle talk about high gas prices in certain parts of the state versus others. You'll see it here—you'll see much higher gas prices in some communities and you go next door and it's not that high. It has taken a lot of digging around, Mr. President, to try to find out the root cause of this. All that the oil and gas marketers will tell you—and they're lobbyists—is that it's complex and it's complicated. It's complex and complicated how these gas prices are established. They will tell you a lot of oh—they all post them right out on the street and so forth so everybody is aware of them.

But it goes back to a 1939 law which is still law. This unfair trade practice which says retailers, all retailers on any item at all, must charge seven percent over what they paid for it. Now why is that important? And it's everything—I'm going to get to that in a second, Mr. President. But the gas

wholesalers, particularly, and the retailers used that law about 25 years ago to keep the prices high. Right here in West Virginia. I don't know of any other law like this in any of the surrounding states. They got it through in 1939—a long time ago.

Times were different then to protect those small retailers and stations. Things have changed, Mr. President, because this covers everything—that was long before Wal-Marts, long before Targets, long before large shopping centers—things that are part of our everyday life today. Society has changed. Like it or not, there are very, very, very few or no mom and pop anything anymore because they have to compete.

This law doesn't allow them to compete in the open market. They must charge a certain price. Now those lawsuits, there were three of them filed—one here in Kanawha County, one somewhere else in southern West Virginia and one in Berkeley County—over this gas price issue and when that happened, it was the beginning of Go-Mart, it was the beginning of Sheetz, Mr. President. Those wholesalers and retailers didn't like it at all that those competitors were coming into their area. Selling their gas cheaper—imagine that novel concept—so they brought suit under this old 1939 law.

Franklin D. Roosevelt was President. This was right at the end of the Great Depression. Hitler was making all types of rumbblings and that same year invaded Poland. Gasoline prices were ten cents a gallon, hamburger was 17 cents a pound, average house \$3,800, average car \$700 in America. Imagine that. A long time ago.

It's time for us to repeal this law because it has hurt the citizens of West Virginia.

Not just the Eastern Panhandle where the prices today are 26 cents higher. It has hurt the citizens of this state for about 25 years to not allow competition. Particularly used, it's a general law in all merchandise, but it is particularly used by the gas retailers.

Now, they are going to tell you that it's complex and you can't understand it, but this is the area of law—it took us awhile to find it—that those lawsuits were filed under. While the reason it took some time, those lawsuits from roughly 25 years ago, Mr. President, are under seal in these courthouses because the oil and gas marketers—this is a fight among themselves—they don't want the public to see that they're suing each other over gas prices. But we all pay the price for that. Our citizens, for about 25 years, have paid a price for that and it's time to go.

Now, I'll end with this note. This is a general law that we should all be concerned about because you can bring suit—any retailer can bring suit. Retailers do not have to prove damages. Now I haven't seen an area of law during the time I have been on Judiciary, Mr. President, where you don't have to prove any damages to bring the suit. This law specifically says that you don't have to suffer damages to bring suit; and if you bring the suit and you are damaged, it's treble damages.

Well, Mr. President, this is one thing we can do for the citizens of West Virginia. Oil prices are set on a world market, but this is price manipulation and very much the wrong direction. This could spread. All of our citizens love Black Friday sales. Box stores sell 50 TVs at at-cost or lower than cost—called loss leader—a concept I learned about in business school 40 years ago. It's virtually illegal according to this law. Your bonus cards—everyone loves them. Ask your constituents if they'd want to get rid of their bonus cards where they get so much off the price when they buy their gas. I've got a Sheetz, I've got a Foodland and

a Fuelland card and so forth here. Kroger has a big program. It's probably illegal because it's advertising something and giving discounts that only their customers can get—you have to buy Kroger's products to get those bonus points. It's probably illegal. I'm not advocating to change that; I want to get rid of the law, Mr. President. Repeal that law.

Look at the current code. How in the world did this ever get in West Virginia's code? It's 85 years ago—eight years before Robert C. Byrd became a member of the House of Delegates—this chamber was brand new. It was the seventh session of this body meeting in this chamber, Mr. President. A long time ago. Things change and this law needs to be repealed.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
CLARK S. BARNES**

Monday, January 20, 2014

SENATOR BARNES: Thank you, Mr. President.

I would like to speak briefly this afternoon on this great day—Martin Luther King Jr.'s day observance—here in America. I have to apologize because I don't really have a speech ready. I've been really thinking about this for several hours. I really couldn't bring all my thoughts together on this but there is one thing that did come to me this morning. As I was driving down the highway, I realized that there are two men in the history of the United States of America who probably changed our lives here in America more than any other. They lived 100 years apart, but yet, they shared the same dream.

I thought first about Abraham Lincoln, who probably was one of the most important people in the founding of the State of West Virginia. There was an atrocity going on in America which the world was allowing to happen, and America was allowing to happen, it allowed it to happen for over 100 years. But it was time that men stood up and said this is wrong. It was time that they stood up and did something about it. Abraham Lincoln stood in the gap and said "slavery is wrong". It divided our country and it divided our state. There was a right way and there was a wrong way. Many good men died believing that they were right on both sides and believing that God was on their side. But you know what? The truth will prevail and right prevailed once again. But then for the next 100 years the people that were freed and the War Between the States and the Emancipation Proclamation suffered a great tragedy. They were looked down upon. They were not given their rights.

I remember, as a young man I spent the first few years of my young life in Greenville, South Carolina. My mother worked at Belk Simpson Department Store and, from time to time, she would take me to work with her when there was no school or when Dad wasn't around to take care of me. I'd get to go to Belk's and I remember Miss Lizzie on the elevator. She ran that elevator. She was a wonderful black lady. We spent a lot of hours together. But I remember on a trip to Belk's, as a young person, that I saw the bus driver say "Lady, get to the back of the bus" and you know why she was told that. As a young person, hardly six or seven years old, I said "Why?" I didn't understand. And then Miss Lizzie got off the elevator one day and she says "Clark, you go ahead and run the elevator for me. I have to go to the bathroom." She went to the basement and I said "Well, why are you going down there?" She said "Well, our bathroom is down there." "What do you mean your bathroom?"

She said, "There is a special bathroom for coloreds." And I asked my mother "Why is that?" You know it wasn't right. I knew at six and seven years old that it wasn't right. But people for generations experienced this kind of treatment.

You know, I had an experience just a few weeks ago where Debbie and I were invited to attend church. We attended church at Ebenezer Missionary Baptist Church over on the West End of town. It was a remarkable service. It was a great message. And, folks, at the end of service, everyone joined hands to end the service. No one refused to hold my hand or hold Debbie's hand. We were surrounded by our fellow Christians. It wasn't a matter of whether we were black. It wasn't a matter of whether we were white. We joined hands and we prayed for the peace of this nation and we prayed for people. We didn't pray for black people and white people and Chinese people. We prayed for the people of our nation. The reason: Because of two men we could stand there together and do that—Abraham Lincoln and Martin Luther King, Jr. That's exactly where we should've been. You know and I think that those of us who believe in an after-life that someday we're not going to be segregated in Heaven. We're going to be singing the praises of our eternal Father as one people.

They're a couple of quotes that I have for you. First of all, I want to say a quote by Abraham Lincoln. "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live by the light that I have. I must stand with anybody that stands right, and stand with him while he is right." If Abraham would have been living in the days of Martin Luther King, I have a feeling he would have been on that Selma March. Martin Luther King said the following words: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." He ended another speech by

saying: “Our lives begin to end the day we become silent about things that matter.”

Thank you.

REMARKS OF
HONORABLE
RONALD F. MILLER

Tuesday, January 21, 2014

SENATOR MILLER: Thank you, Mr. President.

I'd like, for just a moment today, to take time to remind all the members of this body that this is “Agriculture Day” here at the Legislature. It's a great day to walk around the well to view one of the oldest and most basic industries of this state—the industry of agriculture.

When you look at our state seal you're reminded of the fact that agriculture blazed the way into the frontiers of this great state. Before there was mining, or gas production, or timbering, or manufacturing, or any other way that we have developed to make a living in this state, there was agriculture. From the 40 acres and an ox, or mule, or a team of horses, to the agribusiness of chickens, and turkeys, and corn, and beef, and pork, with complex machinery—we have seen the great development of agriculture. From the small family farms to the best agriculture complexes, the Ag community continues to pave the way for the future of the state.

Ag is possible in every part of the state no matter what some may tell us. We can redevelop communities in places where mining and industry have ceased by turning used and worn pieces of soil into new sources of income as agriculture trains and teaches and points forward new ways to rebuild and reuse the land. Our small

towns, and small farmers' markets, and family farms, to the urban agriculture projects and places like the West Side of Charleston—Ag continues to say that we can make life better for the people around us.

Our Commissioner of Agriculture, who is not in here today, Commissioner Walt Helmick, a former member of this body, is traveling around the state telling the story and the need to increase the production of food right here in our Mountain State. We have the land; we have the ability. There may be some things that we may need to do as a body to ease into this future but we're willing to push forward with our Agriculture and Rural Development Committee here in the Senate and, members of this body, we need each of you to make it happen.

I encourage you today to visit the displays if you have time and, when you go home, I encourage you to support West Virginia food growth as you spend your dollars. Let's rebuild our state by looking at where we have been and let's move forward to where we can be.

Thank a farmer this day.

Thank you very much.

Designating West Virginia Kids at Risk Day

(Adoption of Senate Resolution No. 8)

REMARKS OF
HONORABLE
ROBERT J. FITZSIMMONS

Wednesday, January 22, 2014

SENATOR FITZSIMMONS: Senate Resolution No. 8 designates January 22,

2014, as “West Virginia Kids at Risk Day”. The purpose of the resolution is to recognize that the State of West Virginia, along with the West Virginia Child Care Association, have some of the nation’s very best child welfare professionals and agencies.

The West Virginia Child Care Association was established in 1979. It has 16 member agencies that work tirelessly through all parts of West Virginia. These individuals have dedicated their time to making life better for West Virginia’s children who are at risk, whether it be because of abuse, neglect, behavioral or emotional disabilities, substance abuse or delinquency. These individuals play such a vital role in our communities because oftentimes they are the only voice that an at-risk child and their families possess. It is because of the dedication, passion and skill with which these individuals perform their task that they deserve recognition here today.

Unfortunately, because of the inclement weather, the West Virginia Child Care Association representatives were not able to be here today. But we hope to have them to the Senate Chamber here in the near future, so that they may receive the formal recognition that they are due.

Mr. President, I urge adoption of the resolution.

**REMARKS OF
HONORABLE
SAMUEL J. CANN**

Thursday, January 23, 2014

SENATOR CANN: Thank you, Mr. President.

You know, this morning I read the paper and there was an article on the front page

that kind of bothered me a little bit. We always talk about economic development, creating jobs and expanding services within our state to those who don’t have it. We’ve had, for several years now, a lot of discussion about the BTOP program—bringing internet to many residents around the state. We had a problem with the routers; we had a problem with the towers. Now, we had a little bit of money left over from a \$142 million project and a state company wanted to utilize those extra dollars that were not used to expand internet to areas that might have internet now, but this would have enhanced it and speeded it up and created opportunities for a lot of businesses and individuals to grow business ventures here.

I’m not sure who’s at fault and I’m not going to point fingers. Was it the big company? Was it the little company’s fault? The companies involved were Frontier and a little company called Citynet. Why this project? Those extra funds could have been joined with company funds to create a private-public program and created “GigaPop” areas throughout the State of West Virginia—which would have really improved our business climate here.

But yet, the project was not approved for whatever reason. I know several of us wrote letters, we requested help, we called NTIA in DC and talked to folks. I’m a little baffled because the article says the reason that we don’t get to use the money is that the state never asked for an extension. I’m not sure I buy that whole thing. I believe that there were requests made. But it’s just one of those things to me.

I came in today—I was going to rant and rave but instead I’m sad. I think we lose. I hope there is a way to revive it because, I think, it’s a very good project and it would help a lot of citizens in the State of West Virginia. I think it would’ve been one of the best economic tools we could’ve created for the state this year.

Thank you, sir.

REMARKS OF
HONORABLE
CRAIG BLAIR

Thursday, January 23, 2014

SENATOR BLAIR: Thank you, Mr. President.

This is the first time for me to stand up and speak on this floor. I would like for everybody to sort of grab ahold of what I put on your desk. It looks complicated—it is not. I wanted to take a few minutes to explain some of the things going on.

Those of us from the Eastern Panhandle have the luxury of driving either four or five or six hours to get here. When we do that, we leave from our state, we can't stay inside the state to get here. We actually come from either Maryland, through Maryland, or through Virginia. We get to see the gas prices along the way. As you can see, as of January 21, Martinsburg gas prices were \$3.55, but when you get to the total other side of the state, it's \$3.15. Even though we share the same exact gas tax—there's a huge difference.

I ask, does anybody in this room possibly believe that the wholesale price—and say it's coming up the Mississippi for the Huntington area and it's coming in from the harbor on the East Coast—that the gas, wholesale gas, price is that much different? Let's just say that it was. Look at the rankings up there on who has the highest gas tax. Pennsylvania just increased their gas tax. They're number one in our region and they're actually 6.1 cents higher than ours. But let's now go to the map and slip down to Chambersburg, Pennsylvania, which is about 45 minutes from where I live. \$3.39—that's significantly less.

That's 16 cents less. If you factor in the tax difference it actually gets more than that. It goes down to being \$3.33 a gallon.

Now, we've introduced a couple pieces of legislation: One was on zone pricing—didn't hear much feedback on that—but, boy, oh boy, when my good friend from Jefferson spoke the other day—well I got to hear it after that bill came in to the hopper. There was a lot of different things that came at me on that bill. I was confused by it to be quite honest with you. One of them is that when these retailers came to me they said "Look, this is unenforceable." Well, if it's unenforceable, then why do you want it so bad? I'm a free market guy. And that's what, in 1939, this legislation was designed to do—to make it so that mom and pops remained and we kept it opened.

But, going back to the AARP comment earlier, most of us here are older. We remember pulling into a gas station where they had oil out on the rack out front. You couldn't buy a sandwich at the gas station. Probably the only senator who doesn't remember that is sitting over here next to me. You could get a bottle of pop and maybe an ice cream cone. But you could get your tire fixed; you could get your oil changed. Try that today where you buy your gas. That's an evolution of the gas station—it actually takes place. It's the market.

We shouldn't be propping it up with legislation that we've got on the books that makes it so that there is a huge difference in what's going on. We've got to stop this. And here's why. The State of West Virginia is losing a huge amount of Eastern Panhandle tax revenue to Virginia. It's real easy. When I was in the House—served eight years over there—I used to joke about it. I said if I lived in the southern end of Berkeley County, I wouldn't even campaign in West Virginia. What I would do is I would get ready and go down, right across the state line, at the gas station where

three out of the four cars getting their fuel have West Virginia tags. You would get to meet everybody—at least in the southern end of the county—in a matter of a week’s time. Now, factor in the fact that 30 percent of our population actually works outside the state. So, they can buy their gas cheaper in Pennsylvania, Virginia and Maryland. What is wrong with that picture? Now, I understand that our gas tax is a little bit higher but the fact of the matter is there’s something else going on. It’s taking place here and it’s certainly not the free market.

There’s another bill that’s out today, Senate Bill No. 421 (Removing certain discounts from motor fuel excise tax). I am waiting for the reaction to that. The good Senator from Jefferson and I are the sole sponsors on it. But what it is—I can’t think of another business in the state right now that gets paid to collect a tax. And that is exactly what’s happening with this bill. The wholesalers—when they collect the tax and everything—get a percentage of it back.

I encourage you to go take a look at the bill. It’s to the tune of about \$2.5 million a year that doesn’t go into the Road Fund. It is going back to the wholesalers. Again, I’m free market. I don’t think government should be picking the winners and losers. I don’t believe in corporate welfare. That’s exactly what it is. If that’s the case then we need to start giving a tax credit, or a percentage of it back, to all the retailers out here and all the grocers and everybody else that collects the sales tax. We can’t be picking individuals. I say, let’s get that off the books, get that \$2.5 million back into the Road Fund and get it turned into asphalt. There’s not one place in the state that we don’t need that.

I’m going to stop. I’ve gone long enough. But I encourage you to look at this. We’re all in this together. When we started this legislation—I had this printed out back in July—the prices were a lot more of the same. There’s a huge disparity when

you look at it now between the east and the west. It has changed and I don’t know whether it’s because of the legislation that we have been introducing or could there possibly be another retailer-to-retailer lawsuit getting ready to take place because somebody has figured out a way to sell their fuel for less. Remember what I said on that because that is probably what is driving it down to the west.

What’s going on? We’ll soon see.

Thank you for having the patience to listen to me. If you have any questions, feel free to ask me afterwards or whenever you would like.

Thank you, Mr. President.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF HONORABLE ERIK P. WELLS

Tuesday, January 28, 2014

SENATOR WELLS: Thank you very much, Mr. President.

I’m going to rise in support of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 (Relating to water resources protection). I would like to talk to the members for a moment since this was my community that really impacted everybody in this chamber.

There is a lot of concern still, even though this is a great step forward. I agree with the Chairman of the Judiciary committee. I think if this had been in place

we would not even be discussing this. But as I told a reporter earlier when I was asked why didn't this already exist—my example was we had hijackings of airlines in the 70s and the 80s and we never did enough to make sure that what took place on 9/11 would never take place. We just didn't think about somebody using an airplane as a weapon of mass destruction.

There is great concern because of the misinformation that is out there. First we hear it's 5,000 gallons. Then it's 7,500 gallons. Now it's 10,000 gallons. We hear we can lift the embargo against the water and drink it, only to be followed with, if you're pregnant, don't drink it. To this day, I'm not drinking it. I'm sure I'm not the only one in this body that feels that way. There will come a time though when public confidence in our water system is regained.

This is not an issue that has just a central focus on West Virginia. Think about it. This is an issue that is going to have national implications. We were lucky in some respects. The chemical had an odor. Imagine if it did not have an odor. It could've been weeks before we realized what was taking place.

When I was in Afghanistan in 2011 one of the things they told me was don't drink the water. So I was really accustomed to seeing all the bottled water everywhere. But I was in a meeting one time and I felt, as an advisor of the United States government to the government of Afghanistan, I represented the people of my country. One of the great traditions in Afghanistan is to offer chai tea. They brought the tea in. I looked at it and, man, there was stuff floating in that water. And I'm thinking to myself I really don't want to drink that. But I wanted to be somebody who is hospitable as well. So I took a little drink here and a little drink there and just kind of set it down. I spent the next couple of days in the latrine because that water

was nasty. I learned my lesson. That's why I really want to be making sure that I have an abundance of caution. So the time will come, but the time is not right now for me to drink the water.

There has been some discussion about corporate responsibility and whether or not we are over-regulating industry. I will tell you, I stand here today as somebody who wants to make sure businesses thrive in West Virginia. While I do not want to see regulation rammed down the throats of businesses—I don't want to see contaminated water rammed down the throats of West Virginia citizens either. This is a good start.

And lastly, I want to thank the people of West Virginia because they handled themselves especially well. I went to a meeting on the Capitol steps. It was a cold, cold morning, Mr. President. As I walked around, I realized I was the only elected official there. Those folks were upset and they were angry, but they were compassionate and understanding. I didn't have the answers then—I don't have all the answers today.

But this move today—in passing Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373—is going to go a long way. The world and the nation are watching. One of the things that we have not talked about—if you want to talk about businesses, Mr. President—is the fact that we are now tarnished to a degree. There is the perception out there that the water in West Virginia is not safe to drink.

This past weekend I went to a hockey game featuring WVU and Pitt. The Pitt players were told “bring bottled water”. I'm sure in my hometown of Charleston there are probably going to be conventions that will be cancelled for fear of drinking the water.

Corporate responsibility is important. Making sure we have a thriving industry is important. But at the end of the day, if we don't have fresh drinking water because we're not willing to make the tough decisions against corporate interest, we can forget about all the small businesses throughout our districts because they won't survive either. They deserve a fighting chance. The people of West Virginia deserve a fighting chance. And this bill starts us down that right road.

Thank you, Mr. President.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

**REMARKS OF
HONORABLE
MIKE HALL
AND
HONORABLE
COREY PALUMBO**

Tuesday, January 28, 2014

SENATOR M. HALL: Would the chairman answer questions?

MR. PRESIDENT: Will the Junior Senator from the Seventeenth yield? The Senator yields.

SENATOR M. HALL: In the exemption section—and I've tried to research this over the weekend and just couldn't get to the bottom of it so you may know—I believe it's an exception under the exceptions or the people who don't have to follow this law. It's item number twelve. I don't have the page numbers here but it reads "If you have a federal Solid Waste Disposal Act 42 U. S. C." section, so forth—you're exempt from

the law. Who's exempted? Am I reading that correctly? And then it also says whoever is regulated under article eighteen of this chapter. Have you found it?

SENATOR PALUMBO: We're trying to find it.

SENATOR M. HALL: I think it's section three. There are certain people that are exempt from the law. I'm just trying to find out who.

SENATOR PALUMBO: Right. What we sort of endeavored to do when we got this bill in our committee was make sure that if there were comparable regulations already in place in federal law or state law that they didn't have to fall under this as well. There are several regulations out there that deal with the same topic but not quite to the level that we thought that they needed to be. So I think this list that's in section three, including twelve, all capture what we believe are things that are already covered in other sections of the code or federal law.

SENATOR M. HALL: Do we have an example of who? I actually went out and printed out that section—you know with Google you're able to do those things—but I just couldn't find a list of the types of companies that are being exempted here.

SENATOR PALUMBO: As far as exemption number twelve, it would be any kind of company that deals with the storage of hazardous waste. I mean that's already covered—those tanks.

SENATOR M. HALL: Would that be DuPont? Who would that be in the Kanawha Valley?

SENATOR PALUMBO: I think it could be.

SENATOR M. HALL: Okay. So it may be a lot of different industries. The public

may think we're writing a law that affects them but they're being exempt. That's what I was trying to determine. There's probably a list somewhere.

SENATOR PALUMBO: And again, the reason that many of these entities are exempted is because we believe there's already similar protections in current law.

SENATOR M. HALL: The company that we're basically focusing on is not exempted under this section.

SENATOR PALUMBO: That's correct.

SENATOR M. HALL: So we're good on that. Also, the penalties section toward the end of the bill that provides for criminal and civil penalties and so forth—let's just walk through that. If somebody is found to be in violation of this act, it's the prosecutors of the counties that have to bring the accusation, correct? They're the only ones?

SENATOR PALUMBO: That's right.

SENATOR M. HALL: Is there any other prosecutorial power granted in the . . . ? I didn't see one. So, we normally have to do that.

SENATOR PALUMBO: There also would be administrative penalties available.

SENATOR M. HALL: Okay, so there is a section. Alright, Mr. President, can I just make a couple of comments about the bill now?

MR. PRESIDENT: You have the floor, Senator.

SENATOR M. HALL: Thank you.

I obviously support the bill. There were several in Putnam County though Kanawha County is the focus, but all around Winfield and around were affected by this. I think

any attempt to deal with this problem—which I think this is a good one—I support.

I just wanted to make this comment though. I'm not trying to question the DEP as to why this wasn't discovered before but, in working with commercial realtors and developers in the past in West Virginia, there is a thing in the law from the Clean Water Act called the jurisdictional waterway of the United States. My classic example of this is in Hurricane. When Walgreens built a store in Hurricane there was a ditch that some said was created by the building of I-64. But the Corps of Engineers discovered that to be a jurisdictional waterway of the United States and, therefore, required that a permit be purchased from the DEP. It cost \$13,000. They violated that permit. A developer went in and allowed some mud to fall into the ditch. I believe they were fined \$13,000. Now I've seen this over and over. I have developers in Putnam and around that have been scrutinized about not getting mud in the stream. All over the state.

There's a fund at the DEP called the "In Lieu of Fund". If you are going to interfere with the wetland or a stream and you can't mitigate it, you can pay money. You can pay X amount of dollars. There's \$26 million in that fund.

Now here's my point. It's incredible to me. The Elk River has to be a jurisdictional waterway of the United States—how a little developer in Hurricane can be watched very carefully to see that no mud gets into this stream and, yet, it got in and they got fined—and how this happened.

I understand the reasons that were stated but I just find myself amazed. I guess going forward, if it's a jurisdictional waterway or whether it's a small stream or whatever, there will probably be greater scrutiny of these more dangerous areas, I would hope. Even under our current scheme of regulation, they don't have to

wait. I believe they have authority and this will give them more authority.

I just make these comments in light of what I've seen—the very careful oversight of jurisdictional waterways and, yet, somehow this one slipped through the cracks. I'm just somewhat personally amazed at that.

But I do stand to support the bill and thank you for the answers to the questions.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF
**HONORABLE
CHRIS WALTERS
AND
HONORABLE
COREY PALUMBO**

Tuesday, January 28, 2014

SENATOR WALTERS: Thank you, Mr. President.

I rise as an individual that lives in the area that was tainted by Freedom Industries. First, I want to state that I think my Senior Senator did a very good job in elaborating as to what took place and the economic impact on our area and also the impact on our citizens.

The evening of January 9 I remember very specifically. My wife and I had gotten a babysitter. We were getting ready to go out on a date. We started cooking peas for my three-year-old daughter. We go out. We heard some rumors as to what was going on, but there wasn't exactly anything conclusive. My wife said to me, "Should

she eat what we're cooking on the stove?" And I said, "Honey, every single concern I've ever heard, you can just boil it away." And you know, that's something that has stayed on my mind—something that's worried me.

When we got to the restaurant we were finding out on Twitter that restaurants were being asked to close all throughout the Kanawha Valley. The owners had to make their decisions to close their restaurants and shut them down. So sitting there—we already had our food in front of us—we were questioning whether or not to eat it. I guarantee this is what went through the minds of everyone. And not just Kanawha County, but Putnam County, and other areas that were affected—all nine counties.

Going on through this we noticed hotels were not taking guests. The Civic Center cancelled the events they had scheduled for that weekend. We have multiple businesses that rely on Charleston Civic Center events. People don't realize it but when they have an event, the mall is flushed with individuals in there buying from restaurants, buying from stores. Those places still have to pay rent to that mall. There were tons of businesses that, at the end of those days, had to throw out thousands of dollars of waste. They had to throw out products, those small business owners, those large business owners, at no fault of their own, had to throw products out.

Service industry workers were without tips, but they still have to make their utility bills. They still have to make their rent payments at the end of the month. They have to pay their mortgage—take care of their children's schooling. All of that is still an impact on their lives.

You know, it's nothing new to you all that I have a three-year-old child and I also have a pregnant wife. I've been asking what I can do? What long-term effects is this going to have? I know during that day my

wife had consumed water, I had consumed water, everyone in Kanawha County had. It wasn't until that evening that we had figured out what really was going on. And when we had figured it out we did not have the answers. There are a lot of concerns over the citizens of Kanawha County.

Again, I said I rise in support of this bill. I think that there are a lot of good things in this bill that could prevent this from ever happening again.

Last night I was at a Town Hall and the individuals there were frustrated. They were as frustrated as we were. I reminded those individuals that, yes, I am here to represent you. Yes, I am a Senator, but I am a father first. I'm somebody who has the exact same concerns as every one of you. I've been trying to get the answers and have not been able to get all of them. I keep hearing it's inconclusive. But again, in speaking to this bill, I think there are a lot of things in it that would prevent this in the future. There were some suggestions at the Town Hall. One of the suggestions was allowing public opinion when the bill reaches the House—that the House of Delegates open its chambers to allow a public opinion phase for the people to weigh in on the bill.

There was an individual in that audience that knew more because of his experience with engineering with water chemicals. He worked in the Air Force and studied this kind of stuff—knew more than anybody I've heard from this entire process. He answered more questions for us. He talked about how to flush the systems in more detail than we had gotten. It was really an enlightening experience to hear from those individuals.

They asked questions—and I plan on asking these questions today after I'm done—as to whether there are requirements that, before the water reaches the water intake system, if there's a requirement

in the bill that that water intake system have the type of specifications they have in Louisville where there are detectors to see what's coming into their water intake system. They had a lot of concerns as to this company, Freedom Industries. Yes, it does have an excess insurance policy, but with bankruptcy and what they owe to the IRS, how are we ever going to get back all the implications that happened in our society at no fault of our own? These are questions that still have not been answered.

Mr. President, I do rise in support of this bill.

Thank you.

MR. PRESIDENT: The Junior Senator from the Eighth is asking the Junior Senator from the Seventeenth to yield?

SENATOR WALTERS: Yes, sir.

MR. PRESIDENT: Will the Junior Senator from the Seventeenth yield?

SENATOR PALUMBO: Yes.

MR. PRESIDENT: He will yield.

SENATOR WALTERS: For that last question I promised I would ask—is there anything in this bill that sets up requirements for PSCs to have a certain type of detection system for water that floats down the stream? Because my Senior Senator mentioned if there was no smell we probably would not have known. So, is there anything in this bill that does address that or is that something we need to help get changed once it reaches the House?

SENATOR PALUMBO: We require them to test for contamination, but there's no specific method set out to do that. So, I don't know that exactly. I don't think that exactly what your suggesting is contained in the bill.

SENATOR WALTERS: Thank you.

no, no. They have not—we'll be out there today." And they did get out there that day and tested it.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

**REMARKS OF
HONORABLE
SAMUEL J. CANN**

Tuesday, January 28, 2014

SENATOR CANN: Thank you, Mr. President.

You know, we've heard a lot from Putnam and from Kanawha and the big population areas. I would like to tell you that I represent a little piece of the affected area—I represent Clay. And in Clay they feel like they're forgotten.

There's a little corner in Clay under the Queen Shoals PSD. You know, a week after this incident happened they were the last ones to get cleared to go ahead and flush. Well, I stayed in touch with our Adjutant General and the Guard as to what was going on. They told me, "Hey, they've got the green flag, go ahead, they can do it." Well, I called down there and I talked to the OES guy, Greg Fitzwater, and he said, "Great." He called me back 10 minutes later and said, "You know, I just talked to Sarah over there and she said no one's come out and tested the water." I called the General. "Oh, yes, they did." I called back. "No, they didn't." Well, it turns out they had not. The answer was "Well, tell them we'll be out tomorrow." I do want to thank the Guard because when I called the Guard and said, "Hey, they have not been here and they're being told that their water will not be tested til tomorrow." And the Guard said, "No,

My reason for standing here today is this bill is step one. We could talk about this bill for another month. And we could twist it and fight it and probably weaken it a little bit here and strengthen it a little bit there. But I think this is the right way to go to start out for our first step. And in time, as all the regulators do all their investigations and studies and we get all the feedback, we will be able to appropriately adjust and change those areas that we need to.

But we have to act today. We have to act now. This Senate has stepped up and done so. I appreciate everybody that's worked so hard on it. I want to compliment our Governor for being willing to participate in sharing his thoughts and his ideas out of his bill and working with us to combine them into one really good first step. I want to thank the businesses from around the state who have stepped up and said, "Hey, I might not want this additional regulation but you're right, we've got to do what we can right now to make sure this doesn't happen again."

We need to continue to work on this. Above all, my plea is don't forget the people out at Queen Shoals and the other small communities. They're at the end. They're not along the highway. They're not in a big population area. But they need this help and this protection as much as anybody else.

So, I want to say, "Let's get this done." I appreciate everybody who has been a part of this.

Mr. President, thank you for the time.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF
**HONORABLE
EVAN H. JENKINS**

Tuesday, January 28, 2014

SENATOR JENKINS: Thank you.

Based on those comments I think this is important to not only talk about the future but talk about the past and to express appreciation and thanks. I certainly couldn't pass up the opportunity to express sincere appreciation to the citizens of Culloden—like the Senator from Harrison referenced—a small outlying area.

The impact in the district that I represent was in a small area, Culloden. It's in the eastern part of Cabell County. I visited them on the first day of the emergency. It's fascinating to me that before the big help—the airlift of water coming in through the Guard and FEMA—there was about 24 hours of lag time. So what did we do during those 24 hours when we had the “do not use order”? We had Gordon Merry, our Cabell County EMS Director, take a truck down into Kentucky and load up that truck on his own—I guess with a county credit card—and paid for a truckload of water. So, within a matter of hours in Culloden, the residents of that area had bottled water available. That helped get them through those critical first hours.

So, I'm certainly not criticizing the state help. I think, in a pretty amazing amount of time, we were able to mobilize a lot of water to the affected areas. But it was these local folks that took the initiative themselves and put their own credit cards out there to address the critical needs. I've

asked the Governor to help out with the reimbursement for the Cabell County EMS and others for this extraordinary help.

The citizens of eastern Cabell County, Culloden Elementary School, the principal and teachers were there when the school was closed. The teachers didn't just sit at home. They went to the volunteer fire department and were actively helping by passing out water. It was a steady flow for a solid week. The local folks, what they were able to do, what they were able to achieve, was stunning.

So, again, with all the appropriate recognition of the important step we are taking today, I think it's also important to recognize those who stepped up to the plate in such a significant way and in an amazingly coordinated way.

We have a lot of challenges ahead. We have a lot of work to do to make sure we protect the quality of our water and make sure people have safe drinking water. It's a top priority.

I look forward to passing Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 (*Relating to water resources protection*) as an important step in that direction.

Thank you, Mr. President.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Tuesday, January 28, 2014

SENATOR KIRKENDOLL: Mr. President, I, too, rise to speak to the bill and for the bill.

You know, water, evidently, is our most important resource in West Virginia. We're a unique state. Most of the industries require water. The coal industry does. The gas industry does. Not only that, families use it on a daily basis to survive. And it's sad to say but maybe—thank God there was no casualties, there was some irritation and some sickness—but maybe an event like this put us in a position that we will not see it happen again.

As I spoke in committee the other day—and it went through a lot of meetings before anybody brought it to our attention—the reason I address the situation is you can't fix a problem if you don't know where it's at and what it is. And to sit on this bill or not get this bill out to start the process . . . I'm in favor of a continual resolution. We should always look at something as important as water to make it a more decent, better, usable part of our society. But this bill has to go quick through the House and go into effect. DEP and its regulatory agencies can't fix the problem until they find the tanks.

As I spoke in committee, we have a blessed industry. We have a lot of people who use our waterways for transportation of goods and products. We have timber in our mountains. We have gas and oil. We have coal. So we have a lot of industry, thank God. And we relish that fact. But we want our people to be safe. I think once we find these tanks and learn how to regulate them—learn how to make sure they are safe so that this doesn't happen again—maybe we've moved a step forward.

So, I rise to speak to this bill and to acknowledge the fact that, maybe, the end result will be a good thing. I really, really hate the fact that people in business lost money and that people became sick. But

what if we don't know what these tanks are and we would drag the deadline and not get a bill out so that DEP can work within their regulatory powers?

So, I appreciate the work of this body. I hope the House looks at it in the same way we did. But once we find it—I feel assured that our state regulators will fix the problem, do it right to where corporate and business-friendly people can live and do the same thing with environmental safety.

Thank you, Mr. President.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF HONORABLE JOHN R. UNGER II

Tuesday, January 28, 2014

SENATOR UNGER: Thank you, Mr. President.

I think it's evident from the speeches given here today the importance of this bill as it relates to the protection of our water resources. There has been so much discussion on this issue. Now it is time for action. I think it demonstrates that this issue runs deep—deep in each of us, our communities and our families.

Water touches all of our lives. I didn't realize how much until the weekend after the “do not use” ban was issued and I was traveling home—making calls. As many of you all have mentioned, your communities rallied together and so did the Eastern Panhandle. People came together. It wasn't the first time that we have rallied

as a community. Senator from Jefferson, we have done this before with floods in the southern part of West Virginia, Senator from Mingo, and other areas.

But this one was really different because that Sunday at the church where I pastor, I talked about the situation here in Kanawha County and told some of the stories of the families that were affected. A young family had a five-year-old child. The young man says, "I'm scared to death. I mean what's going to happen to my child? We don't know the long-term effects of this. You know, I'm 40 years old, but my child is only five. If cancer or something shows up after 10 years on me, I've lived my life, but my child's just started." Anguish and fear—I've seen this in the people who live here.

So, in those small little churches in Harpers Ferry and Bolivar, people went out to collect supplies and water and to also raise funds. That particular weekend there were about 60 people in each of the congregations. I put the collection plate in the back and said if you want to donate anything, please do so. After everybody left, the money was counted and those small little churches raised \$1,700—\$1,700 each. Many of them said they didn't have enough money with them, but they were going to go home and bring back some more later that day.

I called General Hoyer that weekend and asked if there was any way the National Guard could help move some of the supplies that were being collected. We had collection areas and drop off areas. Word went out throughout. All the churches and the rest of the community including businesses and schools all started rallying together. Even the children started going home telling their parents about the water situation and started bringing in supplies. General Hoyer agreed that they would help move these supplies to Charleston quickly.

I've just found out that the 167th Airlift Wing of the National Guard, Mr. President, said they moved more than 60,000 pounds of donated supplies to Charleston from Berkeley and Jefferson counties alone. Now, that doesn't count the generosity that came from all over the state.

Many of us, except for a few, don't live in the area that was impacted. But I'll say it to you, Mr. President, the people that I represent in the Eastern Panhandle—although living over 300 miles away—feel the impact more than any other past disasters. Why? They could picture themselves in this situation where they could turn on the water and some pollutant would come out or nothing at all would come out. Every one of our constituents have that in their mind.

Now, think of this. The people in the Eastern Panhandle say, "Wow, if this could have happened in Charleston, the state capitol, where you have the Governor living, where you have the Legislature in session, you have the Supreme Court, you have the DEP headquarters, you have the National Guard located there, Homeland Security, all the government agencies of the State of West Virginia located right there and their water's polluted. Over 300,000 people affected and there is no protection for their water supply. What protection do we have in our particular community?" This resonates deeply.

Mr. President, it's been told by the Senators here—they're very articulate. I want to commend each and every one of the Senators in this body, Mr. President, for taking the leadership role of stepping up and moving forward. I think it's important because the people demand it. Yes, they want investigations. Yes, they want reports. They want recommendations. But more importantly—they want action. They want to have the assurance that this will never happen again—here or anywhere in West Virginia. It's important for the quality of life.

The bill we're discussing today, Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373 (*Relating to water resources protection*), states very clearly up-front that "The state's water resources are vital natural resources that are essential to maintain, preserve and promote human health, quality of life and economic vitality of the state."

The one thing I want to point out that hasn't been brought up much is this debate that occurred on this particular bill that we always fall into as a state. I think it does a disservice to us when we do this. That is the debate between people and profit. You'll hear it many times. You know, we should be for the people and that's right. You also hear the aspect we don't want to harm business. We don't want to do things in a sense of discouraging jobs and job creation. But part of quality of life for many people is, of course, having a quality job. That's true. Why is it we always break down the debate between business and people, between profit and people, instead of having "or", why can't we have "and"? I'll say this—this bill is focused on water resource protection for people—that includes business, that includes farmers and the people who work in these businesses and farms.

It's also a very important thing for economic development. More than ever before, Mr. President, our environmental resources are under an enormous amount of pressure. In the twentieth century, population has grown four times; economic output, 22 times; fossil fuel consumption, 14 times; and, over the same period, water demand rose twice as fast as the population growth of the world. We only have three percent of our water resources that can actually be used for human consumption. Two percent of that three percent is actually in icebergs. So, we only use one percent of the water in the world for human consumption. So, water is one of the world's most precious resources and today cities, farmers, industries, energy suppliers, are competing daily for water

needs. And as a result, costs of inadequate water management are becoming higher and higher. And, therefore, opportunities are starting to be compromised.

I had yesterday, Mr. President, the Leadership Berkeley group here; they are from the Chamber of Commerce from my area. There was a woman there that came from the very prominent business of Ecolab. It's a very, very good business in our area in manufacturing. They manufacture soaps and other types of products. They use about 300,000 gallons of water per day. I asked her the question, I said, "What would have happened if the same situation happened in the Eastern Panhandle that happened here in the Kanawha Valley? What impact would it have on Ecolab?" She told me, "We would have gone out of business. There's no way that we could have taken that water in and been able to maintain the production of our products."

This morning we met with the economic development officials from our region. I introduced them earlier when they were in the gallery. The Berkeley County Economic Development Authority Director said to—the legislators that were there—that there are two manufacturing prospects looking at the Eastern Panhandle to create jobs. They need between two million to three million gallons of water per day in what he termed "process water". Process water is directly from the river. Not the treated water but water directly from the river. I asked the question—these companies are food production, dairy processing manufacturers—and I asked the question, "Well, what did this situation do in regards to this prospect?" He says, "I'm not sure yet, but I think it could be a big problem; because who in a food industry would actually come after all the national press that's happened with the chemical spill? How can we assure the safety of their water?" That's something we need to do.

Mr. President, this bill goes into protecting our water—both for the human

health and quality of life of our residents—but also it goes toward protecting our water resources for the businesses and the farmers and the others that do business in West Virginia. A reporter asked me recently: What’s going to happen in the future for West Virginia and what’s the image? My response is: I think that image is still going to be formed not by what happened in the past but what we do in the future and what we learn from this. If we learn and we wake up to this vulnerability that we have in protecting our water resources, then the rest of the country will see that. And if we put in measures to ensure the protection of our water, then I think others will start seeing that and the confidence will come back. If we do nothing, then it will be devastating both for the people who live here and any other economic activity.

Mr. President, it was talked about in the sense of this body still going forward and actually investigating and continuing to research this situation. I just want to let you know that this Senate is moving forward with these. The Legislative Oversight Commission on State Water Resources is doing an investigation. As a matter of fact, tomorrow at 10 a.m. in 208-W we continue investigation hearings. I invite all members who are interested to participate in that as we learn more and more.

But I will also comment to you, Mr. President, this Senate is taking the leadership in protecting our water resources. Even with the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 373, we are not satisfied. “No, no, we are not satisfied and will not be satisfied until,” as the great leader that we honored a week ago, Martin Luther King said, “until justice rolls down like water and the righteousness like a mighty stream.”

Thank you, Mr. President.

Relating to water resources protection

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 373)*

REMARKS OF
**HONORABLE
MIKE GREEN**

Tuesday, January 28, 2014

SENATOR GREEN: Thank you, Mr. President.

I rise in support of this legislation, but I also want to take this opportunity to bring light to a situation that’s in the Senator from Wyoming and my district.

A little unincorporated town called Alpoca—just outside of Mullens in Wyoming County—contacted the Senator from Wyoming and I and said, “Well, we understand the 300,000 people and the uncertainty of the economy and the uncertainty of the safety of the drinking water. Well, what about us down here in Alpoca?”

There’s been an issue going on now for a couple years with the Eastern Wyoming Watershed—Logan County PSD. These folks have been, literally since September of last year, without potable water. There have been multiple issues that have come up. But these people called me with great despair—no opportunity for hope—and said, “We don’t expect you to do anything because we’ve tried every other avenue, but with what’s going on in the Kanawha Valley, you’re our last hope.”

What’s happening is the people of this town have to travel upwards, depending on where they live, 15 to 20 miles. They are going to an abandoned coal mine and pumping water into tanks that they have to acquire to get their own water. They take it

back to their house and boil it before they can use it.

Ladies and gentlemen, to me—and I hope to you—that is unacceptable. For the last four days we have attempted everything that we can within our power. As we know, we are facilitators in this body. We have contacted the Public Service Commission. We’ve contacted the Wyoming County Commission. We have contacted the Logan County PSD. Today, actually, I’ve got a call in to Jimmy Gianato with Homeland Security. In my mind this is an issue for Homeland Security. We have to be able to supply water to the residents of West Virginia. I’ve tentatively scheduled to meet at one o’clock with the DHHR Secretary and her folks from the Bureau for Public Health. I hope that you all will rally with me to ensure that the people of Alpoqa will have potable water that they can use to cook, clean and take care of their families.

So, ladies and gentlemen, again, I take this opportunity for the issues that have occurred here in the Kanawha Valley and to bring light to what goes on in the rural parts of southern West Virginia. Again, I want to challenge anyone within earshot regardless of whether you are a private entity, a state or government agency, to help me and the Senator from Wyoming help the people from Alpoqa to get drinking water.

Thank you.

**REMARKS OF
HONORABLE
MITCH CARMICHAEL**

Monday, February 3, 2014

SENATOR CARMICHAEL: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I rise briefly this afternoon to convey a compliment that the Senate received over the weekend which I wanted to share with you and, also, to relay a concern.

The compliment is the water bill. As you attended your churches and functions this past weekend, the people of West Virginia saw an issue here and the Senate acted in a quick manner. We did it because it’s a quality of life issue and we needed to instill confidence in the people. It was the right thing to do and we did it quickly and they appreciate it. I thank you. I’m proud to be a part of a body that acts quickly when we see a problem.

The Majority Leader made a great point during the debate that a job is also a quality of life issue. It was pointed out to me that, in West Virginia, we have an economy that is not producing jobs as we should.

In fact, I got interested in this subject and started researching it a little bit. We’re ranked 46th by *Forbes* in terms of business competitiveness. CNBC’s ranking puts us 48th. West Virginia ranks last in workforce participation rates. We have the lowest median household income—poorest in the nation. WorkForce West Virginia reports that fewer West Virginians are working now than in 2013. In fact, we have less population. We’re one of only two states to have lost population since 2013.

Again, in West Virginia, we continue to struggle with this “judicial quagmire” designation. The list goes on and on about the economic condition of our state. Behind every one of these statistics is a precious human life without meaningful work. This lack of prosperity affects everything we do in this state; from maintaining our public infrastructure, to jobs for our citizens, to education pay for our employees and our teachers.

To the extent that we acted quickly on the water quality bill—it's just such a contrast. We started looking back and, Mr. President, here's a 1999 study by Governor Underwood regarding the tax structure and the business climate here in West Virginia and what we should do about it. Then we looked at Governor Manchin's study in 2006 about the modernization of our business climate and our economy. We have other economists that have studied our issues including the WVU economist, Russ Sobel. I want to commend our own Senator from Kanawha County for the excellent work he's done in *The State Journal* regarding this issue. We know what it takes to turn the economy around. We should be acting on that. It is time that we act.

To paraphrase Elvis Presley: A little less conversation a lot more action. It's time that we do this. We can be the best in West Virginia. We can be. We have such opportunity here—all of us see it—all of us have that enthusiasm to generate jobs and change this state. If we do it, if we grab this opportunity like we did the water quality issue, we can move this state forward immediately.

All of us were watching the Super Bowl last night and after the Super Bowl the quarterback from the winning team, Seattle Seahawks, was interviewed. He's relatively small, 5'11", I think. His dad always told him when he was motivating him, "Why not you? Why not you? You can be the best." He used that as motivation all throughout his career. In fact, last night they were talking from the Seahawks' standpoint, "Why not us? Why not us?"

And so, Mr. President, somebody in this United States has to be first in job creation and per capita income and jobs. I ask us, "Why not us?" We say, "That's great. Let's do it." Then why not now? Let's do it. As you look at the bills that are to be advanced through this session, you'll find things that

deal with tort reform, joint and several liability, collateral source rule—other things that will fundamentally address the things that are throughout all these studies.

And so, I ask that we all grab that sense of, "why not us" and do everything we can to move this state forward.

Thank you, Mr. President. Thank you, ladies and gentlemen.

REMARKS OF
HONORABLE
JOHN R. UNGER II

Tuesday, February 4, 2014

SENATOR UNGER: Thank you, Mr. President.

Over the weekend, I had some very interesting conversations with constituents of mine and also parishioners of my church that I never thought I would ever have such a conversation with. Those conversations centered around the fact that many of these people love this state, love their community, but now they're starting to talk about leaving. It disturbed me. They've been sitting down with their families and they are scared. They are nervous about what has happened here with the water situation in Charleston. But also, in a sense, they kind of lost hope.

Am I making this up? I'm really disturbed by it because some of the people that I've heard from I would have never thought they would have ever had that conversation. Of course, I, in the role of trying to give them hope said, "We're going to do things. The Senate has acted to address it and we will continue to look at the situation", but still those conversations are proceeding.

Last night, Mr. President, you and several members of this body attended a town hall meeting downtown at the First Baptist Church. We heard from various residents of their struggle. One thing that was interesting was Dr. Gupta, who's with the Health Department here in Kanawha County. He was talking about the breach of trust that has occurred. He was saying that they have been looking at the emergency room cases coming in right when this situation first occurred and before the "do not use" order, or the water ban, went out. He can show you that emergency room visits for flu-type symptoms spiked here locally. He said what's interesting is after the ban occurred, or the "do not use" order went out, it started to dip. Then when word went out that you could use the water again emergency room cases spiked. Then when it was told you could use the water unless you are a pregnant woman, elderly or a child, then it dropped and leveled off. He said at that point people just didn't have trust any longer. He's been doing a survey at each town meeting. He has found out that, of all the people doing the survey across this region, only one percent is drinking the water. Only three percent think it is safe.

We truly have a situation of breach of trust and it doesn't look like it's going to get any better. Matter of fact, it's not only the breach of trust here in this valley, but there's a breach of trust that's happening all over this state including the Eastern Panhandle where I'm from. People are talking. Mr. President, somehow we are going to have to move forward and regain that breach of trust.

Recently though, I was very disappointed. I will tell you, Mr. President, I was very disappointed that in the President's State of the Union Address, we didn't even have a mention. I thought, maybe, there would be a mention. After all, what happened here in Charleston could happen anywhere in the country because

we are vulnerable with our national water resources. We are not protecting it the way we should and it's not just occurring in West Virginia. It's happening all over this country. So, I thought for sure the President would at least mention what was happening here, because he has always mentioned other areas whenever there was a crisis or a situation in other communities. But he didn't.

And then also, Mr. President, I thought for sure that when a situation like this occurred the federal folks would be here helping. Similar to what just happened recently on a cruise ship—*Explorer of the Seas*—where there was an outbreak of a virus. They said "one of the worst outbreaks in 20 years". The CDC was investigating the outbreak. They quarantined individuals and monitored their health. It even says that CDC officials also helped Royal Caribbean clean up the *Explorer of the Seas* and then approved them to go back. There were about 700 people there—about 178 passengers got sick and 11 crew members.

What happened here? More than 300,000 people were basically poisoned, or polluted, contaminated, whatever term you want to use—where are they? Where's the team that this cruise ship had coming in to help out—to figure out what this chemical is, or chemicals, or what's in the compound, what it breaks down to, is there formaldehyde or isn't there formaldehyde? Yes or no? We continue to get conflicting results.

First they said it's 5,000 gallons, then 7,500 gallons, now 10,000 gallons. They said, "Don't use the water. Use the water, but don't use the water if you're pregnant, or a child or elderly." What is it? What is it? The CDC continues, supposedly, changing their levels. People do not trust it any longer, Mr. President. I don't think if we continue down this path they're ever going to gain the trust.

So, Mr. President, I would ask that this body, tomorrow, to introduce a resolution that basically calls on the President of the United States and Congress to protect our waters—our nation’s waters—to establish provisions that will prevent chemical spills from ever happening here or anywhere else again, to direct FEMA to continue to provide water supplies in the affected areas of West Virginia until that confidence is back, to direct the CDC, the ATSDR and the EPA to assemble a team to fully analyze the released chemical and to determine the effects on human health and the environment from the exposure to the chemicals and to direct the NIH to work with local health officials to diagnose and identify the present and future impacts on health due to exposure to these chemicals.

Mr. President, by the way, the ATSDR is not a well known agency. It is the Agency for Toxic Substances and Disease Registry. It is part of, Senator from Boone, the U. S. Department of Health and Human Services. It’s a federal public health agency.

Mr. President, I ask that we send this resolution as a message to the President and Congress to basically not look at us as lab rats, not to look at us in West Virginia as poster children, but to look at us as human beings—to look at us as Americans. People of this state deserve the same response as the individuals on this Caribbean princess. We don’t deserve any less, Mr. President, so I ask that members of this body join together tomorrow on this resolution, this concurrent resolution, that will go to the House.

I call on the House to join with us on this concurrent resolution to send a message to the President of the United States and the United States Congress to act now.

Thank you, Mr. President.

REMARKS OF
HONORABLE
SAMUEL J. CANN

Tuesday, February 4, 2014

SENATOR CANN: Thank you, Mr. President.

Just one item I’d like to point out. We had a meeting the other night with Dr. Tierney who runs the Bureau for Public Health for the State of West Virginia. She has stated time and time again—and I want to make sure that it gets in the papers and the press and that the people know—that there is no, no way that any formaldehyde was created as a result of this spill.

It can’t happen. Scientifically, she says unequivocally, it cannot and did not happen as a result of this spill. We have naturally occurring [formaldehyde] all the time in a lot of different water sources but the only way that this chemical can turn to formaldehyde is if it is heated to a point in excess of 500 degrees. So in her study—and they’ve looked at this—there is no way that that occurred.

I just want to make sure that people know that and that fact doesn’t get lost in all of these discussions.

Thank you, Mr. President.

Designating Preston County Day

(Adoption of Senate Resolution No. 16)

REMARKS OF
HONORABLE
DAVE SYPOLT

Wednesday, February 5, 2014

SENATOR SYPOLT: Today is Preston County and Tucker County Day at the Legislature. On behalf of the Senator from Taylor and myself, I would like to welcome all the businesses, agencies and members who've traveled to make the showcase and celebration of our counties a wonderful success. Furthermore, a big thank you to the members and staff who so warmly received us.

Missing today are two very important elements, however—the Mountaineer ChalleNGe Academy, for one. The ChalleNGe Academy had planned to attend and participate with the Color Guard opening the session by posting the colors and through participation in the Honorary Page Program. Everyone within the sound of my voice should be proud of the Mountaineer ChalleNGe Academy. The program of alternative education for at-risk youth has touched all 55 counties in our state. For over 20 years the program has grown. The graduating class this past December, Mr. President, graduated 157 new cadets.

Also missing today is the Preston County Chapter of the Future Farmers of America, which is one of, if not the most active chapters in the state; and, unfortunately, due to circumstances beyond their control, were unable to participate today.

Now, this year's theme is agriculture and it's for a good reason. Many have read the press releases about the West Virginia Department of Agriculture's initiative entitled "Farm to School". Preston County is one of the pilot schools. With the assistance of the Senator from Taylor, the delegates from Preston County and the School Building Authority, we secured some funding for a new processing facility.

Preston High School is the only high school in West Virginia, perhaps in the eastern United States, with a licensed slaughter and processing facility that is run

by the students. Within three years Preston High School plans to supply 100 percent of the beef and pork products for the schools in Preston County and, if successful, this program will be expanded to include the adjoining counties as well.

Currently, beef is raised in West Virginia to a certain weight and then trucked out west for finishing, slaughtering and processing. Then the product is sold back to West Virginia. This opportunity will allow farming operations in Preston County and the adjoining counties to finish the beef and pork and have a market for their products.

Currently, agriculture producers in Preston County rank among the top five in several categories. We're the first in the number of farms. We're third in the number of farm acreage. We're second in the tons of hay produced, fifth in bushels of grain, second in lambs and sheep and fifth in cattle.

It is fitting to recognize Preston County for its history, culture, economy and future development in our great state.

Mr. President, I urge adoption of this resolution.

**Recognizing Pinnacle Blue Mine
Rescue Team**

(Adoption of Senate Resolution No. 17)

**REMARKS OF
HONORABLE
MIKE GREEN**

Wednesday, February 5, 2014

SENATOR GREEN: Thank you, Mr. President.

I rise in support of the resolution. I want to congratulate the members of the Pinnacle Blue Mine Rescue Team. I tell you, in addition to the members, we're proud to have not only Ryan Thorn and Juliet Terry here with the team, but also Mark Nelson.

Mr. President, I would like to take a moment to read the resolution because I think it's important that we understand and realize that, maybe, sometimes what we take for granted We're so dependent on the coal industry. I know, I can speak from experience because of the tragic incident that happened in my county of Raleigh several years ago. I know how important it is to have these folks who not only risk their lives but go in to save those of others. I, personally, want to commend each and every one of you for your commitment and your dedication, not only to your profession, but to the State of West Virginia. So, thank you.

Mr. President, it says:

"The National Coal Mine Rescue Competition is a biannual competition sponsored by the National Mining Association and administered by the United States Department of Labor's Mine Safety and Health Administration.

"Established in 1910 by the United States Bureau of Mines, the National Coal Mine Rescue Competition is the largest of its kind.

"In its 101st year, more than eighty teams from twelve states competed in the four-day competition that had events ranging from first aid, bench and pre shift to the more complex simulated mine rescue scenarios that involve hypothetical emergency situations and test the rescue and safety abilities of the competitors.

"The Pinnacle Blue Team, of Cliffs Natural Resources, completed both days of team events without a single error . . ." Not

one error in two days. ". . . achieved the fastest problem-solving time on the second day of the competition.

"Due to their hard work, dedication and commitment to perfecting their craft and protecting our miners, the Pinnacle Blue Team won the 2013 National Coal Mine Rescue Competition.

"Mine rescue teams are the backbone of readiness for mine emergency response and the Pinnacle Blue Team has proven that not only do they possess the skills and preparedness necessary to keep miners safe, but they do it better than anyone else in the country.

"The Pinnacle Blue Team consists of members Dave Jackson, Adam Davis, Cody Palmer, Chad Lester, Greg Meadows, Mike Vickers, Rob Mizok, Cody Lambert, Richard Crockett and Barry Baker.

"The Pinnacle Blue Team is a shining example of what can be accomplished with teamwork and a dedication and commitment to ensuring the safety of our miners."

Mr. President, again, I think it's a great honor. I think it's something that we need to take advantage of when we have people who have such success in their craft.

Again, I want to thank you and ask the Senate to adopt this resolution.

**REMARKS OF
HONORABLE
RON STOLLINGS**

Wednesday, February 5, 2014

SENATOR STOLLINGS: Thank you, Mr. President.

I put on your desks here a Sugar Tied to Fatal Heart Woes story. Basically, drinking two 12-ounce cans of soda substantially increases your heart attack risk.

The federal farm bill is being voted on as we speak. It takes \$8 billion out of the SNAP benefits or \$800 million a year. I certainly hope that, since this is a supplemental nutrition program—supplemental—that the federal government will look closely as to whether they should cover sugary sweetened drinks as we go forward. Not only as a cost-savings but also as a public health savings.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
HERB SNYDER**

Wednesday, February 5, 2014

SENATOR SNYDER: Thank you, Mr. President.

I wanted to rise today to draw your attention to two bills that I sponsored that were introduced today.

Senate Bill No. 487 (*Authorizing municipal sales tax*) allows a municipal sales tax in trade for their B&O tax. We may very well not pass this bill this year, but I wanted to start a discussion. This is picked directly out of the home rule legislation that we passed last year. It is clearly the most interesting part of, or interested in part of, the home rule legislation that we did.

Later this year we'll have 20 cities, including the four that were already in it, that will be chosen as home rule cities. I would hazard to guess that there will be many, many more applications than that for this home rule pilot project as we go

forward. But one of the most appealing parts of the home rule is that the cities—all of them I believe without exception—that are looking at it would like to take part in the ability to trade their B&O tax on businesses for a one percent consumers sales tax.

Again, we'll talk about this. The bill is out there to start the discussion on this. There are some bills this year that take money from municipalities. So, I think it's a good time to look at revenue generation and their local needs for their revenue.

The next bill is Senate Bill No. 491 (*Exempting sales of motor fuel from unfair trade practices*) and there's a handout on your desk. This is continuing the conversation on the Unfair Trade Practices Act [sic] and gas prices. I won't belabor the subject, but I handed out what I just happened to find on the internet. It's a report "Do Gasoline Pricing Laws Affect Prices?" It's from a professor at East Carolina University in 2010.

I want to draw your attention to the introduction page which is page three. It says the Bureau of Competition, which is part of the Fair Trades Commission [sic], warns against the adoption of such laws at the federal level or extension of these laws into other states because of the possible increases in market prices to consumers. Indeed, most policy and imperial studies on gas price impacts of state gas price laws have concluded that they raise retail gas prices. It's the first time I've seen such a report. It gets to the "rubber meets the road" legislation and law as to how it affects gas prices.

So, as we continue forward the bill that was introduced today is very similar to the bill I introduced a few weeks ago and spoke on the floor about. The first bill repealed the entire Fair Trade Practices Act [sic] from 1939. You remember my floor speech about Franklin D. Roosevelt being president, etc.? This bill refines and perfects

that and simply puts in an exemption that motor fuels are not covered under the Unfair Trade Practices Act [sic]. There are a number of reasons for that and I hope we continue this discussion. I appreciate the members' interest in this.

Thank you, Mr. President.

Relating to possession and administration of opioid antagonist

(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill No. 336)

**REMARKS OF
HONORABLE
EVAN H. JENKINS**

Friday, February 7, 2014

SENATOR JENKINS: Thank you, Mr. President.

I want to stand up and express appreciation to the Chair of Health and others. This is a measure that we have tried to pass for at least the last year or two and, hopefully, we will see its passage.

This epidemic relating to prescription drug abuse and now heroin emerging as the drug of choice has touched us all in a lot of profound ways.

Tragically, several months ago, my wife lost her nephew. He was a young man with an outstanding personality, had the world in the palm of his hands, and, like so many, had the disease of addiction. He had fought that disease for a number of years and was recently in an inpatient facility program for several months.

What happens, as we know too often—we've seen it in the recent profile of the

actor who passed—is those who have battled addiction, who make a good faith effort, have a relapse. It's usually the first time back to using a drug like heroin that causes death because, before they went into detox, they had a level of resistance and then their body loses that resistance. The Chair of Health adequately and very appropriately described the issue of how these drugs suppress the respiratory system.

Well, my wife's nephew went through this experience. He had taken drugs one night and I'm convinced Naloxone would have saved his life. He basically, from all accounts, lived for several hours. In the street world, they put people in an ice bath of water and they do other things to try to revive the person. Well, this is what Naloxone is for—it revives the person.

But in the street world, as you know, there is a reluctance to call law enforcement. There is a reluctance to call EMS. There is a reluctance to take the person to the hospital because they don't want to be outed, so to speak.

So, Naloxone would have been a lifesaver if administered quickly because this young man didn't die instantly. He basically lived for hours and had EMS been called and got to him and administered Naloxone, there's no question in my mind he would be with us today.

So, I appreciate some of the national recognition our efforts have received in fighting the drug epidemic. This, however, was one area that we were lax in. We have attempted to pass it in years past. I'm glad we are passing it once again in the Senate. I hope the House acts accordingly and passes it this year.

This is a true lifesaver. There are states that have done this. I think it's North Carolina, and New York and others that have had just stunning results that truly save lives. So, I'm glad we are taking this

step today and again, I'm certainly thinking of Adam in the passage of this bill. We miss you.

**REMARKS OF
HONORABLE
RON STOLLINGS**

Friday, February 7, 2014

SENATOR STOLLINGS: Thank you, Mr. President.

As we all know, today is "Go Red For Women Day"—its 10th anniversary. Many of us men are wearing red-colored ties and the ladies are appropriately dressed in red.

This is to bring attention to cardiovascular disease in women. It is indeed the number one killer in women but only 13 percent of women view heart disease as a health threat. There are several points I could make. The bottom line is we're bringing attention to cardiovascular disease in women.

The new guidelines, today actually, came out for stroke in women. We now know that a migraine with an aura increases the risk. We've always known that women taking oral contraceptives or hormone replacement therapy were at an increased risk as well as hypertension, tobacco use and high cholesterol.

So, we want everybody to: Eat a heart-healthy diet; enjoy at least 150 minutes a week of moderate-intensity aerobic physical activity and more than two days a week of muscle strengthening activities; and avoid tobacco smoke. We learned just recently that two soft drinks a day can increase your risk of having a heart attack by 30 percent.

So, members of this body, I just want to bring attention to cardiovascular disease today.

Thank you very much.

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Friday, February 7, 2014

SENATOR MILLER: Thank you, Mr. President.

I want to remind everyone that today is Arts Day at the Legislature. The Senator from Fayette and I are very honored to represent a great arts center in the state in Greenbrier County and in Fayetteville.

In Lewisburg we not only have the state's theatre—Greenbrier Valley Theatre—but we also have one of the two Carnegie Halls in the nation and a trillium dance group and many other arts—creative arts—centered in that region in Fayetteville. Also, we're looking to promote that in other parts of our district.

I encourage each person here to visit the arts displays out here if they're still here when we finish on the floor. But promote arts in your community. It's a great impact, financially, in return for your community and it creates a better quality of life.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
CHRIS WALTERS**

Monday, February 10, 2014

SENATOR WALTERS: Thank you, Mr. President.

I wanted to rise to speak to Senate Resolution No. 12 (*Amending Senate Rule No. 28 relating to setting committee agendas*) before we had the opportunity to vote on it. I understand that I wasn't seen when I rose and I appreciate that. I think it was a very important rule—something that should have been deliberated, something that we should really consider as a body.

What the Senate Rule did is it required that committee agendas be set 24 hours in advance with an exclusion on the last three days because of how fast-paced session is. The reason why I put that rule in is because my constituents, multiple times, have come to me and said, "I have a bill that's coming that could be on the agenda. Would you look out for it for me? Could you let me know when that's coming up so that I may come to committee and weigh in?" A lot of times committee agendas are set an hour in advance, two hours in advance, and I'm not able to give my constituents that type of heads up so public opinion can be weighed in.

As a Senator, I've tried to do everything I can to read the bills, to understand the bills, to be able to deliberate on them and to study legislation.

Last week there was a bill that was introduced on the blue list of this floor and then an hour later it was on a committee agenda to be discussed. That bill was over 20 pages long. I had no ability at that time to know it was on that committee's agenda or to really study the bill, to be able to deliberate on it, to be able to make phone calls to ask about unintentional consequences, to be able to bring in an expert to speak to it or against it.

As a Senator, I want to do my job better. I want to be able to represent my population and my constituency to the best of my ability. This rule would have been a step in the right direction to allow that to happen. It would have been a step in the right direction

for everyone in this body. It allowed you all to have the proper notification to really discern legislation—to bring in the public. This Capitol, something we're so fortunate to have, anybody can come in, anybody can be here, anybody can come to this building and come to our committees and speak to us about legislation.

That Senate Rule, what it would have done is it would have given us the ability to put proper notice online to our constituents, so they would know to be here, so they could be more involved in this public process—this great process that we have—the best form of government in the entire world—and here we had the ability to get that public notification out. That was the whole intention of the rule.

**REMARKS OF
HONORABLE
MIKE GREEN**

Monday, February 10, 2014

SENATOR GREEN: Thank you, Mr. President.

I'd like to make you and the body aware of legislation I introduced today. Senate Bill No. 523 (*Providing for additional state veterans skilled nursing facility in Beckley*) would construct a nursing facility in Beckley, Raleigh County, West Virginia.

The proposed legislation designates the funds for a skilled nursing facility in Beckley, West Virginia. The money would come from the Veterans Facilities Support Fund and, also, bonds could be issued from the West Virginia Hospital Finance Board. The bill proposes to use the fund to design, construct and equip a 120-bed veterans skilled facility on more than 17 acres of land adjacent to the Jackie Withrow Hospital, formerly known as Pinecrest Hospital.

Myself and the cosponsors believe that the facility is needed because the one located in Clarksburg is at full capacity and frequently has a waiting list. With a veterans population that has now reached over 220,000 West Virginians, there is an overwhelming need for additional nursing home beds in the state to accommodate the veterans as they become unable to care for themselves.

Per capita, West Virginia has sent more of its sons and daughters into battle than any other state. The nursing facility would help those veterans as they return home. It will be a way for us to say, "Thank you for your service." We need to be there not just during the ceremonial return, but to support them when cheering fades and the everyday life trials that they face begin.

Mr. President, again, just to give you a little update—there are 17 acres that the Department of Agriculture owns behind the Jackie Withrow Hospital. The bill authorizes the Secretary for the Department of Veterans' Assistance as well as the Commissioner of Agriculture to enter into an agreement to donate that land that is currently owned by the Agriculture Commission to the Department of Veterans' Assistance.

So, again, I just want to bring light to the subject and encourage your support, not only for the legislation, but also for the veterans who have served and given so much for West Virginia.

Thank you.

**Recognizing Steve Antoline,
2014 Outstanding Tree Farmer**

(Adoption of Senate Resolution No. 24)

**REMARKS OF
HONORABLE
GREGORY A. TUCKER**

Tuesday, February 11, 2014

SENATOR TUCKER: Ladies and gentlemen of the Senate, it's my pleasure today to stand before you in support of Senate Resolution No. 24 (*Recognizing Steve Antoline, 2014 Outstanding Tree Farmer*). It recognizes a member of my community back home in Nicholas County.

This is Steve Antoline. He is the 2014 Tree Farmer of the Year. The resolution speaks to Steve's accomplishments but does not really tell the tale of Steve Antoline or the Steve Antoline that I know. Steve has been hugely successful in the business world. He's self-made. That's allowed him to pursue other passions in his life which have greatly benefitted my community and others. Steve is a huge and giant supporter of the coal industry, West Virginia in general, YMCA, Summersville Youth Athletics, 4-H, among many others.

This resolution recognizes a man of many talents and it's my pleasure to stand before the Senate today and ask that he be recognized. For that reason, I urge adoption of the resolution.

**Recognizing Steve Antoline,
2014 Outstanding Tree Farmer**

(Adoption of Senate Resolution No. 24)

**REMARKS OF
HONORABLE
MIKE GREEN**

Tuesday, February 11, 2014

SENATOR GREEN: Thank you, Mr. President.

I, too, stand in support of the resolution for the Tree Farmer of the Year. But before I go in and read some of the details of the resolution, I want to elaborate and follow-up on what the Senator from Nicholas said.

Steve Antoline is not only this year's Tree Farmer of the Year, but Steve has been very committed to the State of West Virginia through many endeavors. Steve has operated various companies throughout the United States, including operations in natural gas production, mining, excavation, property development and medical research. In 1995, he was a founder of Superior Highwall Miners in Beckley, a West Virginia-based company, which grew to international success as the largest manufacturer of highwall mining ventures.

Steve is committed to the State of West Virginia through his involvement in the American Red Cross, Summersville Youth Athletics, West Virginia University Sports Development Council and, in 2010, then-Governor Manchin appointed Steve to the Investment Management Board.

Again, those are reasons above and beyond being the Tree Farmer of the Year. To elaborate on that I would just like to take a minute to read the resolution:

"Whereas, Steve Antoline owns and manages a 2,097-acre tree farm in Nicholas County."

Steve "was selected as West Virginia's Outstanding Tree Farmer for 2014 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association."

This outstanding tree farm "made a formal commitment to sound forest management practices in 2009 by enrolling in the West Virginia Tree Farm Program."

He "is committed to the long-term productivity of his property by performing sustainable forest management through selective timber harvests, timber stand improvement thinnings, wildlife habitat improvement practices" and "improved road access and water resource" enhancements.

"Over six hundred thousand board feet of storm-damaged hemlock was harvested from the Antoline Tree Farm and used to build more than three hundred twenty shower houses" in "the Summit Bechtel Boy Scout Reserve."

Steve "makes his property available for numerous educational programs and tours for visitors throughout the world."

Mr. "Antoline's Madison Farms Tree Farm is enrolled in the . . . Cooperative Forest Management Program and receives professional forest management assistance" from "forester Rick Persinger."

It is the policy of this Legislature to recognize and commend outstanding West Virginians. So, we here, do hereby commend and congratulate Steve Antoline of Nicholas County, West Virginia, upon being selected as the winner of West Virginia's Outstanding Tree Farmer award for 2014.

Above and beyond all of that, I'm here to tell you that Steve is a great West Virginian. He is committed to not only the success of our great state, but more importantly Steve is my friend. I stand here honored to ask you to support the resolution.

Thank you, Mr. President.

REMARKS OF
HONORABLE
ERIK P. WELLS

Tuesday, February 11, 2014

SENATOR WELLS: Thank you very much, Mr. President.

I'd like to stand for a moment and discuss something that has sort of been on my mind since yesterday.

I want to first start off by saying sometimes when you stand up before your colleagues, you may end up saying something that upsets folks. I thought about that before I stood up and then I decided sometimes you need to just stand up and say what's on your mind.

Mr. President, several years ago this body passed, 34 to 0, the ENDA bill (the Employment Non-Discrimination Act). It involves the fact that you should not discriminate against somebody based on their sexual orientation. Thirty-four to zero. We know how West Virginia is from the standpoint of people's beliefs. I remember being here that night and I thought what a great message from a conservative state to send out. The next year it was a much closer vote, but it still passed.

I don't hold out much hope that it's going to pass this year, but I want to tell you why I'm standing today. This is a privilege for each and every one of us to be in this body to represent our communities. One of the reasons that I enjoy sitting right here is because when people come into this body, I get to be the first person to welcome them. I will tell you up-front that I don't always agree with their politics. I will vote against some of the things they stand for, but I view them as coming into my "home" and I want to treat them with the utmost respect.

So, yesterday, the folks from Fairness West Virginia came and I was embarrassed. Literally, embarrassed. It's not something to smile about. It's not something to joke about. We have 34 members here. Twenty-two people stood up. About 11 folks

didn't bother to do it. That's your political statement and that's fine. In my mind, you make your political statement on that board. You can vote against it. But to stand here and to purposely be ashamed to take a photograph with fellow West Virginians—I was ashamed.

So, I decided whether I should even make a statement or not. I will tell you, I respect all of you, but I could not be silent. There are groups that will come here and I will go up and take a photograph with them and welcome them into my "home". For as long as I remain here—I will always do that because I am proud and feel that it is a privilege to be here. What I witnessed yesterday, Mr. President, made me ashamed.

Thank you.

Designating Marshall University Day

(Adoption of Senate Resolution No. 26)

REMARKS OF HONORABLE MIKE HALL

Wednesday, February 12, 2014

SENATOR M. HALL: I would like to briefly speak in favor of the resolution and make a couple comments about it.

In 1945, Cam Henderson (from whom the Henderson Center is named) went to Washington, Pennsylvania. He recruited a basketball player up there to come down to play for the Thundering Herd. He brought him down to Huntington. In 1947 he was a part of the basketball team that won the national championship. Fifteen thousand people met the team as they came back

from Kansas. They won eight games in eight days with eight players. Try that today.

That basketball player met a young, pretty woman from Fayette County and they were married. And, Mr. President, that's why I'm here. That was my father and my mother. I'm here as a result of the Marshall University basketball program.

Honoring Senator Jack Yost

(Adoption of Senate Resolution No. 28)

REMARKS OF
**HONORABLE
H. TRUMAN CHAFIN**

Wednesday, February 12, 2014

SENATOR CHAFIN: Thank you, Mr. President.

Ladies and gentlemen of the Senate, it's a very special day here for the Senator from the First District. I introduced the Honorable Jim Crawford in the rear. He is a 33rd degree Mason. I just want to let you know a little bit about who the Senator from the First is in his other life.

He has a very distinguished life and it is part of the Scottish Rite of Charleston, West Virginia. In fact, he is called the SGIG (you Masonic men know that). That is the Sovereign Grand Inspector General for the Orient of West Virginia. There are 33 SGIGs of the Supreme Council of the Scottish Rite of Freemasonry in the southern district of the United States of America. Senator Yost is one of those.

He is indeed a distinguished West Virginian among distinguished West

Virginians. Half a million members, gentlemen and ladies, are in the Scottish Rite District of the Orient of West Virginia and we have nine valleys—one is in Bluefield, one is in Charleston, one is in Clarksburg, one is in Huntington, Logan, Martinsburg, Morgantown, Parkersburg and Wheeling. So, you can see that the Scottish Rite Freemasonry touches all parts of West Virginia geographically.

“Human progress is our cause, liberty of thought our supreme wish, freedom of conscience our mission, and the guarantee of equal rights to all people everywhere our ultimate goal”—that is the Scottish Rite Creed.

Ladies and gentlemen, I just want you to know a little bit about this distinguished West Virginian. He's a gentleman in every sense of the word. He is indeed a distinguished West Virginian. He is having a reception tonight at the Scottish Rite Temple—it's right across from 405 Capitol Street. It's absolutely beautiful down there. I hope that you will work it in to your schedule to come by and honor the Scottish Rite and all the wonderful things they do, especially for the children who have hearing loss.

The Senator from the First does a lot, Mr. President, for children. You just don't know how many children's lives he has touched by making their hearing a lot better. He raises money for them and he does so with his time. He's just a great West Virginian.

Please rise and give a round of applause, Mr. President, to our distinguished colleague.

Designating Corrections Day

(Adoption of Senate Resolution No. 30)

REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV

Friday, February 14, 2014

SENATOR LAIRD: Thank you, Mr. President.

I rise today in support of this resolution honoring our correctional professionals throughout the State of West Virginia.

Among the ranks of our state employees, it is our correctional officers who are tasked with the care, custody and control of those persons from whom society must be protected. Faced with the problems resulting from substance abuse and addiction, the overpopulation and crowded conditions at our regional jails and correctional institutions, inadequate staffing, high staff turnover rates and inadequate salary structures, we owe much more to our correctional officers than our simple thanks and appreciation for a job well done.

On this day, it is important for this Legislature to remember that the starting annual salary for an entry level correctional professional in West Virginia is \$22,584. I think that we can all agree that for our correctional officers little is given to those from whom much is expected in return. I am indeed hopeful that the day may sometime come when we might be able to fairly and responsibly compensate our correctional professionals for the very difficult job they are called upon to do.

In conclusion, Mr. President, our correctional personnel at institutions throughout the State of West Virginia are an important part of the thin blue line of protection that enables us to live safely within our homes and communities. They get up each day, put on their uniforms and go to work to do a job that many of us are not prepared to do ourselves.

As a small tribute to this honorable and difficult profession, I encourage the adoption of this resolution.

Designating WV State University Day

(Adoption of Senate Resolution No. 32)

REMARKS OF
HONORABLE
ERIK P. WELLS

Tuesday, February 18, 2014

SENATOR WELLS: Thank you very much, Mr. President and members of the Senate.

Today is West Virginia State University Day. West Virginia State University was the first public higher education institution in West Virginia to gain accreditation and has been continuously accredited longer than any another public college or university in West Virginia.

With a fall enrollment of 2,677, the University had an increase of almost 44 percent in first-time enrollment. As one of only two land grant research higher education institutions in West Virginia, West Virginia State University contributes significantly to state economic development efforts in areas of biotechnology, plant, micro bio, animal and environmental research. In just over a decade the University has increased its research and development funding by approximately \$12 million. Additionally, as a land grant research institution, State's Extension Service serves 29 West Virginia counties on a daily basis. These services aid approximately 15,000 people throughout the year.

You can go throughout the rotunda and take a look at some of the displays they have and then this evening, in the Hawks Nest Room at the Marriot, there will be a reception at 5 p.m. Everyone is welcome.

I urge adoption of the resolution.

Recognizing Linsly School

(Adoption of Senate Resolution No. 33)

REMARKS OF
**HONORABLE
CHRIS WALTERS**

Tuesday, February 18, 2014

SENATOR WALTERS: Thank you, Mr. President.

Members of the Senate, today is a fine day to honor a school of which I am an alumni. The Linsly School this year is celebrating its 200th anniversary. This school is the Linsly School, the oldest prep school west of the Allegheny Mountains.

It was founded in 1814 as a Lancasterian system of schooling, where the older students worked with our younger students to help in education. This system still goes on today at the Linsly School. It's used in our Prefect System.

The Linsly School was founded coeducational and then, in 1830, it went from a group setting to an individual setting with traditional age groupings. In 1861, it became a boys-only school and then, in 1877, it became a military school. This school's roots in West Virginia run deep. In 1863, the founding of the State of West Virginia, our first State Capitol was the Linsly School's building. The Linsly

School—better yet a landmark of our state—has continued to educate and bring young minds to life.

Since 1996 the Linsly School has adopted themes for every single year. I remember when I attended school the theme was, “Never, never, never, quit” by Winston Churchill. Today the school is doing a theme that Noah Linsly trademarked, “Forward and No Retreat”.

This school has been facing forward for 200 years. This school has had a 100 percent placement of graduates into colleges and universities throughout the United States. This school enrolls 440 students and is the reason why I'm able to stand here today. The education I received was second to none. Thanks to the men that are standing here with us today to be honored.

Mr. President, I ask that we adopt the resolution.

Thank you, Mr. President.

Recognizing Linsly School

(Adoption of Senate Resolution No. 33)

REMARKS OF
**HONORABLE
ROBERT J. FITZSIMMONS**

Tuesday, February 18, 2014

SENATOR FITZSIMMONS: Thank you, Mr. President.

I, also, rise in support of the resolution despite being a graduate of rival Wheeling Central Catholic High School.

As the Junior Senator from the Eighth said, indeed, Linsly is one of the finest academic institutions in the state and they have a national reputation for academic excellence. Their students go on to do great things in academia, sports and in the professional world.

And, Mr. President, I often times boast throughout the state that my district has one of the finest educational systems in the state and, in large part, Linsly is one of the reasons I am able to say that.

I also urge adoption of the resolution.

**Regulating sale of drug products used
in manufacture of methamphetamine**

*(Passage of Eng. Com. Sub. for
Com. Sub. for Senate Bill No. 6)*

**REMARKS OF
HONORABLE
CLARK S. BARNES**

Tuesday, February 18, 2014

SENATOR BARNES: Thank you, Mr. President.

The comments of the Chairman are greatly appreciated and for much of what he says there certainly is no argument. We have a tremendous problem with meth. Question is, whether or not what we are doing, how we are going about it, is it the right way? How should we do it?

I rise in opposition to this bill for several reasons. I'm certainly not opposed to doing something about meth because it is a huge problem in the State of West Virginia.

The number one reason I rise in opposition is because we're making it a

prescription drug which means we are turning it over to the medical community. The number one drug problem in West Virginia is prescription pain medication. It certainly doesn't take a great deal of thought to realize that when your number one problem is already in the hands of the medical community, then we may not be solving the problem by turning the meth problem over to the medical community.

Secondly, one of the things that's been discussed at great length also is the NPLEx System that just went into service in 2013. Let me comment on the Chairman's numbers of how the meth labs that we have discovered have doubled in the last year. Well, it's quite simple. We've given law enforcement the tools to work with, so they actually found the meth labs. In Upshur County, that I represent, 67 labs were uncovered, 67 drug arrests were made and half of them was because of the NPLEx System.

As we know, the NPLEx System is not going to be able to be utilized in West Virginia if and when we pass this legislation. I think that's dangerous. The Sheriffs' Association met last week and although they had taken a firm stand for prescription-only Sudafed, it's my understanding that they came away with a vote that says they are no longer taking a position on it simply because of the NPLEx System. Very important, very important issue. What this does is this makes this move underground just like our prescription pain medication is already. We don't have a handle on what moves underground.

The third point I want to make is this, Mr. President. The Chairman's amendment of today and his assessment from yesterday that gun rights will not be impacted under this bill is still up for debate. At best, it is still an open question.

Federal law prohibits unlawful possessors of controlled substances from possessing firearms. While pseudoephedrine is not a controlled substance on the federal schedule, it is a List 1 Chemical. It's defined as a substance used in the manufacture of a controlled substance. As a practical matter, if a person would be charged or convicted of a misdemeanor offense under Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 6 (*Regulating sale of drug products used in manufacture of methamphetamine*), to say nothing of a second offense felony indictment, they will appear on criminal background check databases. When a person attempts to purchase a firearm, they will, at a minimum, be red-flagged and their purchase may be delayed. In some instances, it may depend on the mood of the FBI employee running the background check.

Mr. President, it requires no imagination to envision Mr. Eric Holder and the President's Justice Department interpreting federal law in a way to deny gun rights to West Virginians affected by Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 6. No federal court, that our brief research could uncover, has ruled on this issue of whether a state-level controlled substance conviction could be used to deny a person's gun rights.

We would be only the third state to do this. The test case may very well come from West Virginia. Stating that there will be no consequence to gun rights under this bill is to place a great amount of faith in the Obama administration and the U. S. Justice Department to protect our gun rights.

Although well intended, I urge defeat of the bill.

Thank you, Mr. President.

Regulating sale of drug products used in manufacture of methamphetamine

(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill No. 6)

REMARKS OF
**HONORABLE
DAVE SYPOLT**

Tuesday, February 18, 2014

SENATOR SYPOLT: Thank you, Mr. President.

Just a quick comment. I had a few questions yesterday on second reading. I'll disclaim my remarks by saying that I do not sit on the committees that this bill traveled through, so I didn't have an opportunity to discuss these concerns in committee.

However, under direct question to the Chairman yesterday when I asked about the effect of having a conviction of simple possession and the ability to purchase a firearm he said it was basically addressed by page fifteen. I believe it was line 22 of the bill, which says "*Provided*, That the provisions of subdivision (3), subsection (a), section seven, article seven, chapter sixty-one of this code are inapplicable to persons possessing ephedrine, pseudoephedrine or phenylpropranolamine which has been lawfully purchased in the jurisdiction of sale and which is possessed with the intent that it [is to] be used in the manner . . . [in which it was] . . . intended"

Well, it was brought to my attention, and I didn't realize this, that that section of the code is actually the section that deals with the purchasing and possession of handguns.

But, there is another section of code which is not addressed in the bill. That section of code is §61-7-4. I didn't know that until this morning, otherwise, I would have brought it up yesterday. It took me two days to contact the Federal Bureau of Investigation because unbeknownst to me, yesterday was a federal holiday. When I called, I was told that I would get a return phone call, which was about 10 o'clock this morning.

At any rate, as I talked to the FBI agent and asked him about the lawful possession of firearms if someone has been convicted of a misdemeanor offense. He said that, "Oh yeah, that could be a problem." I said, "But, there's an exemption, or a proviso, in our bill under consideration that would exempt that portion of code for ownership." He said, "Well, that's probably going to be a good thing, but have you thought about §61-7-4?" I said, "I really didn't think about that." §61-7-4 is the section of code which deals with concealed carry.

So, now it's conceivable and quite possibly true that, if a person had a conviction, even though it would be a misdemeanor conviction, because there's not an exemption under this bill for concealed carry that, in fact, the person requesting the permit to carry a weapon concealed would be denied based on that conviction even though it was only a misdemeanor.

So based on that, I would urge defeat of the bill or, at the very least, to have it laid over another day to be examined.

Thank you very much.

Requiring SSAC promulgate rules allowing college preparatory team recognition

(Adoption of amendment offered by Senator Walters to Eng. Com. Sub. for Senate Bill No. 540)

**REMARKS OF
HONORABLE
LARRY J. EDGELL**

Wednesday, February 19, 2014

SENATOR EDGELL: Mr. President, everybody, I seldom stand up and speak against bills, or for bills, but this one I am vehemently opposed to.

I've talked to the SSAC. I've talked to other coaches. I coached for 15 years. The SSAC has rules. We shouldn't be interfering in those particular rules.

This bill addresses another object, which I think is probably a good idea because they're allowed to play three games and not play in the state tournament.

Private schools, some of them are members of the SSAC, but they abide by all of the rules of the SSAC. Linsly was offered an opportunity to do that and they refused to abide by the rules of the SSAC. We don't want to open up the door and let everybody open up a school and play in the SSAC.

So, I oppose this amendment.

**REMARKS OF
HONORABLE
ROBERT H. PLYMALE**

Wednesday, February 19, 2014

SENATOR PLYMALE: Thank you, Mr. President.

I rarely rise to speak, but I think it's important that I talk and bring up a subject that we need to do something about this year.

As you know, I have a family member that's been ill and I'm driving back and forth between here and Huntington, or here and Wayne County, and I want to talk about the roads.

Our roads are in the worst shape that I've seen in awhile. If we don't do something for a spring paving cycle of some sort—I am concerned about the repercussions. About six or eight years ago we were on a 12 1/2-year paving cycle. By action by this body, we finally got us to about a 24-year paving cycle, but we're now back up to a 33-year paving cycle.

I don't know how much it's going to cost. I would say it's going to be between \$20 and \$25 million to be able to do the appropriate spring paving cycle. But we've got to find something, even if it is in the Rainy Day Fund, because this is a rainy day for our roads. If our roads are not kept and maintained, we're going to run into problems, such as economic development, as we move forward.

So, I would urge, Mr. President, that we try to do everything we can before we leave here to have some kind of paving cycle for this spring.

Thank you.

**REMARKS OF
HONORABLE
WILLIAM COLE**

Wednesday, February 19, 2014

SENATOR COLE: Thank you, Mr. President.

First of all, to my colleagues, thank you so much for the kind introductions you all offered my fellow car dealers today.

I wanted to share some statistics with you about the car business and how important it is to the economy of our state. There are 150 car dealers—new car dealers—in West Virginia. They represent \$3.9 billion in sales. That's 14 percent of the total retail sales in this state. We employ 6,712 employees. That's an average of 45 employees per dealership. We have a \$300 million payroll. That's over \$45,000 per employee on average which is double the state average.

Car dealers, as all of you are aware, are major donors, supporters of their local economies. We're the first one to get called on for the elementary school yearbook all the way up, including high school. We sponsor every bowling team, every soccer team, every softball team. Anytime there's a parade, we get calls for all the convertibles we have to show up for the parades. We support Project Graduation. Maybe, more importantly, car dealers do things like endow education chairs or help raise funds or provide the funds for adding hospital wings.

We support our local media. You can't turn the TV on and not see somebody on there yelling at you to come buy a car. You know, we talk about one job affecting seven, well, consider your local media. Not only is it the tv and the radio stations but, I dare say, print advertising as we know it wouldn't be here if it wasn't for the full page color ads you see every single day from a car dealer in the newspaper.

I'm proud of my fellow dealers. I'm proud of the taxes that they pay—that they put into our economy. It's the taxes not only from good-paying jobs, but it's the taxes they pay as corporations. It's the fees they generate. Now, I'm not going to take credit for these, but the use tax, the

privilege tax, for all the \$3.9 billion in car sales, that generates an incredible amount of income for West Virginia.

So, I think that what my message is is that I'm proud of the part that car dealers play in our economy and I want you guys to be as well. When they show up at your door saying, "This is important to us", pay attention to them. Give credence to what they're asking—whether it's this year, next year or any time in the future. It's an incredibly important part of our state economy.

Mr. President, we're two thirds of the way through our session. It's no secret that we have a budget crisis. I wouldn't trade places with our Finance chair for any money in the world. I can't fathom the pressure that he's under. I'm not even on Finance and, yet, everybody that comes through my office says, "Please don't cut my program." Well, what programs are we talking about? Is there a single bad one? Don't cut funding for the seniors. Don't cut funding for the kids. Don't cut funding for the animals. It's always somebody or something that can't take care of themselves. We have to support higher education—education in general. We have to do all these things. I don't sleep well at night thinking about all the people that we have to say no to.

I have a saying that I use in business and it's "You can't save your way into prosperity." What we've done is continue to try to save our way to prosperity. We've cut seven and a half percent. We cut 15 percent. My worries about that is that it has about run its course, I think. I'm not going to stand here and say I don't think there's any waste in government. I think there's plenty, but it's time to get out a scalpel and actually make some changes in how we do things and not just say cut your budget back a little bit this year—everybody sort of suck it up.

I think everybody in this chamber would agree that we need jobs. We need to start to grow the top line. We need to start to grow the top line revenue. We all talk a good game about needing jobs. I would suggest that the time is now to advance the cause of job creation—not talk a good game but play a good game.

As usual, the bills—the bills that I'm talking about—the tort reform, the tax reform, the pro job, pro small business bills are all out there. They're in the hopper. But somehow, to my knowledge, not a single one of them has made it onto a committee's agenda.

You know, I understand that there's philosophical differences in what's behind bills. But when it's really time, when we've really done everything else we can do, then it's time to create some jobs and make us at least competitive with the states around us so we can compete for those jobs. I'm in a border county down south. I watch the jobs constantly go across the border to Virginia because Virginia is aggressive at it. They do a good job for their business people.

I honestly believe that it's time to do something different. I'm asking that we put those bills on the agenda—that we argue them good, bad, left, right, up, down. But let's put them out in public and talk about them. Let's consider both sides. I don't claim to have all the answers. I don't think anybody in here does. But if we have a good idea, let's work on it and make it a great idea or at least make it an idea that we can all get our arms around and begin to move our state in the proper direction.

You know, we got the announcement of the cracker plant and I have to tell you I'm proud of our Governor. I truly am. If that thing comes to fruition, that's huge. I think he called it a game changer and he's right.

But here's my question: What were the deals that had to be made in order to entice

them to make this investment or to consider making the investment? Whatever they were, they're what we need to enact in legislation because it was the things that leveled the playing field. That's all we did was level the playing field. So, I think it's important that if it takes A, B and C to entice a company to come here and make an investment that we make it right for every company that would want to come here and make an investment.

And more importantly, we don't forget companies that are already here that are struggling every single day under the load that we put them under. We always talk about economic development, economic developments always go outside the state and bring somebody in. Let's not forget about the ones that are here that we're riding pretty hard right now as we try and hang in there on the state budget.

Mr. President, I would respectfully urge that you and your leadership team please advance these bills so that we may advance the cause of West Virginia.

Thank you.

REMARKS OF
HONORABLE
DONALD H. COOKMAN

Wednesday, February 19, 2014

SENATOR COOKMAN: Thank you, Mr. President.

I rise for two things. First of all, I want to thank you, Mr. President, for allowing the West Virginia Schools for the Deaf and the Blind Tapestry and Mountain Melodies to perform for us here today. I know my request came at the last moment and you were very gracious in accommodating that

request and I appreciate your help, the help from your office and as well as the Doorkeeper in helping to get that together.

The state's Schools for the Deaf and the Blind—I started to say it's my pleasure and the pleasure of the Senior Senator from the Fifteenth to introduce them to you. But really when you think about it, I should say it's my pleasure and the pleasure of all the other Senators in this room to have this group here with us today because the West Virginia Schools for the Deaf and the Blind is truly a state school. The students that are here today come from all over the State of West Virginia so each of you represent some of them, or more than one of them, at the school.

I just want to end my comments concerning this and I have another comment to make as well. But to end my comment in regard to the students that performed here today—you heard their school song and their director, Josh Haza, actually, I think, he is the one that's responsible for that, but I think it's very telling and very important for everyone to consider. The students sang and I don't know whether you caught it or not, but some of them cannot see the rhododendron bloom, others cannot hear the cardinal sing. This school helps those young people that cannot see the rhododendron bloom and cannot hear the cardinal sing. Hopefully, everyone in this chamber is supportive of the West Virginia Schools for the Deaf and the Blind. I know you are. It's in Romney, Hampshire County. But, it's truly a state school.

So, I, again, Mr. President, thank you for allowing them to perform here today.

The second reason that I stand is a little bit more somber, I guess, and that is that I introduced a bill, Senate Bill No. 567 (*Redesignating Division of Corrections as Department of Corrections*), a few days ago that would consolidate basically four different agencies under one umbrella

under the Department of Corrections. It's created quite a firestorm throughout the Senate, I understand.

A lot of people have gotten calls from back home, particularly from county commissioners, saying that, "Oh, my gracious. If you do that, it's going to increase our per diem, our jail bill." I just want to let everybody know here today—thank you, that's all I've got—I wanted to walk.

Anyway, I wanted all the Senators to know that I stand here as probably the biggest supporter, or one of the biggest supporters, in this room of making certain that the per diem for our regional jails that are paid for by our county commissions throughout the state are kept low. I agree with most everybody in this room. I think that that is very important when we go around our districts and talk to our county commissioners and ask them what their number one problem is. They almost unanimously say the regional jail bill. And so, I'm very cognizant of that fact.

But Senate Bill No. 567 will not do that. It is not going to increase the per diem. I think it's just a scare tactic to get some people to oppose the bill. So, basically, I'm asking that, as this bill goes through the legislative process, that everybody keep an open mind and listen to the pros and cons of Senate Bill No. 567 and see whether or not we should join 36 other states in the country that have a Commissioner of Corrections that would be similar to ours that is in this bill. Like I said, there are 36 other states that have cabinet-level secretaries designated for corrections and we would just join those other states.

So, please keep an open mind in regard to this bill as it goes through the legislative process.

Thank you very much.

REMARKS OF
HONORABLE
HERB SNYDER

Thursday, February 20, 2014

SENATOR SNYDER: Thank you, Mr. President.

I'll try to be as brief as possible. Many of you probably wonder what this handout is on your desk and I'm going to tell you in just a minute.

A number of days ago—seems like weeks ago, maybe a month or more ago—Senate Bill No. 368 (*Repealing article relating to unfair trade practices*) on unfair trade practices was introduced in this body. I spoke to it that day about the 1939 law. Franklin D. Roosevelt was President and, in fact, gasoline was 10 cents a gallon. It was eight years before Robert C. Byrd—the great Robert C. Byrd—became a member of the West Virginia House of Delegates. You remember that speech.

Then, it wasn't much longer I put on your desk a handout about the 30 cent difference in gas prices in the Eastern Panhandle. So, there has been a lot of discussion. All of you are very, very aware of those discussions.

Also, I left on your desk, without much of a speech, the economist's report about unfair trade laws, particularly when they're setting mandated percentages above a certain retail or wholesale price. They increase prices.

Also, many of you have shared copies of the lawsuits that have been filed. This all really started about 1995. There are many of those. We don't know how many lawsuits there have been.

But, Mr. President, just very recently when there was discussion about putting this bill on the Judiciary agenda, where it's single referenced, the oil marketers have—as they should—have come here to let us know what they think—they don't like the bill. They don't want it repealed or tampered with. In fact, the oil marketers had a reception at the Mansion last night—appropriate timing—so I'm sure a lot of you talked to them. By the way, I was told that the truckers kind of liked the bill. But at the same time, what they're against in this, they don't want to compete with each other. That's what this is about.

The Judiciary chairman has given me great deference in working with me on how to do this—we subcommitteeed it and so forth. But they don't want this tinkered with. Now what would happen? What are they afraid of? What are they afraid of? They'll have to, in the open market without these artificial price controls, they'll have to compete with each other. The very group that lobbied you in your offices a lot yesterday will have to compete with each other. What a thought in America that the open, free market would prevail.

Clearly, you know, this started my interest in this. There's a tremendous price increase between the Eastern Panhandle and the rest of the state. There is. The difference has fluctuated down during this discussion. That's a good thing. But your area is not immune to this. If you think you are, I'm going to tell you why you're not.

In 1995 this unfair trade practice (§47-11A) was used in Kanawha County when Go-Mart came. They were sued by the wholesalers at that time. They said Go-Mart couldn't sell cheaper gas. At the same exact time, the gasoline wholesaler in the Martinsburg, Berkeley County area, sued Sheetz. They both won under this law. What happened? Sheetz and Go-Mart had to raise their gas prices. Now did the public know what was happening there? This was

back in '95. Now, this has happened over and over and over in different parts of the state.

They have a lawsuit in Nicholas County where Go-Mart sued U-Save. A 110-store chain sued a little four-store chain. In order to compete, that little four-store chain had the audacity to lower gas prices to get people in the door. It was sued and had to raise its gas prices.

Now, who loses here? Certainly the oil marketers have had a very dominant, great presence here. You're getting calls from those people. I remind you, they are in the oil marketing business, every one of them.

Mr. President, this bill is not about those people and whether they're going to compete with each other as this bill would make it the open, free market.

Mr. President, this bill is about the 99.9 percent of West Virginians that aren't making profits from the sale of gasoline and fuels. This bill is clearly about the citizens of West Virginia, to give them the opportunity to buy the least expensive gas on the open market without artificial control by law. It's not a question of will they use §47-11A to inflate prices—they have.

Let me use another example that I found out yesterday. I met a young lady from a very large convenience store chain—has a store over in Parkersburg. This is not just an Eastern Panhandle issue, Mr. President. It has spread and it will come to your area if this law stays on the books. In Parkersburg, Sam's Club opened and they sell gas. Well, Sam's is selling pretty cheap gas and I'm sure the people in Parkersburg like that. They were sued and had to raise their gas prices.

The public generally doesn't know what's happening, but now that you know, now that you know We're nearing the

end of session and this has been discussed. This bill is about the 99.9 percent of West Virginians that are paying those gas prices. Small businesses, families, truckers, everyone, is affected by this law.

I just ask that you consider that 99.9 percent of West Virginians when you make up your mind about this bill.

Thank you, Mr. President.

REMARKS OF
HONORABLE
DAVE SYPOLT

Thursday, February 20, 2014

SENATOR SYPOLT: Thank you, Mr. President.

Even though there wasn't a resolution adopted on the floor today recognizing homeschooling, I'd just like to mention a few things. Today is Homeschoolers' Day and you'll see that there are several displays out in the rotunda.

Homeschooling, of course, is not for everyone, but for those who choose that route, there are several reasons why they choose it.

In 1997, there was a study done of homeschooled students and they found that, on average, the homeschooled students out-performed their public school counterparts by 30 to 37 percent. In West Virginia, over 400 homeschooled students, grades K-12, were tested with the Stanford Achievement Test at the end of the 1989-90 school year. The results found that the typical homeschooled student in eight of these grade levels scored somewhat above average, which is 61 to 73 percent, compared to the performance of students

at the same grade levels across the country. Two grade levels scored above average, that's 80 to 85 percent, and three grade levels scored about average, still 54 to 59 percent.

Now, the state departments of education across the nation have statistics on homeschooling in their home states also. Tennessee, Alaska, Oregon, North Carolina, Arkansas, Arizona and Nebraska all have had similar studies and found that on average homeschooled students score above average in nearly every category.

Now, putting academics aside for a moment, many parents prefer not to subject their children to the prejudices, bullying and the ill behavior found in many public school settings.

So, today, I only ask the members of the body to take a few minutes to reflect upon the many reasons that some parents decide to homeschool or to private school their children and to resolve not to ostracize those who just want the best for their families. Furthermore, I would say to the families for which homeschooling or private schooling is not really an option, let us come together to improve our public school system to make it the best it can be for everyone out there.

Now, I don't know, Mr. President, if any homeschooled students or parents are still in the gallery, but if they are, I would welcome any of them to stand up and be recognized and thank you.

REMARKS OF
HONORABLE
SAMUEL J. CANN

Thursday, February 20, 2014

SENATOR CANN: Thank you, Mr. President.

I just want to follow-up my friend from Jefferson regarding our free trade protection laws. I know that he is passionate and really believes in what he's read and what he'd like to see us do. I love it when someone gets an idea and they believe that it's absolutely the right thing. I know a number of us really have a concern over this and I'm one of those. I'm not sure I agree. I'm not sure that it is the right thing to do right now.

What I do believe is that differing minds and differing ideas are how we get to the best answer. I think that it's a subject we ought to look at and it's something that, maybe, we need to study because it's a national discussion right now. The Time Warner and Comcast merger has really brought this discussion up. Big and big getting bigger. Does that necessarily help the people? Anticipation is that all cable costs will go up. We always talk about small businesses in West Virginia and what to do to help them. I believe we have a lot of small businesses that could be harmed if we take this action.

I worry about Ace Hardware in my neighborhood competing with Lowe's and Home Depot. I worry about Food Fresh staying open in face of competing with Sam's.

You know, the big box stores have the advantage on a volume basis. If this rule and this law regarding free trade stays in place, it helps a number of these small businesses. I don't believe it's just about the oil marketers. I don't believe it's just about gasoline. I think it's about a lot of small mom-and-pop industries, little shops and stores. We need to make sure we're not harming them if we take this action.

So, while I'm applauding him for his passion and his belief in this, I would stress

caution and, yes, I think we ought to study it and look at it. About half our states have this; half of our states don't. Let's look at the two scenarios and see if getting rid of this really helps small businesses. I think that ought to be our number one concern and goal here. We need to give our small businesses every advantage that we can to survive.

Thank you, Mr. President.

REMARKS OF
HONORABLE
DOUGLAS E. FACEMIRE

Thursday, February 20, 2014

SENATOR FACEMIRE: Thank you, Mr. President.

You know, this is one of these issues that I feel like I'm fairly knowledgeable about. I am a retailer and I have stores across the state and I compete with the Wal-Marts and the Kroger's and people like that of the world.

You are right, there might be some protection to small businesses here, but in reality, I don't believe so. The problem with this bill as it's written is a seven percent of cost. You can't sell below seven percent of cost-determined cost. No company has the same costs. If you're a big company, you have your own warehouse, you have your own distribution centers and so on and so forth. Your cost is always going to be cheaper than the small businessman. That's just a truth of this matter.

I've tried to fight this a couple times on different issues and what I've found out is the big boys sell cheaper because they buy cheaper. But, the one thing that we have to remember here as legislators, our foremost

opinion should be what is the best for the citizens. Anytime that there's a bill in place that forces people to sell at a higher profit than they want to is not healthy for the citizens. And, guys, if you think this bill has stopped anything just look around over the past few years. The big boys are getting bigger and the smaller guys are going away. This bill offers no protection for them. But, what it does offer is for the citizens of our state to have to pay more money.

Like I said earlier, this is something I do know about. I've been in the retail business for 32 years. I started out with one small store and was able to build a smaller chain here.

But, the point of the matter is, we owe it to the citizens of our state to open up a system where a real capitalist market takes place. We all complain about the fair and unfair trade rules that our country has to face when doing business across the seas. It's the same thing today. The only thing this law does is really let the big boys get bigger and the small people suffer because they will always have a better cost of goods. The way the bill is written it really does not offer protection. Let's stop and think who's in here complaining. A lot of it is the big guys.

Thank you, Mr. President.

Designating Higher Education Day

(Adoption of Senate Resolution No. 36)

**REMARKS OF
HONORABLE
ROBERT H. PLYMALE**

Friday, February 21, 2014

SENATOR PLYMALE: Thank you, Mr. President.

The demand for higher education has never been higher. Higher education is an economic engine and is a strategic asset for our state.

The state investment in higher education has declined over recent years. In 2000 and 2001, according to the SREB (Southern Regional Education Board) averages, West Virginia contributed 58.47 percent in FTE (full-time equivalent) support to the institutions. The SREB average at the time was 66 percent. In 2011 and 2012, the FTE support in West Virginia went to an all-time low of 34.51 percent. We are now one of the lowest states in the SREB.

The Senator from Marion and others, including myself, introduced a resolution, Senate Concurrent Resolution No. 18 (*Recognizing additional higher education funding cuts to be detrimental*) that states we need to stop further cuts to higher education. The additional costs have been absorbed by the students through tuition rates and rising student debt. This combination of decreased state funding and increased costs to students and their families has a detrimental effect on the needs of our economy and our workforce.

West Virginia needs more graduates to be sustainable. West Virginia's high school population is declining—leading to a decline in potential traditional college students. It is projected that by 2018-19 high school graduates will decline by 1,000.

Despite the declining input, the economic demand for degree-holding citizens is high. According to the Carnevale report from Georgetown University, West Virginia needs to produce an initial 20,000 college graduates to sustain its current economy. With respect to educational attainment, in 2005, West Virginia ranked 16th out of 16 states and 50th nationally. In order to reach

the national average of college graduates, we would have to create or import 117,984 college graduates. I think these numbers are very dismal. When you look at it, this body has continued, over the last 10 years, to cut, cut and cut higher education. We need to stand unified and stop.

Adults with higher levels of education are more active than others. This is from an obesity standpoint. College education leads to healthier lifestyles, reducing health care costs. The gap between smoking rates in four-year college graduates and high school graduates was 17 points in 2012. College-educated adults are less likely than others to be obese. Children living in households with more educated parents are less likely than other children to be obese.

College-educated mothers spend more time with children and alter the composition of that time to suit children's developmental needs more than less-educated mothers. It is a fact that, if a mother is a college graduate, then her children will most likely have a higher degree and not be in poverty and things like that.

Believe me, it's time that we finally stand and say, "No more cuts to higher education."

Thank you.

**REMARKS OF
HONORABLE
ART KIRKENDOLL**

Tuesday, February 25, 2014

SENATOR KIRKENDOLL: Thank you, Mr. President.

I just want to talk about a piece of legislation that didn't make it. Sometimes,

maybe by not making it, a body like this finds a reason why and, maybe next time, will get it done.

As you know, my senior Senator is also a doctor. We have been meeting with people back in our area about a behavioral unit, or a geriatric psych facility, and the potential to have one. The dialogue with these people went well. This privatized person was willing to spend about \$6.5 million in an existing industrial park in southern West Virginia to actually take care of people that West Virginia doesn't take care of anyway. We have some people with behavioral problems that are lodged in nursing homes, creating quite a stir and quite a problem for these people to facilitate.

So, during the process, we put together a bill. My colleagues and my senior Senator got it through the committees and did it right. When it got to where it needed to be, the last stop was the Finance committee—nothing against Finance—but we were told there were some issues because of the Fiscal Note, possibly. We also noted that there were some questions about . . . back in the 70s there was a moratorium put on nursing homes and hospital facilities regarding the number of beds that were available for people that need it. So, with all these questions coming up, naturally, this bill came to a screeching halt.

I would ask that this body find a way. We're dealing, sometimes—this is 2014—with issues that were put together by moratoriums and different things three decades ago that simply don't apply now.

Different parts of the state have different needs and requirements. In my area, we have, if you study the numbers in West Virginia, the most advanced aged population in the state. If you check the numbers of injured and somewhat injured retirees with problems due to the industries

they worked in—the timber, the coal and all this—they have more of a medical need than other parts of the state.

What I'm simply trying to say is, we have medical situations that we deal with on a state level and a federal level. We study numbers in groups. We don't study needs in locations. Then we'll find out in the Senate that the Eastern Panhandle or somewhere else has different needs than we do. So, I have to step up as a legislator and make sure that I make a proper vote to help the people in that particular area.

In my area, I found out that we have huge nursing home problems, assisted living problems and, in this case, a gentleman who was willing to spend his money and we could not supply because of what's going on today and the rules and regulations . . . a certificate of need to properly let him establish 70 quality jobs—high-paying jobs with insurance—and had this worked at the industrial park, he was looking at another parcel of property to put in a long-term, short-term drug rehab. All of that is totally now on hold. We don't have either of them in this state.

So, I guess what I'm trying to say is, you've got nursing home problems, you've got medical problems and, just like we heard, the gentleman from Beckley put a request in to do a study about putting a hospital in Beckley. Now, what kind of hurdles is he going to run into once the property is given from the Agriculture Department to the state, which defrays a lot of cost?

I would ask that, sometime during interims, we do a complete study. Let's quit doing the norm year after year about the needs of West Virginia people. If we have people in one certain area that needs, let's find out how many beds they have. I guarantee you the numbers change in my county alone. I used to have three major hospitals. We've got one. My senior

Senator, Boone County used to have a tremendously huge-sized hospital. It's downscaled. So, these numbers have changed, but yet, the certificate of need is on hold because of some of these rules and regulations from the 1970s.

Let's make West Virginia special for the people that have come through and worked and earned and paid their taxes and now they either need to be in an assisted living program, a nursing home and, what I was talking about, a behavioral unit or a geriatric psych ward or whatever you want to call it. Let's give these people the quality of life they need by looking at antiquated rules on the books, do a complete study to where everybody in this Legislature knows what we need to do. This gentleman wasn't asking for one quarter of state money.

But, yet, in my area he would have supplied needs for medically ill people and 70 quality jobs. Now, I've got to go back home as a legislator and tell him I couldn't get it done not because you guys didn't want to help, but because we had existing laws that sometime in the last few years we didn't need to address.

So, I guess it's a good thing we found out that I couldn't get this accomplished. I know the hurdles now for the next time that we put this together. Hopefully we'll put a study resolution together and maybe with these issues it may next time be one of my colleagues over here with the same type of interpretation that we can make it work.

So, I guess in closing, I want to thank all you guys for your work and your efforts to help me and my senior Senator have a quality health facility in our county and for the springboard of not getting it, maybe we can learn how to fix some of these things, find out our deficiencies, get rid of some of these antiquated rules and laws that we just take for granted because they will get you when you get to that certain point.

This bill was so readily absorbed in Health and the other committee it came through. People said, "Oh, sounds great." But, when it got to this hurdle it couldn't get over it and it died.

So, I'm asking that we look at it, Mr. President, and see if we can do something in the future that gives our people a better quality of life in West Virginia.

Thank you for your time.

Designating Nurses Unity Day

(Adoption of Senate Resolution No. 38)

REMARKS OF HONORABLE RONALD F. MILLER

Wednesday, February 26, 2014

SENATOR MILLER: Today, we honor one of those professions that, as a society, we take for granted. I'm talking about nursing.

Most of us picture this person as a woman dressed in white with a funny shaped hat and a frumpy attitude. We assume that this person empties bedpans and follows around a physician as they make their rounds. How far from the truth we are.

Nurses today are both men and women. They wear scrubs and work as a partner most times, often with other medical professions, in the care of the patients.

They are the first line of health care delivery in hospitals and nursing homes. They are trained to make split second decisions that often determine the living or dying of a patient in their care.

They work long hours without a lot of respect at times. They may work 12 to 16 hours in a day. During that time they may witness firsthand the agony of a frightened parent as their two-year-old is struggling to breathe or they may find the next moment working through the sorrow of helping a young wife arrange to have the organs of her husband, who has just been killed in a car accident, donated or they may sit and hold the hand of an elderly gentleman who is slipping away to death by himself because there is no one left in the family.

While these may be part of their day, during that time they are also working to monitor patients. They are looking to make sure that medications are working or flowing or doing what they must. They are taking vitals and admissions and making sure their patients are in the best of care. They've spent three fourths of that day on their feet with legs that are aching and they still have to chart all the events that have taken place during the shift.

At the end of the shift, with some of the most basic decisions of life and death and journeys of sorrow and excitement that come with the job, they must come home to be a husband or a wife to a family. The kids may have already gone to bed. The spouse has had a busy day of his or her own and there may always be the call from a family member wanting to know if this new medication is okay to take or my son has a rash on his arm—what does that mean?

Why do I know about nursing? I married a nurse. I know of her hard work and dedicated work. She often is not too concerned about my sore muscles or my small cut because she's been in the middle of life and death all day without panic—making decisions without panic. She determines whether folks in her care often survive.

This profession is a proud and hard-working group who do not ask for praise. They deserve our respect and our support

as we honor them as professionals who help lead our nation in quality health care giving.

Today, I urge adoption of this resolution and I urge support of the nurses who are with us this day.

**Proposing constitutional amendment
designated Right to Hunt and
Fish in WV Amendment**

*(Adoption of Senator Palumbo's amendment
to Eng. Com. Sub. for Com. Sub. for
Senate Joint Resolution No. 10)*

**REMARKS OF
HONORABLE
CLARK S. BARNES**

Wednesday, February 26, 2014

SENATOR BARNES: Thank you.

I rise really in concern for the amendment. In the piece of legislation that we have, prior to the amendment, there is a provision that says, "This section shall not be construed to modify any provision of law relating to eminent domain, trespass" of "property rights."

I hunt and I fish and I believe that West Virginians constitutionally already are the recipients and the owners of the wildlife, game and fish in this state. I believe that's a constitutional guarantee. I want to protect those rights of West Virginians, but I'm very concerned about the rights of private landownership.

You know, many of our ancestors came over here back before this country was a country. One of the reasons they were trying to escape the feudal system in whichever country they came from was because the

king owned all the property. The king owned all the land. The king owned all the game. It certainly was a hard road for those who came across the oceans to this land. One of the primary reasons that they came was so they could own their own land. They would have the right to say what was done on that land, who could be on that land. What I fear in this amendment is that we are trumping those private property rights which our ancestors were so concerned about.

Mr. President, I'm not urging fellow members to vote one way or the other, but I did want to express my concerns. I don't believe that the right to hunt and fish trumps private property rights.

Thank you.

**Proposing constitutional amendment
designated Right to Hunt and
Fish in WV Amendment**

*(Adoption of Eng. Com. Sub. for Com. Sub.
for Senate Joint Resolution No. 10)*

**REMARKS OF
HONORABLE
MIKE GREEN
AND
HONORABLE
ROMAN W. PREZIOSO, JR.**

Wednesday, February 26, 2014

SENATOR GREEN: Thank you, Mr. President.

Would the Senator from Marion yield, please?

MR. PRESIDENT: Will the Senator yield? Senator yields.

SENATOR GREEN: Thank you, Mr. President.

Senator, I voted against the amendment and I'm not sure if I should have or not. We had lengthy discussions in Finance. I know we had representatives from the NRA as well as representatives from the Division of Natural Resources. We were back and forth as far as what we were actually working on, which version of the resolution. Eventually, we passed the resolution out of Finance that the NRA was in agreement with and the representatives from the Division of Natural Resources.

Currently, now with the amended version, where are we at and what resolution do we have in front of us in reference to our conversations upstairs?

SENATOR PREZIOSO: As you well know, Senator, we had a lot of discussion. The resolution was on the agenda and off the agenda. All the interested parties worked and we thought, when the resolution did get to the Finance committee agenda, that we had an amendment that was agreed upon. Once it was set down, from what I understand, there was further perfection to the amendment, which the Senator from Kanawha then introduced. The new version of what the interested parties agreed on—far as I know, it's been agreed on by all interested parties—the Senator from Kanawha intended.

I could read you the amendment as the Clerk read it.

SENATOR GREEN: No, thank you, Senator. I was just wanting to make sure because, obviously, we had a lot of debate upstairs which really wasn't about financial implications. We changed the resolution drastically and I was just wondering if we are back to the way the resolution came up to us . . .

SENATOR PREZIOSO: No.

SENATOR GREEN: . . . or at the place where we had agreement from the interested parties.

SENATOR PREZIOSO: Let me take you through the scenario of how the resolution evolved. When the resolution was introduced to the Judiciary committee, it was amended by adding just one more sentence. The resolution came to the Finance committee and all the interested parties got together and agreed on some language that was inserted into the Finance committee amendment and then it came down to the floor. The Finance committee amendment was further perfected by the Senator from Kanawha. From what I understand now, I think we've got the language right as it would appear on the 2014 ballot.

SENATOR GREEN: Thank you, Mr. Chairman.

Mr. President, thank you.

**Proposing constitutional amendment
designated Protecting and Conserving
West Virginia's Water Resources
for the Use and Benefit of
its Citizens Amendment**

*(Adoption of amendments offered by
Senators Unger and Kessler (Mr.
President) to Eng. Com. Sub. for
Senate Joint Resolution No. 12)*

REMARKS OF
**HONORABLE
MIKE HALL
AND
HONORABLE
JOHN R. UNGER II**

Wednesday, February 26, 2014

SENATOR M. HALL: Would the Majority Leader yield?

MR. PRESIDENT: Will the Senior Senator from Berkeley yield? Senator yields.

SENATOR M. HALL: In discussions prior to the floor session this morning, it was pointed out that some of the debate was on the language. Let me start with one that says for “the welfare of its citizens”. I understand there was one version that said “people”. It has went back and forth. Can you comment on that—the difference between “people” and “citizens”?

SENATOR UNGER: I don’t think it makes a difference one way or the other. Actually, when the amendment was drafted the Farm Bureau, landowners and all had indicated they would prefer “citizens” versus “people” because “citizens” is throughout the Constitution.

SENATOR M. HALL: So, “citizens” may be a better choice. People could also mean persons, which then expands—person then becomes a legal term for corporations and organizations and all kinds of things.

So, the intention was to limit it. Do you see what I’m saying?

SENATOR UNGER: Right.

SENATOR M. HALL: Did you all have any conversations about that?

SENATOR UNGER: Again, they were telling me that it’s one or the other, but they did indicate that “people” could expand it and also could expand it outside the State of West Virginia.

SENATOR M. HALL: So, that was the reason?

SENATOR UNGER: The fact that a “citizen” of the State of West Virginia says

that you’re here—you live or you work here—also, businesses and farmers are included in that. But, if you use “people”, people is broad enough that one could argue that all people whether they are in West Virginia or not would have this protection. But the idea of this was to specifically claim it for West Virginia.

SENATOR M. HALL: Link it to the language “citizen” in the Constitution. One other question. When it says, “shall be protected, conserved, utilized and developed” I guess it assumes this, but who will do that?

SENATOR UNGER: Well, I think that any party that would be a citizen of West Virginia could bring this to bear because this is a constitutional right, but they would vote on it. I would imagine the State of West Virginia would be involved with protecting, conserving, utilizing and developing this resource for the benefit, enjoyment and general welfare of its citizens, but any citizen also could assert that right.

Also, I want to mention the idea of utilization and development. That brings in the fact that we have a natural resource that we’ve been very blessed with—a water resource that’s becoming more and more of a commodity on the international market.

Other states surrounding us do not have this, and this could be used as leverage to attract industry, manufacturing and other development of those industries that need to use this water to come to West Virginia and actually utilize it or develop it.

SENATOR M. HALL: So, what you’re saying is that this is not just a prerogative of the State of West Virginia to protect, conserve, utilize and develop, but it’s actually ensuring any citizen can?

SENATOR UNGER: Yes, if you look, it says the “welfare of its citizens consistent with and subject to the riparian rights and

groundwater rights of the owners of real property”. So, if you look at the end, it has to be consistent with and subject to the present riparian rights and groundwater rights of the owners of real property.

So, if you really want to define what a citizen is, owners of real property would come in. They could be the ones that could assert this right as well.

SENATOR M. HALL: So, it would be limited to the owners of real property that could assert the right? Probably. They have the capacity because they own the property.

SENATOR UNGER: Yes, they are the only ones with the legal riparian rights.

SENATOR M. HALL: I guess when I see this and it says that, I see all kinds of things protecting, conserving, utilizing and developing—but you’re saying the state cannot say, “Hey, it’s our right to develop your water, Mr. Landowner. We supercede your right to develop it.”

SENATOR UNGER: I’ve been told, Senator, that that’s protected under another clause of eminent domain, but this particular one, no, the state cannot take that because we specifically have here, “consistent with and subject to the riparian rights and groundwater rights of the owners of real property”.

So, again, it’s really focusing in on the citizen and not the state.

SENATOR M. HALL: Okay, so the assumption is that the capacity of the state to conserve, utilize, develop and protect cannot supercede these rights that are delineated in the last line.

SENATOR UNGER: That’s right.

SENATOR M. HALL: Okay.

SENATOR UNGER: They cannot because it says it has to be consistent with and subject to those rights. So, it’s clear because the Constitution . . .

SENATOR M. HALL: Is the intent of the amendment then as it was originally expressed by you, dealing with the case in Maryland in terms of our struggle against sister states in terms of the rights of the waters of the State of West Virginia and you feel that this helps assert those rights?

The Attorney General came and talked to me about this. He said it would help a little. He didn’t say it would be a dramatic difference. Is that the intent though? It’s dealing more with these larger waterways of competitive struggles?

SENATOR UNGER: That’s correct. There are two cases. There is *Maryland v. Virginia* and also *New York v. New Jersey*. In those cases it was stated that there are three things a state needs to do to protect its water. One is to claim it for the rights of the citizens and that’s what we are doing here—that the water is the property of the citizens. Second, is the inventory, which we’ve done and third is to manage it or show some idea of managing it.

And so, in order to, any cases that go to the U. S. Supreme Court . . . that if you’re going up against another state or even if it’s a compact of states against us, we have some protection. Chesapeake Bay is one example of that. The headwaters start in West Virginia, but we do not have a seat on the Chesapeake Bay Compact. West Virginia doesn’t, but Maryland, Virginia, Pennsylvania and Delaware do. And so, we’re just asserting our rights to our water.

SENATOR M. HALL: Okay. Just so the legislative intent can be understood to all future generations . . . the essential intent of this is to do what you just said: As the State of West Virginia, to make statements about these sort-of interstate battles. Could

this constitutional amendment be used by future courts in some twisted kind of way—as courts do things—and take away the rights of the citizens in terms of their utilization of their water superceded by the state’s attempt to utilize?

I mean, we all know what happens when things are out there and how they can get twisted around. I think that’s why you had the Farm Bureau and the landowners come in and make these changes. We’ve done them in two or three days and this is going to be a constitutional amendment. It’s going to be there for a long time if it passes. So, I raise these questions to get it publicly stated for the future—our legislative intent here is not to do damage to our citizens and their rights, but rather to assert the right of the State of West Virginia and these matters that you just commented on.

SENATOR UNGER: That’s correct, Senator. Actually, what we’re voting on here is the amendment. It will go in, but ultimately we’ll be voting on the joint resolution to take it to the people and let them decide.

SENATOR M. HALL: Oh, I know that.

SENATOR UNGER: So, ultimately they’re going to decide if this amendment goes into the Constitution or not. You and some other members of this body had indicated that the present wording of it, what it used to be, wasn’t clear.

SENATOR M. HALL: This is clearer?

SENATOR UNGER: This clarifies it very well because it says it’s for the welfare, “general welfare of its citizens consistent with and subject to the riparian rights and groundwater rights of the owners of real property”.

SENATOR M. HALL: Right.

SENATOR UNGER: So, it does not

capture it from the state, but it really takes it down to the citizens and their rights to the water.

SENATOR M. HALL: I just wanted it stated that I hope there are no surprises here, that we go across and people pick this apart and say, “Hey, this had an unintended consequence.” But, you’ve stated the intent. I think that’s good. I think the public can hear what that intent was and we can go with that. I just wanted to make sure that I stood up and addressed my concern that I’m not absolutely certain exactly what it does.

But it will go to the House and be considered further. If there are any problems, they will probably surface.

SENATOR UNGER: I appreciate that. Thank you.

SENATOR M. HALL: Thank you, Mr. President.

**Proposing constitutional amendment
designated Protecting and Conserving
West Virginia’s Water Resources
for the Use and Benefit of
its Citizens Amendment**

*(Adoption of amendments offered by
Senators Unger and Kessler (Mr.
President) to Eng. Com. Sub. for
Senate Joint Resolution No. 12)*

REMARKS OF
**HONORABLE
CRAIG BLAIR
AND
HONORABLE
JOHN R. UNGER II**

Wednesday, February 26, 2014

SENATOR BLAIR: Does the gentleman continue to yield?

MR. PRESIDENT: Will the Senior Senator from Berkeley yield? Senator yields.

SENATOR BLAIR: I commend you on the work that you have done here so far. I have a couple more questions for you just to make myself feel good more than anything.

Over the years, we have heard talk about whether groundwater can be taxed. If this amendment would be passed by the citizens of this state—the voters of this state—would this preclude the state from ever being able to tax the groundwater if it chose to do so by legislation? Would this amendment be able to do that?

SENATOR UNGER: This has nothing to do with taxing water or anything. If this body would pass legislation that would do that, we could do that now, but that's never been the intent. I've never heard anybody even recommend that or propose that.

SENATOR BLAIR: I understand that.

SENATOR UNGER: This does not touch that at all.

SENATOR BLAIR: So, this wouldn't exclude us from being able to do that if the citizens voted for that?

SENATOR UNGER: It wouldn't address that issue one way or another.

SENATOR BLAIR: Okay.

SENATOR UNGER: Although, I've got to say that it does assert, in a constitutional setting, the rights of the owners of real property, both riparian rights and groundwater rights that now primarily come from common law. This really asserts those rights, in the Constitution, to the water. The citizens will have a stronger

foundation to fight for those rights because it would be constitutional.

SENATOR BLAIR: Two more questions. On the definition that says intended—and again these are from my concerns—out-of-state residents that own property in the State of West Virginia—this doesn't change anything for them?

SENATOR UNGER: No, it wouldn't change anything.

SENATOR BLAIR: Okay, now, tell me exactly how the title is going to read on the ballot.

SENATOR UNGER: Okay, sure. The title of it is going to be: Protecting and Conserving West Virginia's Water Resources for the Use and Benefit of its Citizens Amendment.

And then, the language will be: It shall be the policy of the State of West Virginia that the water resources of this state shall be protected, conserved, utilized and developed for the benefit, enjoyment and general welfare of its citizens consistent with and subject to the riparian rights and groundwater rights of the owners of real property.

That's what's going to be on the ballot.

SENATOR BLAIR: Thank you.

Thank you, Mr. President.

REMARKS OF
HONORABLE
BROOKS F. MCCABE, JR.

Wednesday, February 26, 2014

SENATOR MCCABE: Mr. President, thank you.

I would like to make just a few comments about Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 391 (Providing salary increase for teachers and school service personnel)—the teacher salary and service employees pay increase—and also some reference to the salary increase for the forensic lab employees.

By passing this salary bill this afternoon we are in essence saying that we are comfortable putting in place pay raises on borrowed money. The money to balance the budget is probably going to come from some reserve account that we have in the state. Clearly, we don't have the revenues this year to match a salary increase.

That \$34 million is really closer to \$70 million or, maybe, even \$100 million. We already know that next year we're going to have to go back again into some of our reserve accounts to balance the budget. What we don't know is two years from now, will we have to do the same thing? We are assuming not, but that is a real big assumption. From a conservative posture, the way I look at this, we have approved \$100 million that we will spend out of borrowed dollars. That's the point I want to make. The reason why I didn't discuss this when the bill was before us is because I'm not challenging the need for salary increases, particularly for the teachers.

We've also got salary increases that we need for our social workers, right down the line. I mean there are dozens and dozens of cases where we know we have to provide salary increases.

We are grossly out of line, particularly on teacher salaries and we have to address that. We have kind of stuck our finger in the dike this year by putting in a modest, yet important, salary increase. We did it, in my opinion, on borrowed money.

What I would hope the Senate would do is, in the future, when we're posed with

a salary increase, we look at it from the perspective of where is the money coming from. Do we have the money to spend and, most importantly, are we also addressing, at the same time, improvements in efficiency and effectiveness? We know that we have a lot of work to do in education. We have already done a lot, but we clearly have a long way to go.

We are spending billions and billions of dollars in this state on education. We know that to bring our teacher salaries up to the level that we need to have them it's going to cost us not \$34 million but hundreds of millions of dollars to bring them somewhere in the middle of the pay scale of the states around us.

My question to the Senate is: Where is that money going to come from? It's hundreds of millions of dollars. If we would correct it today, instead of a \$34 million funding, we would have a several hundred million dollar funding and that would have to go onto the base budget in the years ahead. We know that money is not there.

We need to figure out how to redefine, realign and rework education in a way that we can live within our means. We need to demand excellence and we need to be willing to pay for it. That means we have to have proper teacher salaries, but, at the same time, we have to be in a position to deal with it from a financial perspective.

I voted against the bill this morning because we voted on a pay increase that was necessary. We didn't have the money and, just as importantly, we made no attempt to really address the multiple issues that we know are before us in redefining and realigning education to make it work.

I know that the teachers, the organizations that support the teachers, are willing to come to the table, roll their sleeves up and absolutely address this

issue. We may not need as many teachers or service employees in the future. If we don't have all the regulatory weight on their shoulders, if we don't have all the forms, all the documentation, we may not need as many administrators. We may be able to provide more efficient education in our classrooms, spend the dollars the way we need to and pay the teachers and the service personnel the way they ought to be paid.

This morning, we also passed Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 486 (*Establishing salaries and providing raises for State Police forensic lab employees*) for the State Police forensic lab employees. Let me point out a difference between these two bills. That particular piece of legislation will cost us in excess of \$500,000 this year and goes onto the base budget and that will go forward.

There's one big difference. We have a huge backlog sitting in our regional jails of individuals who have not had the forensic work done on their case so they cannot be brought up for trial. That cost is about \$5 million a year. So, we are saddling our counties with jail costs—regional jail costs—to the tune of approximately \$5 million more than they should have to pay if we had a properly staffed and efficient forensic lab. The half a million dollars that we're agreeing to spend during this session should save us the millions of dollars. It may be as much as \$5 million. Much of that will be savings to our counties. That's the kind of pay raise that we ought to be focusing upon.

We know the needs are there. I'm in no way challenging the need for some of these pay increases. I'm just saying we have to match our need with our ability. We have to match our need with an improvement in efficiency, effectiveness and redesign in the system. When we give pay raises and we do not, at the same time, look at a redesign of the system, we are missing an

opportunity.

I did not discuss this earlier today. I did not want to complicate the discussion of that particular bill because of the real need we have for these pay increases. But I want to point out to the Senate that, as we go forward, in my opinion, the leadership needs to come from the Senate. We've got the ability here, the expertise. We're saddling our Finance chairman with decisions that right now are among the worst of the alternatives. We're not putting in place a strategy. We're not putting in place a multi-year effort that allows the Senate Finance chairman, the Finance committee and the full Senate to address the issues before us financially.

They are significant. They are going to get worse and what we've done by passing this legislation earlier today is put the finger in the dike. We have not solved the long-term problem. From my perspective of knowing you ladies and gentlemen, the expertise is here. It's on our shoulders and we ought to go and get this solved. Hopefully, in the future when we have a salary increase, we will make sure we have the money in the bank and we'll make sure that we do a redesign of the system at the same time so efficiency and effectiveness increase as we go forward.

Thank you all.

**REMARKS OF
HONORABLE
ART KIRKENDOLL**

Wednesday, February 26, 2014

SENATOR KIRKENDOLL: Mr. President, on behalf of the Senator from Boone, I just want to remind everybody here that today is the anniversary of the

Buffalo Creek Flood. Forty-two years ago it was a game changer. Over 100 people lost their lives. The dynamics were just totally changed. Always be mindful of that and try to prevent future catastrophes like it.

Also, I want to thank OSHA, MSA, DEP, a lot of our state and federal regulators. They got a lesson during that time frame and have made a lot of efforts to make sure that it doesn't happen again.

It stays pretty mindful back in Logan and it never goes away. We hope it never happens again.

Thank you.

**REMARKS OF
HONORABLE
DAVE SYPOLT**

Wednesday, February 26, 2014

SENATOR SYPOLT: Thank you, Mr. President.

On behalf of the Senator from Taylor and myself, with respect to Senate Bill No. 473 (*Providing undesirable highway property be offered for public utility use*), I'd like to recognize the efforts of the Chair of Transportation, the Senator from Monongalia, and the Chair of Government Organization, the Senator from Jefferson, and you, Mr. President, the Senator from Marshall, the leader of our body.

Last Monday, I realized that a bill of importance to my constituents in Mineral County—the ones that are waiting to receive municipal water—had been overlooked. I spoke to the two chairmen and leadership on Monday, who each recognized its importance and agreed to help get this bill out.

Most probably didn't realize what took place, but during the afternoon session, we took a five-minute recess so Transportation and Infrastructure could meet. Then the Chairman of Government Organization agreed to waive that second reference. Then this body allowed and adopted a floor amendment.

Today, we passed the bill out. Although it's not a partisan bill by any means, I feel that it speaks volumes of this body to reach across the aisle and work together for the best interest of our constituents.

Not yet mentioned, but certainly noticed and greatly appreciated, Mr. President, were the efforts of the staff and the lawyers who worked with the Transportation and Infrastructure and Government Organization committees who, although they're charged with that duty to make sure that things happen the way they should, they certainly stepped up to cover my shortfalls and assured that everything happened in the right way and at the right time.

Mr. President, I do feel privileged and humbled to be a member of such an honorable body.

Thank you.

**REMARKS OF
HONORABLE
ART KIRKENDOLL**

Thursday, February 27, 2014

SENATOR KIRKENDOLL: Mr. President, when I got to the office this morning, I was informed of an untimely death—Susan Hill.

When I first came here 28 months ago, I didn't know much about the secretarial pool.

Senator Browning told me about a lady, Miss Edens. She worked about two days. She had a grandchild she took care of and her nanny fell and broke her leg, so I didn't have a secretary.

Well, Miss Hill filled in quite admirably for myself and Senator Browning for numerous days until Miss Kitchen was interviewed and became my secretary. Before her untimely illness and now death, she also helped Senator Cann.

For the people who knew her, she was just a tremendous lady. She had an untimely fall and she never recovered. I just want this body to observe a moment of silence in reverence to her and her family and what they're going through. She will be sadly missed by all.

Thank you, Mr. President.

**Memorializing life of Lance Corporal
Adam Johnson Crumpler**

(Adoption of Senate Resolution No. 42)

**REMARKS OF
HONORABLE
ERIK P. WELLS**

Friday, February 28, 2014

SENATOR WELLS: Thank you very much, Mr. President and members of the body.

You know, we often get requests to name bridges after constituents. Oftentimes, they are family members and, most often, they are folks who have had some degree of military service for our country.

I just wanted to take a moment to tell you a little bit about Adam, who is the reason we

have this resolution today. His grandmother, Emma Johnson, along with another grandson, Chad Petersen, is in the back of the Chamber for this resolution.

Adam was killed in Iraq. He was just 19 years old. He went to Riverside High School. He graduated in 2003. After graduation, he followed in his grandfather's footsteps and enlisted in the Marine Corps—you can probably understand why considering that he was raised by his grandparents.

For those who have been in the Marine Corps, he was assigned to the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune and was called to military action during Operation Iraqi Freedom.

He was killed by small-arms fire while conducting combat operations against enemy forces during Operation Spear on June 18, 2005. As I said, he was just 19 years old.

I just wanted to tell you a little bit about him because, oftentimes, we adopt these resolutions and it's just a name. I wanted to put a little bit more out there than just a name to this particular resolution.

I would urge adoption of Senate Resolution No. 42.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV**

Monday, March 3, 2014

SENATOR LAIRD: Thank you, Mr. President.

I rise today to inform the Senate of the passing of a former member of this body—

the Honorable Robert K. “Bob” Holliday from Fayette County. Former Senator Holliday died on Friday at Bowers Hospice House in Beckley at the age of 81. He is survived by his wife, Deborah Ann, seven children, eleven grandchildren and one brother.

To many of us from Fayette and Greenbrier counties, Bob Holliday has long been a political icon who represented the very best of what it meant to be a public servant. He served three terms in the House of Delegates from 1963 through 1968 before he was elected to the State Senate. He first served in the State Senate from 1969 through 1972 and was reelected as a highly respected member of this body during the period from 1981 through 1992.

During his tenure in this body, he served as Chairman of the Committee on Labor, the Committee on Education, the Committee on Interstate Cooperation and the Committee on Health and Human Resources. While there are but a few remaining members of this body who actually served with former Senator Bob Holliday, his legacy as a member of this body will always be secure.

Well before our current prison overpopulation problems, Senator Holliday was well known for his good work in undertaking the reform of our West Virginia prison system. He was an outspoken proponent of ending the death penalty in the mid-1960s.

He had a very keen interest in helping the sick and the poor and was quick in defense of the needs of the least among us. His compassion and concern for the needs of others made him a true and faithful servant of the people.

In reflecting on the service of former Senator Robert K. “Bob” Holliday, the words of Matthew 25:21 come to mind: “Well done, thou good and faithful servant.”

To the family of Senator Holliday, we extend our sorrow and regrets upon the occasion of his death. However, as a result of his life and the high principles of his belief, our State of West Virginia was made better as a result of his life.

Thank you, sir.

**Memorializing life of Honorable
Robert K. “Bob” Holliday**

(Adoption of Senate Resolution No. 44)

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Tuesday, March 4, 2014

SENATOR MILLER: Thank you, Mr. President.

Robert K. Holliday left this world last week. A giant among us has departed.

Robert Holliday believed in the little person. It was the little person who kept him in office. He was not afraid to tilt at windmills of injustice. He was not afraid to take on the powers of wealth who seemed to control the people of our state. Bob Holliday fought everyday for the little people.

I hear a lot of talk in this body about the folks who live in the cottages with white picket fences. While we may talk about those cottages, Bob Holliday knew not only every cottage, but he knew well the people who lived in the rooms in those cottages behind the white picket fences.

In 1988 I made my first attempt into the world of politics in Greenbrier County.

Without a lot of funds, I decided to go door to door. I soon learned, as I would travel and work in my endeavor, that Robert Holliday had already been to those communities I would visit. This was a man serving in Charleston—a man who would come back into the district every weekend knocking on the doors of homes that were in the middle of nowhere.

I also learned, very quickly, that about every fifth person I encountered was not only going to fight and vote for Senator Holliday but they were also part of his advisory committee. I believe that must have been the largest committee I have ever encountered in my life.

Senator Holliday was a man of compassion. He was a man of passion. He was a servant of the people and he fought hard here in Charleston for the folks no one cared about. He was a hero to many.

I had an opportunity this past fall to attend a political rally along with you, Mr. President, where we honored Senator Bob Holliday. He acknowledged to all of us in his remarks that night that this would probably be his last political appearance because he knew he was ill. But the sparkle was still in his eyes and I truly do believe that fight was still in his spirit.

I am proud to represent the area that Senator Holliday was a part.

During my tenure here in the State Senate I have had to stand and say goodbye in this body to two great servants of the State of West Virginia from my district—Senator Ralph Williams and Senator Bob Holliday. What towers of leadership they were. The Senator from Fayette and myself are humble political figures when compared to these two persons. But we are very happy to have the privilege to know these servants and to represent the same folks they represented.

I appreciate the Senate taking time to listen to my remarks but also taking time to acknowledge this great man of West Virginia.

Thank you.

**REMARKS OF
HONORABLE
CHRIS WALTERS**

Tuesday, March 4, 2014

SENATOR WALTERS: Thank you, Mr. President.

I will be brief in my remarks. I just wanted to talk about how great we've done here in the Senate dealing with a lot of issues this year, especially the Chairman of Finance and the Senator from Wayne, the Chair of Education, on our teacher pay raise. They were very diligent when it came to doing this. They looked at the best way, the best options to do it. And, of course, we look over at the House and see what they've done with it.

Every year, we're looking for ways to find money. Every year, we're looking for opportunities to do better, not just in every aspect of government, but also in our classrooms. That takes me to looking at what we can do to be more efficient. Efficiency and being stewards of money is something we are tasked to do as senators. There's a blaring thumb out there of inefficiency that we aren't taking on yet and I have a study resolution to look into doing that and that's the administrators and staff of RESAs in the Department of Education.

In talking to fellow members, I've heard there are over a thousand administrators who make \$86,000 a year. Their staff

makes over \$60,000 a year. Mr. President, that's over \$100 million in payments going out for people that are not in the classrooms teaching our students. With this pay raise being \$34 million, we could easily have doubled that by looking at reforming our Department of Education and reforming our RESAs and finding out which employees really need to be there and comparing ratios across the nation as to administrators to students.

This ratio comparison is something we really need to look at. All across the United States you're seeing articles and reports about the student-to-administrator ratio—about the people who aren't in the classroom with our students. They are getting bigger and bigger. This bureaucracy is getting larger and larger everywhere. I know we had the school audit here in West Virginia, Mr. President; however, we really need to look at where we are compared to other states so we can find out how we are doing on our student-to-administrator ratio.

I want to encourage the members of this body to join with me on a study resolution to study the other states and how they're doing their administrator-to-student ratio and how we can look at it here in West Virginia.

Thank you, Mr. President.

REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV

Wednesday, March 5, 2014

SENATOR LAIRD: Thank you, Mr. President.

I rise today to speak on a matter of interest and concern to the citizens of the

Upper Kanawha Valley portion of Fayette County. More specifically, I want to bring to your attention the concerns that I have related to the pending permanent closure of Hawks Nest Golf Course, a small nine-hole course located on U. S. Route 60 on Gauley Mountain in the Valley District of Fayette County.

While this matter may seem comparatively insignificant given most matters of public policy considered by this body, I am of the strong opinion and belief that the story of this little golf course is, in many ways, the story of Southern West Virginia and the continued decay and decline of our once proud and vibrant coal communities which contributed so much to the past industrial era economy of our great state.

By way of background, Hawks Nest Golf Course was constructed in 1937 by Union Carbide as a recreational amenity for the 2,800 workers employed at the EMCO ferroalloy plant located a short distance away on the banks of the Kanawha River at Alloy. It was from the blast furnaces of this great plant that ferroalloy was made as a critical component in the further production of the steel used to build America. The plant held the prestige of being the largest ferroalloy manufacturer in the world by controlling more than 50 percent of the market share of alloys used in the production of finer grades of steel.

As a testament to the importance of the Union Carbide plant at Alloy, in the 1930s the New River was dammed at Hawks Nest where the river was diverted through a tunnel to a hydroelectric power station located on Gauley Mountain for the production of the power required for the operation of the plant. The construction of the Hawks Nest Tunnel is well known as the site of one of our nation's greatest industrial tragedies, where over 600 workers died from silicosis either during or after working on this tunnel.

Ironically, the Hawks Nest Golf Course property is the site of Camp #1 occupied during the Depression by those many workers who constructed the tunnel and this little nine-hole golf course is situated directly atop the tunnel which lies below.

In any event, with the decline in the regional coal economy in the 1970s and '80s and increased international trade competition in the ferroalloy and steel sectors of our economy, the once proud and vibrant communities located in the Upper Kanawha Valley fell into a posture of decline.

The Union Carbide plant at Alloy was purchased by Elkem Metals Corporation, who subsequently assumed the operation of Hawks Nest Country Club. The golf course was offered for sale in 1996, but there were no buyers. Finally, with the support of the Legislature and then-Governor Cecil Underwood, and as a means to save this golf course for the recreational benefit of the citizens of the region, the Parks and Recreation Section of the Division of Natural Resources signed a lease for the operation of the course on November 2, 2000, for the sum of one dollar a year.

Following the acquisition of Hawks Nest Golf Course, substantial capital expenditures were made to improve the quality and condition of this property. From Fiscal Year 2003 through 2008, an annual average of \$200,000 in operating and capital expenditures were absorbed by the park system's budget.

Despite ongoing efforts to rebuild membership and improve golf course revenues, the average self-sufficiency during this period remained at 17 percent. Accordingly, in August 2009, the Office of the Legislative Auditor published a PERD report which included, among other things, the recommendation that the Parks and Recreation Section of the DNR cancel the lease agreement and turn the operations

of Hawks Nest Golf Course back to the owners.

In 2010 notification was received of the intention of the Parks and Recreation Section to close Hawks Nest Golf Course. At that time, I helped to organize stakeholder meetings involving local residents and other county officials committed to working together in an effort to improve the financial performance of this historic recreational facility for the benefit of the citizens of the Upper Kanawha Valley.

Since that time, the self-sufficiency of the course improved to 38 percent in Fiscal Year 2012 with a difference in expenses over revenue of \$78,550. By any standard of measurement, the financial performance of the course has improved during the past three years.

In an effort to delay or thwart the latest attempt to close this golf course, the Fayette County Commission has pledged significant financial assistance to keep this recreational facility open for the benefit of the people. By letter to the Governor dated September 25, 2013, a sustainability plan was submitted for review by the Secretary of Commerce outlining the continued efforts to be made to improve the sustainability of this little golf course.

In conclusion, Mr. President, it appears that the time has run out on the community effort to advocate for the survival of this facility. I have been advised that the golf carts have been transferred out and the renewal lease has not been signed. Without a doubt, given the current financial posture of this state, we must indeed learn to be more businesslike in our approach to our governmental responsibilities. However, in doing so, we must not forget the underlying purpose for which our public parks and facilities exist.

According to West Virginia Code §20-5-3, the purpose of the West Virginia Division

of Natural Resources Parks and Recreation Section is “to promote conservation by preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural, archeological . . .” and “. . . historic significance and to provide outdoor recreational opportunities for the citizens of . . .” the “. . . state and its visitors.” It is for this greater purpose that a self-sustainability standard of 60 percent has always been accepted as being okay for our parks and recreation facilities.

For want of \$78,550, the annual difference in expenses over revenues, I find it difficult to accept the permanent closure of a facility that has helped to meet the recreational needs of citizens of the Upper Kanawha Valley for the past 77 years. From my perspective, such an action to close this facility is a disinvestment in a region requiring reinvestment. In our coal communities, every time something closes, the lights grow a little dimmer.

In the past three years, the executive branch has cooperated in delaying the closure of this facility. In this regard, I have no real complaints. However, as elected members of this body, we all have the responsibility to advocate for the maintenance and needs of those state facilities located within our districts. In my position, I would fully expect you to do the same. While I have always sought to be a quiet and unassuming member of this body, the people back home expect us to be their voice on the floor of the State Senate. On behalf of the Fayette County citizens in the Upper Kanawha Valley, the words of Dylan Thomas come to mind: “Do not go gentle into that good night . . . Rage, rage against the dying of the light.”

Mr. President, I rage today on behalf of the people who live in a region that once contributed greatly to the economy of this great state.

Mr. President, I rage today on behalf of the communities who are struggling to

rebuild themselves in the wake of declining populations and shrinking economic opportunities.

Mr. President, I rage today on behalf of families who want their children to learn to hit a golf ball rather than a crack pipe.

Mr. President and ladies and gentlemen of the Senate, thank you for allowing me to rage.

**REMARKS OF
HONORABLE
MIKE HALL**

Wednesday, March 5, 2014

SENATOR M. HALL: I realize we’ve had a long session, but I would like to talk about an issue that the City of Hurricane has faced. But, before I do that, I want to say something about Ben Newhouse.

Ben is a tireless worker for the public and our county. A year ago, Ben went around the county and found 200 homes that needed to be repaired. Then, he recruited a thousand people to come to the county—who paid \$450 apiece to come and do this. They came and worked on those homes all summer. He has done that more than once. His public service is just outstanding and it goes unnoticed. I wanted to publicly talk about that part of what I know he does. He is also Hurricane’s City Manager and he works diligently to try to improve the quality of life in our county.

Hurricane was one of the first towns to be set aside as a stormwater community and now there are several more. If you’re unaware of what that is, the DEP came down and said, “Well, you have to monitor your water here. You have to take care of the water quality.” They charged a local fee

for it, which became a local issue that I've dealt with during my time in the Senate. But, I can say that the city itself, in working with the DEP, has done a yeomen's job in terms of water quality, in particular as it affects their water system.

Also, if you build a business in Kanawha or Putnam counties, we're going to know where the water goes. They do a good job of that. Right now I can say that, due to Ben's efforts, if you've watched the Hurricane exit over the past five to ten years, you've seen a dramatic change in businesses there. We have added a Sheetz, a Walgreens, several businesses are there and several more are coming.

But the reason I'm here today is to talk about something that started in 2010. This is an aerial photo of a lake that runs contiguous to Teays Valley Road. That is the reservoir for the water of Hurricane as well as four or five other reservoirs that are off the map. That's a 25-day supply of water.

The city has proposed (they've purchased land) a new impoundment, a new pond, which would add 17 more days of reservoir of water.

Now, here's what's happened. In 2010 when they proposed to do that—and this goes back to the Clean Water Act, which was a fine act, it helped clean up the jurisdictional waterways of the United States. But what happened was, in 2010 as they began to pursue this project, they ran into the program called the In Lieu [of] Fee Program. We say, "Do things in lieu of reading". Well, there's an In Lieu [of] Fee Program for stream and wetland mitigation. The DEP and several other agencies have put together a group to oversee this.

My frustration is these folks are overseeing that part of the water. We know what happened with other parts of our water system recently. Let me just

give you some of the statistics. Last year, this group and DEP collected \$13,711,000 in what are called In Lieu [of] Fees from various groups, most of whom are large companies—AEP over \$5 million and several coal companies and gas companies.

What has happened is, if they have a wetland or a stream that they have to get into and they can't mitigate it, they simply pay a fee with the theory being that the money that's collected by DEP will be returned back to the watershed out of which it was taken to mitigate something. Sadly, they have apparently—and I've talked to them many times—not been able to mitigate much. Last year they collected \$13 million and they spent \$2 million in mitigation projects. They currently have (their balance according to their website) \$23,243,000 in their account.

Now, what does this have to do with the City of Hurricane? Well, Hurricane has a stream it has to interfere with. They also have three tenths of an acre of a wetland to interfere with. So, in order to do that, the DEP initially said that they were going to charge X amount of dollars to do it. It's about \$382,000 to pay the fee. They don't have the money for the fee. What they want to do, if they have to do this, is charge the citizens of the county extra money to pay this fee.

Here's what's frustrating. I don't expect anything to be done about this, Mr. President, although, I am thankful to say that Joe Manchin's office is going to come to Hurricane today. This has been four years of trying to get through this process. It's government, government and government. It's a one size fits all solution. We've called other states and asked what would happen if Hurricane were in the other states. We can't get any clear answers.

I understand wetlands and streams need to be mitigated. The frustration that I personally feel for the city and for

the citizens is the fact that this is a water project. I can tell you that there have been a lot of phone calls since what happened recently with the Elk River. People came to Hurricane for water during the crisis. If you look [at the aerial photo] there aren't any aboveground tanks. There isn't anything to interfere with this. Because our county does well and our per capita income is what it is, we apparently cannot get some relief that some of the other counties might get.

So, I just wanted to introduce you to Ben who has worked on this and the engineering firm that has worked on this. I'm sure other people are listening. I don't know if anything can happen, but we'd like to get through this problem. We would like to go ahead and start work on this.

As a sidelight, if you believe you can operate a water system, Ben told me today that several PSDs are having trouble keeping people who can actually operate these water systems—there are some jobs there.

If you drive down I-64 and take a look on the right, you will see solar panels. Ben went out and actually used solar panels to run part of it. He's very environmentally friendly. I mean, I know Ben well. He's very much on the environmental side. So, it's not like we're trying to push back on regulation but we would just like somebody to hear us say, "Help us out here."

This is adding water—this is a water issue. It's a local issue. I represent them and I just want to highlight this if you don't know about it because you should know about it. I have had developers who, when they were told that they had to mitigate a stream or a wetland, they stopped their development.

This thing can hurt jobs and it's definitely a problem for our towns. Again, Mr. President, it's a federal issue. I don't think that we can expire this money from—there's

\$23 million sitting there—I don't think we can use it for our budget; it'd be nice.

I just wanted to highlight that and introduce you to Ben and the engineer and also Brian Woods, our County Clerk. He came here to watch this.

Mr. President, I thank you for the time. I just wanted to bring that to the front and I hope something can be done about it eventually.

**Recognizing Paul Wesley Ambrose
Health Policy Fellows Program**

(Adoption of Senate Resolution No. 45)

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Thursday, March 6, 2014

SENATOR PLYMALE: Thank you, Mr. President.

I'd like to speak to the resolution.

The Paul Wesley Ambrose Health Policy Fellows was started in 2009. This innovative Family Medicine Residency Program, designed to advance the ideals of service, stewardship and commitment, honors the principles passionately promoted by Dr. Paul Wesley Ambrose, a Marshall alumnus, in his efforts to improve the health and well-being of the people of West Virginia and our nation.

The character of Dr. Ambrose, who sadly lost his life in the plane crash into the Pentagon on September 11, serves as an inspiration for encouraging an attitude of selflessness and commitment to public

service in these future clinicians—an attitude that will engender meaningful involvement to improve the health care of their patients.

The goals of the Paul Wesley Ambrose Health Policy Fellows Program are to encourage interest in health policy, with an emphasis on rural health. The purpose of this program is to provide bright, motivated, new physicians with experiences and tools they need to become leaders in the area of health policy.

Tracy Hendershot served as the initial Health Policy Fellow and now practices at the Coplin Medical Center in Elizabeth. I know the senators from Pleasants and Wood know him very well. As a matter of fact, he was here recently advising us on a bill in Health.

Kim Becher grew up in West Virginia and graduated from Denison University in 2002 and then from the Joan C. Edwards School of Medicine in 2011. In 2013 she was appointed and elected by the American Academy of Family Physicians as the only resident in the country on that board. And that person is from West Virginia. That's quite remarkable at that age and for her to be honored in such a way.

Kane Maiers grew up in Short Gap, West Virginia. He obtained both his undergraduate degree in Biology and medical degree from West Virginia University and has a long-standing interest in health policy in medical education and has obtained a Master's of Clinical Research from the University of Virginia to better prepare him for his work in these areas.

And now, we are welcoming for his first year, Matthew Christiansen, who was born and grew up in Spencer. After graduating from Denison University in Ohio with a degree in Biology, he worked at Yellowstone National Park and

in the Bering Sea in Alaska as a fisheries biologist.

The Paul Ambrose Health Policy Fellows have worked with the House of Delegates as well as the Senate to provide valuable information on health policy issues. They have offered valuable insight to legislators on various policies and testified before committees, working to keep health policy moving in a positive direction.

Some of the topics the Ambrose Fellows have worked on is the restriction of Sudafed and to reduce meth labs in this state. They've studied primary care workforce and have studied the student debt of physicians and researched legislation regarding tobacco as well as school innovation. They wrote a section of the school innovation zones for McDowell County as well as other legislation.

It's our honor to have them here today. Accompanying them today is the recently appointed chairman, Dr. Steve Petranj, of the Department of Family and Community Health and, also, my wife, Jennifer Plymale, who is the Director of the Robert C. Byrd Center for Rural Health and Associate Dean of Admissions.

Welcome them. This is a great honor.

Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers

(Passage of Eng. Com. Sub. for House Bill No. 4392)

REMARKS OF
HONORABLE
BROOKS F. MCCABE, JR.

Thursday, March 6, 2014

SENATOR MCCABE: Mr. President, I'd like to make a few comments in support of this bill.

This is coming from, as has been mentioned, the Performance Evaluation and Research Division. PERD looked at this, studied it, felt that it was clearly an area that we ought to have regulated.

I might point out that part of the reason we are looking at it is not just the safety issues which are clearly paramount. I think there have been some instances in West Virginia where it directly relates to inadequately installed HVAC systems.

Kentucky and Maryland have similar legislation. Our contractors cannot work in those states without being registered here. So the contractors in Kentucky and Maryland can cross the border and work in West Virginia. We can't do likewise because we don't have a registration system.

The industry is in support of this. This is a joint effort between industry and labor to deal with safety issues and competition issues and to maintain the quality of HVAC systems.

I think everyone here realizes that heating, ventilation and air conditioning systems have become really sophisticated. Look at this building as an example. This is tens of millions of dollars, a highly complex system. Look at individual residences with all of these off-site management systems for heating and cooling.

It is a different world. Technology has moved in, in a big way, into the HVAC industry. This is, in fact, a supported piece of legislation. From my vantage point, I've had no one in the industry object, whether it's residential or homebuilders or certainly

the commercial contractors (which I know very well) . . . everyone is in support of this. It makes sense.

It is a new regulatory piece of legislation, but it allows us to compete across state lines. It dramatically increases the safety of the installers. The industry is already there as far as doing this kind of work. This is just to ensure that these firms that sneak in across the border or fly-by-night firms that come in and try to undercut with discount pricing with poorly trained employees This addresses that. Frankly, with all the air quality issues, all the testing that we now have from mold and other types of conflicts that affect our air quality—this is a logical advancement.

This is not any kind of legislation that's coming out of left field. This is something that needs to happen. It's been well thought out and it's an agreed upon bill. I think everyone has looked at it carefully. Interestingly enough, we in the Legislature can take partial credit for it because it's been validated and recommended by our own PERD study.

So, with that then, Mr. President, I recommend passage.

**Creating the Dangerous
Wild Animals Act**

*(Passage of Eng. Com. Sub. for
House Bill No. 4393)*

**REMARKS OF
HONORABLE
DAVE SYPOLT**

Thursday, March 6, 2014

SENATOR SYPOLT: Thank you, Mr. President. May I speak against the bill please?

Engrossed Committee Substitute for House Bill No. 4393 (*Creating the Dangerous Wild Animals Act*) will punish responsible reptile and exotic animal keepers. It is overreaching legislation.

Under its own definition, in §19-34-2 it says, “Dangerous wild animal means a mammal, bird, reptile, amphibian or aquatic animal, including a hybrid, that is dangerous to humans, other animals or the environment due to its inherent nature and capability to do significant harm.”

Now, let’s think about that for a minute and then I’ll take the fluff out of it and break down the statement. “Dangerous wild animal” means an animal that is dangerous to other animals due to its inherent nature. Now, I’ll ask you this rhetorical question, “What do most wild animals eat? What do all carnivorous animals eat?” They eat other animals.

So, by definition, nearly every wild animal could be considered dangerous. In fact, Mr. President, humans are in that definition too. Although I would offer to you that most are exempted under the domesticated provision.

Under §19-34-5, the Dangerous Wild Animal Board consists of three members—one elected by the citizens, two appointed by the Governor. In other words, the majority are bureaucrats, not elected by the citizens. There are no requirements that any of the members are experts on the types of animals they seek to regulate or even a requirement that they consult with experts.

Under §19-34-3, the board may promulgate rules, but not only that, Mr. President, the board is authorized to promulgate emergency rules. This is the

same board that has as members only one elected official and the other two are appointed—not subject to the public’s power of election.

Now, most of the members of this body are aware of the implication of what emergency rules mean. That means the rules are so important and so urgent that the board may promulgate them and they will immediately have the force of law without public or legislative review ahead of time.

Mr. President and members, I ask you, is that really necessary? West Virginia, to date, has not regulated these animals, but all of a sudden it’s important to get the rules into effect in the next couple of months without oversight.

Some of the proposed reptile species are commonly kept as pets and many citizens will be affected. Pet owners, who are not currently affected, must constantly worry that their pets will be listed, as the bill gives the newly created board rule-making authority.

While I understand the concerns over public safety, the exotic and reptile pet communities have evolved greatly and the pet owners are much more responsible and educated today than in the past. An estimated 30,000 residents in our state responsibly own reptiles right now.

Animal cruelty should certainly be addressed, but banning and over-regulating pet ownership are not effective means to handle this concern. This type of regulation is pushed by anti-pet groups posing as animal welfare organizations, Mr. President. It’s a shame that the great State of West Virginia should allow special interest groups to influence public policy and not protect the freedoms of our citizens. Responsible pet owners are constantly being punished by overreaching regulations.

Dangerous large animals like lions and tigers are already federally regulated. If legislation is deemed necessary, I believe it should do more than mirror what is already on the books. This bill does not.

Deer, spiders and snakes that are native cause more harm and deaths per year in our state than all wild and exotic animals do nationally in the same time frame.

There is no provision in the proposed legislation regarding what any of the permits will cost. They could be \$3,000 per animal. We don't know.

There is no exemption for animals used for education purposes.

Mr. President and members, I urge a vote of "no" on Engrossed Committee Substitute for House Bill No. 4393 and ask to reserve the right to close.

SENATOR SYPOLT: Thank you, Mr. President.

The Federation of Humane Organizations, in a position paper dated January 2014, has a list of incidences which occurred in West Virginia.

In November 2008 a Bengal tiger escaped. It was ultimately shot and killed by the owner. No incident.

In October 2007 a deer hunter reported seeing a male African lion. Now, even though there were no photographs taken of the lion nor plaster casts nor photographs of the paw prints, we still believe that maybe that could have happened. It's not been substantiated. No incident.

In March 2006 a 400-pound Asian brown bear had escaped and was never seen again. No incident to our knowledge.

May 2005, a leashed monkey bit a 13-year-old girl. There was an injury.

July 2003, a pet lemur escaped and was found asleep in a tree and recaptured. No incident.

July 2001, a pet monkey bit two children. So there was an incident July 2001.

August 2000, a pet chimp bit a teenager and a neighbor—an incident there.

July 1998, a chimp grappled with a postal worker. I guess that was an incident.

The point I'm trying to make is that there's been eight incidences in 16 years in West Virginia. In fact, only four of those incidences involved injury.

Now, I did a little research this morning while I was waiting for the session to start and discovered that in three years there were 11 lightning strikes of people in West Virginia. That's 3.7 per year. You're seven times more likely to be struck by lightning in West Virginia than to suffer an incident by an exotic animal. What's more, you're 14 times more likely to be struck by lightning than to be injured by an exotic animal.

Mr. President and members, I urge a vote of "no" on Engrossed Committee Substitute for House Bill No. 4393.

**Relating to the redirection of certain
Lottery revenues to the State Excess
Lottery Revenue Fund**

*(Adoption of Senator Prezioso's motion
that Eng. Com. Sub. for House Bill
No. 4333 be taken up for
immediate consideration)*

REMARKS OF
HONORABLE
HERB SNYDER

Thursday, March 6, 2014

SENATOR SNYDER: Thank you, Mr. President.

It's with a very sad heart that I rise to make that objection, but I want the members to know how serious what you're dealing with is in receiving this report.

This is a nuclear bomb that will explode in Charles Town. Not Charleston, which is the center of everything we do, but Charles Town. Charles Town is the home of the golden goose called Hollywood Casino and Slots. Everyone knows it. According to the figures they sent us, \$295 million in excess lottery money last year—pretty nice to fill in a lot of holes.

That casino operates, for the most part, on the initial legislation that was passed by these bodies, both bodies, in 1995—called the Racetrack Video Lottery Act. In that, you can imagine it took a few years to get to that in the original act and it was all predicated on saving horse and dog racing. Nineteen years ago that was important in this state. Many have forgotten why it was passed, but we haven't forgotten in Charles Town, West Virginia, where we have a thriving thoroughbred industry.

Now, I ask you, each one of you, in your respective counties, if that casino with horse racing was in your county, would you speak up for it? Would you speak up for it when you saw this come from the House of Delegates? Engrossed Committee Substitute for House Bill No. 4333 (*Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund*) came from the House of Delegates with this distribution. Everyone

has seen this. This is not as it came from the House.

My, my, did it change in the Finance committee amendment. Huge change—undoing 19 years of statutory law. Undoing what this very Legislature passed in 1995 with the distributions to keep healthy horse racing and keep healthy dog racing. All the other groups like the local county governments and cities throughout the county all got money. Why would the Legislature have done that 19 years ago, Mr. President? Because gambling bills are hard to pass here so they try to make everybody happy to get enough votes to pass them. You can imagine that. We sit in the same seats.

This bill changes all of that as if it never happened. Let's back up 19 years ago when we redo this. Well, this has serious ramifications because the vote here is not the one that matters; it's the vote that happens in the local referendum election, Mr. President. That's the most important vote. That's why that money flowed for 19 years from Charles Town racetrack. Nineteen years of hundreds, Mr. President, of millions of dollars like the money for the PROMISE Scholarship. Last year, every penny for the PROMISE Scholarships came from Charles Town races and slots, ladies and gentlemen, Mr. President.

This changes all of that because instead of the statutory appropriations across the top of that sheet that this Legislature passed by a narrow margin 19 years ago and made those promises, a moral commitment as I see it, Mr. President, a moral commitment that the horse and dog racing in this state were promised that it was all done when the gambling industry rode in on the backs of the horses and dogs because they needed a place to land. It had been done in other states, Mr. President. They landed on the racetrack because those industries were in rough shape and it worked. It worked really well.

In Jefferson County thousands of people make their livings—some good livings, some squeak by—in thoroughbred racing. But this bill has the potential to change all of that. Why? Because no longer are they promised the statutory allocation that was passed 19 years ago. This bill makes it subject to legislative appropriation.

Now, imagine the feeding frenzy we will watch this year for the money. Is this body going to give a thoroughbred purse's winner his money? Maybe, maybe, 90 percent. The House bill was only taking 10 percent. They were guaranteed 90 percent, Mr. President, because they weren't touching the underlying statute. That's why the bill became 83 pages. No one saw it until today, except the Governor's Office, which I'm extremely disappointed in.

This issue of the bonding ratio means more to me because of my Chesapeake Bay bonding, an issue that I worked extremely hard on in 2011 to get passed. Promises again, Mr. President. Promises. There are twelve public treatment plants in the Eastern Panhandle pouring concrete, engineering plants—all happening on the promise that we were going to help them with issuing the bonds to help keep it off the backs of the ratepayer. Promises to the Morgan County Commission that we would help them build a new lodge at Cacapon Park.

I'm asking you to vote against those issues. That's how important it is for me to stand on this floor, Mr. President, and say those don't matter because they matter a lot to me. But, they don't matter enough to do this.

I'm asking you to not suspend the rules on this bill and put this thing to rest right now. If we can get this worked out, then fine. It'll take a two-thirds vote to pass. There's still time to work on this. Maybe everybody will start working with me instead of against me.

But, I'll end, Mr. President. Just imagine the pressure that's on me and the Senator from Berkeley. Just imagine what they're going to do. The petitions are already printed. The clever people who thought this scheme up, Mr. President (and it is a scheme), didn't pay a bit of attention to this little thing in statute that is still there—it didn't change. It's called local referendum recall and it's going to happen if this bill passes anywhere near this form. The citizens of Charles Town, West Virginia, in Jefferson County will recall their ability to have gambling at the Charles Town races and slots. I don't want to see that happen.

That's why I want this to die right here, right now, a very sudden death, right now. We will worry about the bonding later, but this needs to die right now and stop the circulation of those petitions which are already printed. If they circulate those petitions and turn the lights off on that racetrack in a few months, you're going to lose this \$295 million into the excess video lottery pot. Well, we can't do PROMISE Scholarship, can't pay on the higher education bonds. The money spigot will be shut off.

I can assure you, I'm one of those citizens from Jefferson County that has a vote. If this happens, there will be a recall referendum and they will shut the lights off at Hollywood Casino.

I'm going to take up for the casino owners. They were not behind this. They literally did not plan this. It came over from the House only taking 10 percent. But what this bill does is it makes everyone come here for statutory allocation in the budget. Can you imagine? Can you imagine? These people are not dumb in Charles Town. They might be horsemen, but the other voters can see that they have been had. Had by this very Legislature.

This is the ugliest bill I have ever seen since I came here in the beginning of

January of 1997, Mr. President, and it needs to end right now. Right now. Put this to bed because the next time you'll be here, you'll be called into special session on how to fix this.

One may say we need that \$39 million to fill the hole in the budget. No, we don't. We sent a budget out of here balanced this morning. It's balanced. This money isn't even counted. I'm sure the House of Delegates will figure out some way to spend it if this bill passes. That's all I'm asking you.

This is extremely serious in Jefferson County because of their ability to have a referendum recall election. That's what they will do if we pass this bill.

I ask your support in rejecting the motion to move to first reading.

**Relating to the redirection of certain
Lottery revenues to the State Excess
Lottery Revenue Fund**

*(Adoption of Senator Prezioso's motion
that Eng. Com. Sub. for House Bill
No. 4333 be taken up for
immediate consideration)*

**REMARKS OF
HONORABLE
ROMAN W. PREZIOSO, JR.**

Thursday, March 6, 2014

SENATOR PREZIOSO: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I can certainly appreciate the gentleman's passion, the Senator from Jefferson, for his casino and racetrack.

The Finance committee debated this bill for about three and a half hours and it's not an 83-page bill. It's a 10-page bill. The original bill as introduced by the Governor looked at all the buckets above the line and took 15 percent from each one of the buckets. It took about \$20 million from the Infrastructure Fund for a total of about \$39.12 million.

When the bill came over from the House, they took the Governor's bill from 15 percent to 10 percent and moved some of the other buckets around.

When the bill was debated in the Finance committee—the Lottery Commissioner was there, the Secretary of Revenue was there—we opted not to take any percentage out of any of the buckets. The only thing we did was move the buckets below the line to shore up our debt service ratios.

As I told you today when we passed the budget, we are at a critical juncture when it comes to our debt ratio. We're going to take \$125 million out of the Rainy Day Fund this year. We're going to have to go back next year and probably take another \$100, \$150 million out. That's going to put us in jeopardy of losing our bond rating. That affects every city, town, community, state government project we have that we want to go to the bond market and procure money.

What we did, we moved those buckets below the line so that we can bolster our debt service. Right now, we can't pay for the Chesapeake bonds that have been issued. We owe money on those. If we do, we are going to fall below the debt ratio.

We can't even consider Cacapon and Beech Fork. Cacapon is a project that the Senator from Jefferson fought hard for last year.

You were elected to this Senate to make tough decisions. You're going to be given

the opportunity now to look at those budgets on a yearly basis and make decisions for senior programs, for the PROMISE Scholarship, for everything that's included in those buckets. That's what you were elected for, to make those tough decisions. Put the appropriations back in the hands of the Legislature, not in law, not in statute.

I talked to Secretary Kiss. I've been a friend of his for a lot of years. We were elected in '89-90. He said if he made one mistake, it was to leave those buckets in statute and not keep it under the purview of the Senate.

Ladies and gentlemen, this bill doesn't change anything. Those formulas that the Senator from Jefferson talked about are in code. Those buckets will be filled accordingly to code. We are going to have the opportunity to look at those in the future.

Also, as we look at our declining revenues in gaming, obviously, we're going to have to make some tough decisions. You just want an across-the-board cut—the easy way. You can go back and say, “Yeah, the Governor proposed a 10 percent cut, a 15 percent cut.” Or do you want to give those buckets a realistic look, to look at each bucket and make decisions accordingly? That's all that we are doing.

When we go into conference, the only thing guaranteed is one year out of the Infrastructure Fund for \$20 million. We may not even touch any of those buckets but we have the responsibility to do so if we deem necessary.

This is just a simple motion to consider the bill to be read a first time. Now, let's keep this process going. Let's stand up as Senators and legislators and make the tough decisions that you were elected to do.

Thank you, Mr. President.

Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund

(Adoption of Senator Prezioso's motion that Eng. Com. Sub. for House Bill No. 4333 be taken up for immediate consideration)

**REMARKS OF
HONORABLE
BROOKS F. MCCABE, JR.**

Thursday, March 6, 2014

SENATOR MCCABE: Mr. President, I'd like to also speak in favor of the first reading.

I think this is an important bill. I'm very sensitive to the comments from the Senator from Jefferson. He is passionate in his belief. He knows who the major revenue producer is in his community, his county. We all know how important that facility is to the entire lottery program. We know that it generates the vast majority of revenue—far more than any other facility, probably more than all the rest of them combined or at least close to it. We know how important it is.

There are several things though that this bill addresses that are very important for us as a Senate to understand. First of all, as our Finance chairman from Marion County has said, we have an obligation, a constitutional obligation, to look at the budget and appropriate the dollars.

We, over time, with the best of intentions, have put not tens of millions, not hundreds of millions, but billions of dollars in statutory required funding. The Senator from Marion's budget is about \$12 billion. We're actually looking in general revenue

of about four and a half billion dollars. Of that four and a half billion dollars, several billion dollars are in public education, higher education, certain other things that make it very difficult for us to really deal with from a budgetary perspective with all the other problems that we have. We're really trying to manage that \$12 billion on about two, two and a half billion dollars of income that we in the Legislature have the ability to appropriate.

We know how important these programs are that the Senator from Jefferson is talking about. Do you honestly think that the Finance committee in this Legislature would do what is being implied? We have a responsibility to make decisions, to make priorities and to fund those items that are most important. No one's challenging that these projects that he is specifically identifying are important. No one's challenging that they are not of the utmost importance.

The bill that was introduced by the Governor took a 15 percent permanent cut over every one of these buckets, which meant that these programs that he's talking about in that initial legislation that was proposed would take a permanent 15 percent cut. If the economy picks up, that permanent 15 percent cut is in place.

The bill went to the House. They took it up. They didn't like it. They changed it. They worked it around. They came back and said, "We're going to do a 10 percent cut for one year." The bill came over here. We looked at it.

Our budget was put together prior to this legislation because we didn't pass it, so the Finance chairman had to find other money. He has identified \$34 million that is in our budget that is \$34 million more than the House budget if you leave this legislation in place that the House has sent over here.

We're talking about amending that legislation, basically passing it out and not taking a 10 percent cut, which is what the House legislation says. We're saying that with this legislation, we're keeping that fully funded. So, right off the bat, there is a 10 percent increase.

Furthermore, and you can ask, well, where is that money coming from because you've got to balance the two budgets at the end of the day? The Finance chairman has in place the additional sources of funds because he came up with this—he and his staff. We've looked at it; we passed it out.

We've got the money to do this. We've got the ability to do this. We've got the ability to not take a 15 percent cut on these programs that are so important to the Senator from Jefferson County and, frankly, to everyone in this room. We have the ability to not take the 15 percent cut, not that 10 percent cut, but probably have the ability to fully fund it.

Oh, by the way, we are going to be looking at this every year because that is our job. Our constitutional job is to look at the budget, to allocate the funds. We have been for years, for very good reasons, putting things in statute. We now have billions of dollars in statute. We know that in this budget crisis that we have, we have no ability to deal with that with the couple of billion dollars that we really have to work with. So, what are the choices? The choices are, over time, to do our seven percent cuts or 10 percent cuts or 15 percent cuts, or to raise taxes.

Again, we're really focusing on what we have to deal with which is just a couple billion dollars. We have a four and a half billion dollar general revenue budget that we are passing, but you look within that budget there's a variety of things we really can't afford to touch because we have said we need to fund them.

With the passion that we have from the Senator from Jefferson County—he is very articulate as we all know—do you really think that this Legislature is going to look at those programs and say they're not necessary, that we're going to go along with the House's 10 percent cut or we might do more or less?

We know, probably more than the House, because we really focus on these kinds of issues. We know that it's the golden goose. We've got to pay attention to those programs that really provide us the leverage, the dollars, that we all use for our various programs. The dollars that the lottery creates from those programs in Jefferson County are astounding—stronger than any place in the state.

We've got other facilities in the Northern Panhandle, in my district. It's not just Jefferson County but that's the horses. That's the powerful one.

What I'm suggesting is that we need to read this bill a first time—this is an important bill. Frankly, it's a bold step because we're saying that we want to start looking at statutory funds and start bringing them back in and vote on them on an annual basis in our budget. We're also saying that we know what good programs are and aren't, but, over time, we might want to rebalance equity now and then.

My suggestion to this Senate is that we carefully look at the two billion dollars plus that we have in statutory funding. I am very sure that a number of those programs have now grown fat and less efficient because they continue to get this statutory funding with little oversight. They haven't been looked at every year. They're not lean and mean. We need to start looking at that and pulling those dollars back in and reallocate.

Does that mean we reallocate his programs? It means it's possible. Does it mean we will? We all know the value of

the lottery. We also know the importance of the Charles Town facility in terms of the percentage of lottery funds that facility produces. It's the golden goose. The Senator from Jefferson's fear is we will reduce the funding for the breeders fund. I don't diminish that he feels the fear, but from my perspective, this is a bill we need to pass.

It, by the way, will allow us to immediately proceed with the funding of the bond issue for the Chesapeake Bay. That is hugely important to probably 30 percent of the geography of West Virginia in particular his area. That Chesapeake Bay program was put in place, in my opinion, largely because of the Senator from Jefferson County's hard work, his ability to understand how to find its financing. This bill allows that to occur, to occur now, this year. It also helps to protect all of our other bonding by keeping the debt service ratios in place. It also allows us to look every year at about \$375 to \$400 million and we have the ability to say yes, these are important programs and we need to continue to fund them.

Yes, the Senator from Jefferson County's important programs will be looked at but, looked at in terms of the value to the state. Look at the leverage he provides us with the lottery dollars that we spread all around in these various buckets. That's not going to be challenged because we look at the numbers, we understand how to make it work and we have a Finance chair and a Finance committee that is paying attention to details.

This is an important piece of legislation. It is in some ways a precursor to the kinds of things that we need to look at in the future because every time we look at a statutory piece of legislation and try to take it out of statute and put it into our annual budget process, we will have those vested interests come to us and say you're making a huge mistake. That's an issue we are going to

have to deal with in the future. The Senator from Jefferson County has passionately shown us what that means at the local level.

What I would say in the case of Jefferson County, and I would say in the case of Ohio County, these programs are important. We know the dollars they create. We know we have to survive and support them. This is not about reducing their funding. This legislation allows us, gives us, in the budget process, the ability to at least keep the 10 percent cut in place and, very possibly, to restore that to full funding.

I think that's worth doing and I think that's a decision we in the Legislature ought to make. It is the constitutional authority that has been given to us. We ought to make it as sacred though and we ought to pay attention to the projects that need to be funded and those that maybe need to be looked at more closely.

The Senator from Jefferson County is worried about, in my opinion, one of those projects that we will always fund. We know it's important. We know how it drives the dollars. This legislation needs to pass. We need to read this bill for a first time.

At the same time, I understand the Senator from Jefferson County's passion, his concern and we need not to let him down. We need to show him, by our actions, that we will stand with him, but at the same time, we also understand that we need to, at some point, start pulling these dollars in, so we can appropriate them and don't let two to three billion dollars slide by every year. We fight amongst ourselves with a four and a half billion dollar budget and really only allow our Finance chairman to work with two or two and a half billion dollars.

Those days are behind us. We have to figure out another way. This is the beginning of that process and, from my personal perspective, I cannot imagine us

taking an action that would be contrary to what the Senator from Jefferson County wants to see happen and for which he has fought hard and long for 19 years.

Times are changing. We need to look at things on an annual basis and fund what needs to be funded.

Thank you, Mr. President.

Designating "Take Me Home Country Roads" an official state song

(Adoption of House Concurrent Resolution No. 40)

**REMARKS OF
HONORABLE
WILLIAM COLE**

Friday, March 7, 2014

SENATOR COLE: Thank you, Mr. President.

I rise today in support of House Concurrent Resolution No. 40 (*Designating "Take Me Home Country Roads" an official state song*) naming John Denver's "Country Roads" as an official state song.

What a fitting tribute. What a fitting honor to our state.

Mr. President, our beautiful state has taken a little bit of a hit recently with our water woes. What a great way to reshape our image, to repaint the picture, to share with America the true image and beauty that is West Virginia.

Country roads—I can think of hundreds of country roads. Our country roads—West

Virginia's country roads that are the beauty of our state and the beauty of our people.

Forty-four years ago in 1970, John Denver, Taffy Nivert and Bill Danoff wrote "Take Me Home Country Roads". What a trip this song has been on since then. Released in 1971 it was included on John Denver's breakout album, *Poems, Prayers and Promises* and reached number two on the Billboard Top 100 chart.

"Country Roads" isn't merely a pop song of the '70s in America. It is a song that has become part of the global language. It is heard, played, sung and celebrated all over the world. It breaks down cultural barriers, language barriers and barriers of dispute.

Not only did John Denver record it but a few others did as well. The likes of Loretta Lynn, Olivia Newton-John, Skeeter Davis, Eddy Arnold, Hawaiian legend Israel Kamakawiwo'ole and, yes, I did look that one up—and the great Ray Charles.

This song that reflects so beautifully our state, this song that lets the world know that West Virginia is indeed "almost heaven" has been recorded in French, Finnish, Czech, Slovenian, Japanese and German.

Now, members of the Senate, may I please tell you a little bit about my friend, our friend, Dreama Denver. Dreama grew up on College Avenue in Bluefield, West Virginia. I know because I was a friend of her little brother and we used to devil her unmercifully. She may not remember that—but she was hot then and she is now. We gave her a pretty rough way to go. Dreama was married to the late Bob Denver—"Gilligan" for those of you who are not of this planet.

Dreama is one of our true do-gooders in the southern part of the state. She is President of the Denver Foundation, President of West Virginia's First Honor Flight, Always Free Honor Flight, as well

as Little Buddy Radio in Princeton.

A couple of years ago, she took on the mission of adding "Country Roads" as a state song in West Virginia. With the help of Marty Gearheart and every other member of the House and now, hopefully, every member of the Senate, West Virginia can now claim "Country Roads" as an official state song.

Mr. President, I urge adoption of "Almost Heaven, West Virginia".

Thank you.

**Memorializing life and public service of
James Howard "Buck" Harless**

(Adoption of Senate Resolution No. 43)

REMARKS OF
**HONORABLE
H. TRUMAN CHAFIN**

Friday, March 7, 2014

SENATOR CHAFIN: Thank you, Mr. President.

Ladies and gentlemen of the Senate, most of you are familiar with the name James H. "Buck" Harless. There is a book that he wrote and I encourage all of you to read it. I have read it twice now. It's called *A Most Fortunate Life* by Buck Harless. It's just a great read.

The greatest legacy one can leave is having lived a good life. That would certainly describe Mr. Buck Harless.

I was thinking of some words to say today in his memory. We are pleased to have his wife, Hallie, here with us this

evening and his good friend, Gary White. We're also pleased to have the President of West Virginia University with us, President Gee, and many others. But the words that came into my mind as I was sitting there at my computer when I thought of Buck Harless are invincible, unbreakable, hard work, integrity, loyalty, the anchor of many foundations, a faithful son, fatherhood, perseverance, friendship, devotion.

Ladies and gentlemen, he had friends and he had a great wife, Hallie, who's here today as I said and he was a trusted individual.

Buck once told me that the power of work and the sense of duty will bring great joy to your life. Life was an attitude and Buck had a great one. You know, there is no sensation on earth comparable to what comes in doing a kind deed for someone else. I can't mention the thousands of kind deeds that Mr. Harless has done for others. It's been said that there is nothing, Mr. President, so keenly as kindness. That also describes Mr. Harless.

He, later in life, acquired great riches. As we all know, he distributed those riches unselfishly. Reputation is what men and women think of us. Character is what the angels and God knows of us. I think they have a real friend up there in Mr. Buck Harless.

Buck was a man who praised loudly and blamed softly. Buck loved many people and many institutions in many ways. Buck was a man who didn't do extraordinary things; he just did ordinary things extraordinarily well.

It's true that Buck had riches but he also had riches in talent, ideas, creativity, loving, caring, wisdom and beauty. He gave with no strings attached. He had no expectations of return. He gave because it was the right thing for him to do.

As long as I have known Mr. Buck Harless, I never knew him to know weariness nor defeat. Buck always cherished his human connections, his relationships with friends and family.

In the end it takes a pretty evenly balanced man, I suggest, to be strong in both prosperity and adversity. Buck Harless knew both well in his lifetime.

Ladies and gentlemen, it's my honor to speak to this resolution and it was indeed a most fortunate life.

Please adopt this resolution.

Thank you.

**Memorializing life and public service of
James Howard "Buck" Harless**

(Adoption of Senate Resolution No. 43)

**REMARKS OF
HONORABLE
ROBERT H. PLYMALE**

Friday, March 7, 2014

SENATOR PLYMALE: Thank you, Mr. President.

Having worked for Mr. Harless for about nine years, I have to say that this year with his passing on January 1 and then with Dr. Clagg passing, I have lost two people that were mentors to me in many different ways.

Buck was a great person. If he called to ask you to do something, you didn't hesitate or ask why or anything like that. You knew that if he was involved, it was going to be something that was good. I've learned much from his involvement with the

Mingo County Redevelopment Authority, his efforts toward the construction and consolidation of Mingo Central High School, and in the building of the road. He has so many legacies.

But the legacy I have from just knowing him was the heart that he had and how much he loved this state. He could choose to live anywhere he wanted to, but he chose to remain in West Virginia.

Now, I will tell you one story. One time we had a lumber complaint up in Maryland so we flew up to Morgantown and we went into the lumber complaint, handled the lumber complaint and he said, "Well, now you'll have to bear with me. I'm going to have to go over here and take care of some business." So, we went over to the WVU campus. We went to Mountaineer Field. He had to go visit Coach Nehlen because he wanted Coach Nehlen to give some money to something he was working on. That's how tireless this guy worked. He was always working for the betterment of this state.

He will go down in history as the person who donated the most to both WVU and to Marshall.

What a great man and what a great honor to be able to have this opportunity to speak about him.

**Memorializing life and public service of
James Howard "Buck" Harless**

(Adoption of Senate Resolution No. 43)

REMARKS OF
HONORABLE
BROOKS F. MCCABE, JR.

Friday, March 7, 2014

SENATOR MCCABE: Mr. President, I would also like to make a few brief comments about Buck Harless.

I first met him in the 1970s when he was having an issue with the Corps of Engineers. He was trying to provide housing in Mingo County and the Corps felt that he was encroaching upon the waterway illegally. It was my first real experience in seeing a businessman with a pure heart trying to do good and seeing a bureaucracy come up against him and create major havoc.

Obviously, with the character and strength of Buck Harless, at the end of the day, he was the victor in that effort. It turns out the Corps had completely misstepped. It was out of its boundary and, from my vantage point, Mr. Harless was right as usual.

I went on and got to know him over the years and with each year, frankly, I gained more and more admiration. We had been in a couple of projects, transactions, together that did not go well. You can tell the character of a person when you are doing combat in a transaction that has gone south. He was a gentleman, a mentor, he had a positive attitude throughout. I mean, it was just unbelievable to me, the example he provided as to how an entrepreneur should go through rough waters and, at the same time, make sure that everyone around him grew and understood and came out of that difficult situation a better and stronger person.

There is a lot in my life, in my business experience and my ethics, that I owe directly to Mr. Harless and his business associates. I could probably count on one hand the people who have directly affected me in a very positive, almost spiritual way and Buck Harless is, without doubt, on that list.

Mr. President, this resolution is just one small thing we in the Senate can do to honor someone who is truly a distinguished West Virginian who left a mark, who made the state better after he left it than when he found it. Not only the state was positively affected, but there are hundreds of individuals that he truly affected in a life-changing way.

Thank you, Mr. President.

**Memorializing life and public service of
James Howard “Buck” Harless**

(Adoption of Senate Resolution No. 43)

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Friday, March 7, 2014

SENATOR KIRKENDOLL: Mr. President, I rise also to speak to the resolution.

Buck Harless is one of the few people that I took pride and really enjoyed him being a mentor. When I took office at age 29 on a commission that was a sister county to Mingo—we had a lot of problems, this and that—and Buck knew the game. It was an honor and a privilege for me to sit down in council with somebody that had a lot of plans, ideas and visions for Southern West Virginia.

I can look back and see his main man, Gary. He and Joanne have been lifelong friends of mine. I think Buck made a wise choice when he made Gary his main director of affairs and his beautiful lady that’s there with him.

But, you know, Buck just wasn’t about Mingo County. He really, truly cared about

the state. Buck was a staunch Republican and I’ve always been a staunch Democrat. He is one of the few guys that had a middle-of-the-road approach when it came to sensibility if it affected people’s lives. Not only would he listen to you, you would listen to him.

I just wanted to rise out of respect and to tell this body that it was a pleasure for me to know him and be around him. He mentored me for three decades.

I went back to say, “Hi” to Hallie, his wife, and Gary. You know, I was there a lot because if you got an opportunity to talk to somebody that has already went through the process . . . He was one of the most intelligent people in the entire state. He came from humble surroundings—if you read the book—to being one of the most fiscally responsible and sound West Virginians ever through the business process. When you can listen to a guy like that, you better take the opportunity.

I consider it a pleasure and an honor to have known Buck Harless and his family. I encourage the adoption of the resolution.

**Protecting unborn children who
are capable of experiencing pain by
prohibiting abortion after twenty weeks**

*(Adoption of Senator Palumbo’s
amendment to Judiciary committee
amendment to Eng. House Bill No. 4588)*

REMARKS OF
**HONORABLE
COREY PALUMBO**

Friday, March 7, 2014

SENATOR PALUMBO: Thank you, Mr. President.

The amendment to the amendment that I would offer would change the reference from 20 weeks to 22 weeks. The reason I'm making this amendment is because in the committee—those who serve on the Judiciary committee know this, those who aren't on the Judiciary committee may not—counsel to the Judiciary committee very clearly and thoroughly laid out why the bill, in its current form, is unconstitutional.

There have been many cases throughout the last 30 or 40 years since *Roe v. Wade* was originally handed down that say that states cannot prohibit abortions before viability. When *Roe v. Wade* was initially handed down that was thought to be around 28, 29 weeks, maybe 30 weeks.

As medical technology has advanced, it's now basically considered to be 24 weeks post-last menstrual period. The bill, in its current form, is 20 weeks post-fertilization which is essentially 22 weeks last menstrual period. So, the bill—we had two doctors come before the committee. Neither one of those doctors believed that 22 weeks post-last menstrual period or 20 weeks post-fertilization, which is what the bill says, would get you to the point of viability.

I think the current technology and the thought of the whole medical community is 24 weeks post-last menstrual period is when you would get in the area of viability.

The Supreme Court, like I said, as recently as maybe four or five years ago has reiterated that states have no ability to prohibit abortions pre-viability. As recently as two months ago, the U. S. Supreme Court rejected an appeal from the Fifth Circuit, where the Fifth Circuit Court of Appeals found a similar law in Arizona—not exactly the same but a similar law—unconstitutional.

It is my understanding that about 10 states have laws like the bill before us. They have been challenged three times and in all three occasions bills like this have been found to be unconstitutional or they've been enjoined. There's been no state or no court that I'm aware of in the country that has found the bill in its current form to be constitutional.

This amendment is not, shouldn't be taken as, a position on my part that I think that elective abortions should be had between weeks 20 and 22 because that's not what it is. This is an effort to make the bill constitutional.

One other part of the amendment—I didn't mention it—the amendment would change 20 to 22 but it would also state that if viability was determined to be sooner than that, then that's when the cut-off point would be. So, it allows for a little flexibility for the line to be moved sooner. I think this amendment would ensure this bill would be upheld in the court system, so I urge its adoption.

Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks

(Adoption of Senator Palumbo's amendment to Judiciary committee amendment to Eng. House Bill No. 4588)

**REMARKS OF
HONORABLE
ERIK P. WELLS**

Friday, March 7, 2014

SENATOR WELLS: Thank you very much, Mr. President.

I would like to speak to the amendment.

First of all, I want to say thank you to our Judiciary chair, who is correctly and rightly concerned about the constitutionality of what we're doing.

But, I would also like to remind members of our own West Virginia Constitution and the words that each and every one of us have spoken. This is the oath that we take:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Senator (or Delegate) according to the best of my ability."

That's an oath that we take so strongly.

Our State Constitution says:

"Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this state."

I'm often reminded and I often hear us in debates on different issues where people want to point out that we have to follow the Constitution. We have to follow the Constitution. Why is it that we're not willing to infringe on the constitutional rights of free speech? We certainly would not infringe upon the constitutional rights of the Second Amendment. We would not pass legislation in this body to allow police officers to go up to your door and force their way in without a search warrant—Fourth Amendment of the Constitution.

I'm not a constitutional scholar. I'm not even a lawyer, but I'm somebody who realizes that the rule of law is far more important.

A professor of law and a current state senator in Maryland said this during a debate similar to this: "As lawmakers we put our hand on the Bible to swear to uphold the Constitution. We do not put our hand on the Constitution to swear to uphold the Bible."

It is amazing to me that in our day and age we will protect the right of freedom of speech, the right to bear arms, but, boy, so quickly are we willing to trample the constitutional rights of women in West Virginia.

We all know the stats for the procedure that we are talking about today—there's no more than seven in the data. We also know, based on what the Chairman of Judiciary said, that what we're doing is unconstitutional and, yet, we continue to go down the path as a body to go ahead and ignore the oath that we all took.

I will stand here and tell you as you all know, I am pro-choice. But when I walk through that door, I also don't bring my religion in here because there is a danger in following your religion when you try to institute laws. The danger is this—I would challenge anyone in this body right now who follows their religion to a T.

I'm a sinner. Most of you are going to be sinners. I've made mistakes. I've asked for forgiveness. You can't claim religion as a reason for supporting something and then turn around and violate your religion on other issues.

It's also interesting that *Roe v. Wade* has been upheld by a conservative Republican Supreme Court of the United States.

I know this bill is going to pass. The amendment will probably even fail. But there are times when you cannot be silent when you take an oath to uphold the Constitution and watch it be trampled in front of your own eyes.

Thank you, Mr. President.

**Protecting unborn children who
are capable of experiencing pain by
prohibiting abortion after twenty weeks**

*(Adoption of Senator Palumbo's
amendment to Judiciary committee
amendment to Eng. House Bill No. 4588)*

REMARKS OF
**HONORABLE
CLARK S. BARNES**

Friday, March 7, 2014

SENATOR BARNES: Thank you, Mr. President.

I am totally unprepared to respond to the speech that we just heard, but I would like to say, first and foremost, I do not leave my religion at the door anywhere. I bring my religion with me everywhere I go and I'm happy to put my hand on the Bible and swear to uphold the Constitution of not only the United States but of West Virginia.

I pulled out of my drawer this Bible. This Bible says in Genesis 1:27, "So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over . . ." it.

Now, I am happy, also, to uphold the Constitution of the United States. The very first paragraph of the Constitution of the United States says:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide

for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ."

Who, my friends, Mr. President, is our Posterity? Our Posterity is our children. Whether they are children that are born or whether they are our children that are unborn. It is our responsibility. It doesn't matter who leaves their religion at the door—do what is right and uphold the Constitution which says we are responsible for those that come after us. There is none quicker and easier to identify as those that are our Posterity than unborn children.

Thank you, Mr. President.

**Protecting unborn children who
are capable of experiencing pain by
prohibiting abortion after twenty weeks**

*(Adoption of Senator Palumbo's
amendment to Judiciary committee
amendment to Eng. House Bill No. 4588)*

REMARKS OF
**HONORABLE
MIKE HALL**

Friday, March 7, 2014

SENATOR M. HALL: I didn't come prepared to make very many remarks on this, but I just wanted to respond to the comments that have been made.

I read a book about a year ago called *The Thirteen American Arguments* by Howard Fineman, who is a Pulitzer Prize-winning author for the *New York Times*. He made the point that we're basically a country based on arguments.

We put forth the proposition that all men are created equal and endowed by their creator with certain inalienable rights—"Life, Liberty and the pursuit of Happiness." That was quoted by Lincoln at the Gettysburg Address and Martin Luther King later on. We didn't necessarily give personhood to every person initially. If you know American history well, you know that the slavery issue was fought over that.

It was Senator Seward back in the 1840s or 1850s who gave a famous speech in the United States Senate saying that African-American persons had a right to personhood, full personhood, based upon a higher power or a higher law. That speech was considered extremely radical in that era. He was arguing for personhood.

This to me is an argument about personhood. I've heard this debate, similar debates on the floor of the House. I'll never forget it. There was a strong argument—we were not going to call an unborn child a child, we were going to name it a fetus.

Howard Fineman's right. The first argument that we've had in America is over personhood and that's where we are, even now, since *Roe v. Wade* in 1972. *Roe v. Wade*, if you remember, highjacked this issue from the states by an aggressive court. There was progress on this issue around the United States but, basically overnight, it abrogated all the abortion laws in the country.

I was in seminary in 1976. We sat in a classroom—it was a Methodist school in Ohio by the way—and talked with Planned Parenthood. The comment was made about the devaluation of human life that could come as a result of this court's decision.

We're struggling over this and we're going to have a public policy debate based upon personhood. It's not easy, I understand that. It's not easy and our country is widely divided over this. I would say that the

question of constitutionality . . . I've heard that argument used before having been here twenty years. I think this law is somewhat different in language than some of the others. Maybe it's close enough. It could be challenged and found unconstitutional, but it isn't until it's found that way.

We have a right as a legislative body to vote on it and though you might argue—that has been argued already—that a "yes" vote would be a violation of our oath. I just respectfully disagree with that comment.

I think that this bill, though similar, is somewhat different and it's not yet been found unconstitutional. So, as we vote on it, I don't feel like I'm violating my conscience in voting for this bill. A court may later find that to be the case, but as it goes out of here it's not until it's found unconstitutional that it is. That's my view on it. Otherwise, what the gentleman from Kanawha said would be accurate. I would be voting against my oath of office if I voted for this bill—if I believed that way.

But I just wanted to say that it's an argument we've had for years. It's legitimate to be in the public square and make the argument. If you bring to the public square some of your convictions, your religious views, are you saying that the public square is no place for any discussion? I believe the public square is a legitimate place for us to talk about things and we all bring our backgrounds to it. I would say in this discussion we're arguing, as Howard Fineman said, over personhood and rights.

So, it's legitimate to talk about this. We shouldn't be shoved off somewhere into the corner and told, "You're not allowed here because you have a religious background." I say, "No. I'm not trying to bring my creed or my confession or denomination in here. I'm simply saying when you're talking about personhood, it's a legitimate public square discussion for legitimate public policy decisions."

I wanted to make that comment as we go forward. I don't know what the outcome will be, Mr. President, but those are my comments relative to this whole issue.

**Protecting unborn children who
are capable of experiencing pain by
prohibiting abortion after twenty weeks**

*(Adoption of Senator Palumbo's
amendment to Judiciary committee
amendment to Eng. House Bill No. 4588)*

**REMARKS OF
HONORABLE
HERB SNYDER**

Friday, March 7, 2014

SENATOR SNYDER: Thank you, Mr. President.

I want to talk, not so much to the members of the body but to the public, the listening audience, to those who will read the paper tomorrow or watch digital media or hear some of this as we go through this today and tomorrow. I believe, without exception, I'm speaking for all the members. This is a gut-wrenching debate.

I have five beautiful children and five grandchildren. No, six children—his, hers and ours, it's the Brady Bunch—and five grandchildren.

It's difficult. My personal choice has been life and my children have made that choice for my grandchildren. There's nothing more beautiful. Mr. President, you're an expecting father, you well know (as well as any of us) how wonderful and beautiful that is. Whether you're elected Senator or President of the Senate, nothing

takes the place of a beautiful child in your arms. I think we all want that. We all want that for everyone in America. We certainly want it for everyone in West Virginia.

Sometimes things go wrong. One of the most gut-wrenching committee meetings was in Judiciary yesterday. We had the physicians who deliver babies talk about some of the things that can go wrong. The Senator from Greenbrier told me that he almost had to leave the meeting. It was so gut-wrenching—what could go wrong with a child in the womb and have to make that decision.

It literally touched me more than any other debate here that I have ever been a part of because you don't know what to do. What would you do? What would you tell that mother? This is not an easy debate at all.

I guess the closest that I came to this in my own life was on July 11, 1992. My two-year-old son fell into the pool. We were all nearby, but he slipped into the pool and was under water for several minutes. He turned completely blue at two years old in the deep end of the pool. As soon as my children saw him, my older son dived in. I bounded over the fence and got him. Luckily, I had been a lifeguard and knew CPR and revived him.

It took almost, it seemed to me to be, a lifetime to get him to breathe. In fact, all I could think about at the time was, when I couldn't get him to breathe and after the ambulance had been called, was to keep breathing for him through CPR. I told my wife, between CPR strokes, to get the baby pool—small, four-foot, plastic pool—and fill it with everything in the freezer, dump water in it. I was going to put him in ice. That's all I could think about was to cool him down. That's all I could think about.

Luckily, when his body, two years old, blue, submerged into that water, he gasped.

At that moment, I prayed that I would trade my life in that instant for his. It didn't happen. He didn't suffer brain damage and, thank God, he lived.

So this is not an easy debate for any of us. We take it extremely serious. The guiding light that I looked at, and I appreciate what the Judiciary chair is doing, is men much wiser than I that have decided this in federal court and so forth. But, it is a gut-wrenching debate that none of us take lightly.

Mr. President, I wish the best for each one of you as you decide this issue. There is no malice on any of us—no member that I've talked to. It's just a very tough decision.

Thank you, Mr. President.

Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks

(Adoption of Senator Palumbo's amendment to Judiciary committee amendment to Eng. House Bill No. 4588)

REMARKS OF
**HONORABLE
SAMUEL J. CANN**

Friday, March 7, 2014

SENATOR CANN: Thank you, Mr. President.

I think, like many, my preference would be for it to just come up and no one speak. Vote up or down. I don't care what any of us says. All of us have already made up our minds.

This issue, this isn't the last time and it's not the first time it has come up. There's been a lot of emotion the last couple of days. I think there are many of us on this floor from many walks of life and some, such as myself, believe that this is a life. It's a human being. It's not a fetus. It's not a thing to me.

We're one of nine states that haven't done anything with this. We need to do something with this late-term action.

I can stand here and tell you that if I didn't speak up, my mother who has passed away, my wife and four daughters would all be upset with me because they believe that it's a life and they believe that we should protect it as much as we can.

We're not saying don't ever do this, don't ever have an abortion. What this bill says is that after five months, we know within a reasonable belief, that that small child feels pain. Let's just not do that. I mean, before that, you have every right you want. You can do it.

I think that everybody in this body doesn't want any doctor to be in jeopardy. I mean, the bill says, and this is any person who intentionally or recklessly performs is in violation. It says earlier in the bill that if you use reasonable judgment by a reasonable person, you are not.

I think it's reaching real hard. I think what this is trying to say is if there is a reasonable medical reason that this occurs, then no one's arguing with you. I think that's what this bill says. Now we could always argue about words and whether we should say more or should we say less. I think what this bill is trying to say, if you use reasonable judgment by a prudent person under prudent circumstances and you act in accordance with what you know as a doctor, there can be no penalty.

I applaud our Chair of Health for taking out those penalties because this isn't about penalties. It's about a life to me. If we don't protect the smallest and the weakest, then who will we protect? This is my conviction. I'm not putting it on anybody else. This is why I will support this legislation as I believe that this is a small life who has no one to speak for them, that is my voice.

Thank you.

Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks

(Adoption of Senator Palumbo's amendment to Judiciary committee amendment to Eng. House Bill No. 4588)

**REMARKS OF
HONORABLE
COREY PALUMBO**

Friday, March 7, 2014

SENATOR PALUMBO: Thank you, Mr. President. Real briefly, I'll close this debate.

It's real simple. I believe that this amendment to the bill will make an unconstitutional bill constitutional. It's just that simple.

There is no evidence or indication from courts around the country that what we're doing in this bill is constitutional. It is very clear from the 30 states or so that have passed bills like this in this form that my amendment would make it constitutional. We would be joining the vast majority of states that have legislation on the books like this.

No court in the country has found those kind of laws unconstitutional. But, every court that has looked at a bill like the one that is in front of us has found it to be unconstitutional.

My amendment would clearly take us from the unconstitutional position to the constitutional position. I urge adoption of it.

Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks

(Adoption of Judiciary committee amendment to Eng. House Bill No. 4588)

**REMARKS OF
HONORABLE
COREY PALUMBO**

Friday, March 7, 2014

SENATOR PALUMBO: Thank you, Mr. President.

Engrossed House Bill No. 4588 (*Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks*) is the bill that would prohibit abortions beyond 20 weeks after fertilization.

The Judiciary committee amendment would remove most of the findings, add a definition of nonmedically viable fetus, remove the definition of woman, adjust the reporting requirements, reduce the criminal penalties so that the violation would be a misdemeanor and remove the civil remedy section.

I urge adoption of the amendment.

**Relating to the West Virginia Tourism
Development Act**

*(Adoption of Finance committee
amendment to Eng. Com. Sub. for House
Bill No. 4184)*

REMARKS OF
**HONORABLE
CLARK S. BARNES
AND
HONORABLE
ROMAN W. PREZIOSO, JR.**

Friday, March 7, 2014

SENATOR BARNES: Would the chairman yield, please?

MR. PRESIDENT: Does the Senator from Marion yield? Senator yields.

SENATOR BARNES: Thank you, Mr. President.

Mr. Chairman, I'd just like to clarify the project itself. That is, this particular amendment would benefit the Justice family at The Greenbrier—is that correct? Is that not what we were told today?

SENATOR PREZIOSO: That's correct.

SENATOR BARNES: That is correct. Alright.

Do you have the figures on what the actual financial benefit would be to the Justice family?

SENATOR PREZIOSO: You're talking about the amendment?

SENATOR BARNES: Yes.

SENATOR PREZIOSO: Okay.

SENATOR BARNES: The amendment is what we're talking about, right?

SENATOR PREZIOSO: Okay, the amendment is a project—a medical facility. It's the intent, from what I understand in conversation today in the Finance committee, that this is going to be a world-class medical facility.

A doctor by the name of Dr. James Andrews has agreed to come down. I guess he's world-renowned for the work that he does with professional athletes and things of that sort.

From what I understand, the project to build the medical facility is \$90 million, of which \$80 million would be encumbered in this amendment over a 10-year period that he would receive back for the construction of this project.

SENATOR BARNES: I'm sorry, how much would be encumbered?

SENATOR PREZIOSO: Twenty-five percent of the qualified investment.

SENATOR BARNES: Do you have an actual amount? As I understand, the doctors who are coming down have no investment in this project. Is that correct?

SENATOR PREZIOSO: From what I understand, no they wouldn't.

SENATOR BARNES: Alright, so this is a Subchapter S corporation so any benefit that's received here is rolled back to the Justice family?

SENATOR PREZIOSO: From what I understand, it's a Chapter S for profit corporation called The Greenbrier Medical Institute.

SENATOR BARNES: Which is a Subchapter S corporation owned by the Justice family?

SENATOR PREZIOSO: I would imagine.

SENATOR BARNES: Alright, thank you. I think you've clarified it. Thank you.

REMARKS OF
HONORABLE
ERIK P. WELLS

Saturday, March 8, 2014

SENATOR WELLS: Thank you very much, Mr. President.

I'll tell everybody what I told the President. I'm upset and good people can agree to disagree but I did ask to speak to Engrossed House Bill No. 4588 (Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks) prior to the vote.

I know some folks were thinking I was going to pull a Wendy Davis. All the men in here know that women are a hell of a lot stronger than men and I would not have been able to pull that off.

What concerns me more than anything else is in eight years of being here It's interesting how we talk about West Virginia being fiftieth. Our friends on my side of the aisle over here will say, "Well, we just need Republicans in control." And, of course, the Democrats will say, "Well, we just need Democrats in control."

To me, what we really need are people willing to stand up and really vote their convictions. I realize even on this bill there are folks who are strongly behind it. But, I also know that, in the heart of hearts, for some of the members in this body, it was a political vote. It was not a policy vote.

It seems to me that the worst thing about politics today is the degree of how special

interests really do play a part. You've got to make sure that the right checkbox is checked, whether it's NRA, whether it's labor or business or pro-life, pro-choice. That's why West Virginia, in my mind, is fiftieth.

Instead of really bearing down on the issues at hand, whether it be poverty in West Virginia, lack of job training in West Virginia, the education system in West Virginia, but instead we want to focus on gays, abortion and guns. I just kind of wonder when that's going to change.

I had no intention of going the whole distance, but I did want to read *Roe v. Wade* to you because most of you haven't bothered to read it.

I even told people with West Virginia Free that if it was 24 weeks viability of the fetus and the mother's life, that's a reasonable thing for us to do and I would support it. But instead, we have gone and passed a bill that is probably going to be knocked down and will probably be challenged here as soon as it becomes law. And for what? Not policy, but for the next election coming up in November.

We're never going to get past 50 if we are more concerned about the next election than we are the next generation.

Thank you very much, Mr. President.

REMARKS OF
HONORABLE
DONALD H. COOKMAN

Saturday, March 8, 2014

SENATOR COOKMAN: Thank you, Mr. President.

I rise to discuss Engrossed House Bill No. 4588 (*Protecting unborn children*

who are capable of experiencing pain by prohibiting abortion after twenty weeks) that we just passed and to offer a different perspective to what we've done.

I, like all of you, I'm sure, received scores of e-mails, scores of telephone calls. We've been stopped in the hall, we've seen placards, we've seen signs indicating what we should do in regard to this bill.

But what I want to point out is that we're talking about children. We just happen to be talking about children in the womb. I haven't heard—no one has stopped me in the hall, no one has said anything to me at all, nobody has called me—anything about children outside the womb that have been born. I think we need to discuss this and think about it at this juncture in our legislative process.

I suspect that most of the people that contacted me had good intentions, but I also suspect that most of them really didn't know much about what actually happens to babies after they're born, after they come out of the other end of the birth canal. After being on the bench and as a Prosecuting Attorney for a total of 40-plus years, I've seen a lot of things regarding children that I think we overlooked while we debated this bill.

I think what we need to do is consider talking about the people who protest the loudest and get them to redirect their efforts to consider adoption, consider foster care, consider clothing, consider housing and, in general, consider protecting the children that are with us.

I've never seen an abortion performed. I don't ever want to see one. But I've seen a lot of things in the 40-plus years that I've discussed. I've seen a newborn baby strangled by her mother with her apron strings. I've seen a baby put into a garbage bag and thrown out with the trash.

I've seen babies born addicted to alcohol, to drugs of various sorts. I've seen babies who die as a result of being violently shaken or, at least, live a life of mental disability because of that. I've seen children have shock collars put around their necks and shocked by their parents as a form of discipline. I've seen children tied to trees as a form of discipline. I've seen children burned with cigarettes. I've seen children sexually abused. I've seen children starved. I've seen children cold. I've seen children with broken limbs, fractured skulls.

You look into the eyes of these children and they have hollow, hollow eyes. I wonder if these children were sitting in our places, in these 34 seats here today, how they would have voted on this bill. I venture to guess that many of them, if not all of them, would have said maybe abortion would have been the better route for me. Maybe it would have been simpler if I had been aborted and I wouldn't have suffered the various things that I've just mentioned to you. These children, these victims, if they were sitting here, I think they might have voted differently than how we voted.

When these things I just mentioned happened, I never received one phone call. I never received one e-mail. I never received one letter. I never had people marching up and down the street in front of the courthouse protesting what I had done in regard to these children or, more importantly, what had happened to these children. Nothing. Not a word did I hear from the various people that we've heard from in regard to this bill. No one ever threatened to vote me out of office. No one threatened to do anything to me or to my family.

I know that you believe as I do that our children are our most precious assets and we need to protect them both in and outside of the womb.

I would encourage you, no, I would implore you, to encourage your constituents that when they see a child neglected as I have they report it immediately as they're supposed to. I would implore you to encourage your constituents when they witness child neglect or abuse to not try to avoid testifying as I have seen time after time after time. I would implore you to encourage your constituents when they're asked to serve on a jury in regard to a child abuse or child neglect case to serve on that jury and not come up with lame excuses as to why you can't serve.

If there's a program in your community that helps children, such as CASA—I don't know if any of you are familiar with it, but CASA has just kind of faded away because of lack of funding, lack of support. If you see a program like that, I implore you to have your constituents get involved with it and keep it.

If you see a need in your community regarding children in any way, whether it's to feed them, clothe them, shelter them, I ask that you encourage your constituents to lend a helping hand, for them to get involved, to encourage foster care and adoption. We need to keep our eye on the ball. I encourage you to have your constituents keep their eye on the ball as well.

Children are not only just important while they're in the womb. They're our future. They are important to us after they get out of the womb when they're on this side of that birth canal as well.

I would ask that you encourage your constituents to join me in supporting and protecting our children in that fashion.

Thank you very much.

**Relating to the West Virginia Tourism
Development Act**

*(Passage of Eng. Com. Sub. for House Bill
No. 4184)*

**REMARKS OF
HONORABLE
CLARK S. BARNES**

Saturday, March 8, 2014

SENATOR BARNES: Thank you, Mr. President.

I rise in objection, not to this bill but to the amendment. I do not have a problem with the project per se, but I have a great problem with how this was accomplished.

We've heard a lot in the last few hours about this project and that's one of the problems. It's just been the last few hours. We have been here now for 60 days and on the 59th day, here we go with a project that is going to give tax credits of several million dollars to The Greenbrier through a Subchapter S corporation, which means that any profits that come from it are going to go right down to the Justice family.

You know, just two days ago, we struggled over whether or not we were going to give the poor folks that were making minimum wage a 25 cents an hour increase. Twenty-five cents an hour. We struggled over that. And yet, yesterday, we have a special meeting in the Finance committee so that we can give millions of dollars in tax breaks to one of the richest people in West Virginia.

Mr. President, I don't think that's right.

I am here today, I stand here 10 years after I took this seat because of this same type of stuff that went on before. I replaced a man who the voters of the Fifteenth Senatorial District were fed up with over

these last minute, last day, good ol' boy, let's roll it and let's take care of our friends. That's why I'm here.

I've heard all kinds of things today. I've heard rumors about ski slopes. I wonder what my people in Pocahontas County think about competing with a ski resort down in the next county. I don't think they would like it very much, but we haven't talked about that.

I don't think my people in Pendleton County will be very happy if I support a bill that's going to benefit a man who—yeah, we've been talking about jobs for a couple of days here, but all these jobs that are going to be created down here—the very man that killed a bill last year that would have created jobs for Pendleton County. You passed it out of the Senate. It went to the House. It had support. One man killed it. Hundreds of jobs for Pendleton County down the tubes because of one man—Jim Justice. And here we are today—we're going to give him more tax breaks.

You know what, I might have been for this project if you would have come in on day one with all the shiny brochures like they did last year for the golf course down in Pendleton County and the casino there and actually given us a presentation. But here, with two days left to go, we come in with lobbyists that are going to control the actions of this Senate. That's a shame.

This is the first time in 10 years I've had to stand up and say, my friends, I'm disappointed in you. I truly am disappointed in what we did yesterday and I am disappointed that we're even moving forward with this.

Thank you, Mr. President.

**Relating to the West Virginia Tourism
Development Act**

*(Passage of Eng. Com. Sub. for House Bill
No. 4184)*

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Saturday, March 8, 2014

SENATOR MILLER: Thank you, Mr. President.

I stand today to speak to this bill and, especially, about this amendment.

Ever since I can remember, in this state we have talked about jobs. Every one of us has had the same idea on how to create more jobs and more wealth for this state. We struggle every year to craft legislation that will help guide the state toward the possibilities of greater job and wealth creation.

Today, with this legislation, we are given an unbelievable opportunity to move our state forward with jobs and worldwide distinction.

How many of us in this body would jump at an opportunity to develop, possibly, a thousand jobs down the road for the State of West Virginia? I would hope that every one of us would do so.

How many of us would jump at the opportunity to be a world leader in a special field found right here in the Mountain State, where people can come from all over the world? I would hope that every one of us would do so.

How many of us would say, "Yes" to a project that would not only transform one county but it would transform a whole region of the state? I would hope that every one of us in this body would do so.

That, my friends, is exactly what we are doing with this bill.

I've heard the discussion on the amendment today and yesterday. I've heard what people have said about who owns The Greenbrier and how we're making special ways of providing for private wealth and I tell you that I could stand here for hours and tell you what this person at The Greenbrier has done for Southern West Virginia.

I can tell you how he has come about and been involved with children. I can tell you how he's been involved putting his own money in saving a world-renowned hotel that would have been closed if it had not been for him. I could tell you how he has a golf classic that he doesn't make money on. He puts his money in and it promotes the state in a tremendous fashion.

The Justice family is not a debate here. They have contributed millions to schools and projects and growth throughout the whole region of the state. He has not done so because he expects financial return. He has done so because he's an honorable West Virginian who fights hard for the state.

Many of you have heard me express before, probably until you're sick of it, my favorite Bible verse is Proverbs 29:18, where it says, "Where there is no vision, the people perish." Folks, this bill provides you with the best form to move forward. This bill provides us with a vision.

You're not being asked for a single dime out of a bad budget year. You are simply being asked to invest in the vision of what we can become and what we can do as a state. You're being asked to look forward. You're being asked to move forward with this vote. You're being asked today to vote about the future with vision to see what we can do and what we can become. I am not on Finance and I have not crafted

this legislation, but I believe that we have before us today a gift.

Let's take a vote in trying to not find a problem, but let's take a vote in working toward the future. Let's vote for this bill today so that we can say to those generations after us that we were one of those persons who changed the drift of our state. Let us say that we were the body who made this difference and we are the body who will make a difference in the State of West Virginia.

I implore you to support this legislation today.

West Virginia Project Launchpad Act

(Passage of Eng. Com. Sub. for House Bill No. 4343)

REMARKS OF HONORABLE SAMUEL J. CANN

Saturday, March 8, 2014

SENATOR CANN: Mr. President, thank you.

We have been talking about a lot of things and we've talked about jobs. This bill, I do believe, has the potential to reshape our future here in West Virginia.

The launchpad concept came out of a Vision Shared, which is joined by folks from business and folks from labor working together with concepts to move our economy forward.

This bill is a first step towards doing that. It allows cities and counties to apply to create a launchpad in their area, which is

approved by the Development Office, and the Governor would also approve it. There are a lot of good things. This will have the potential to set us forward.

This morning while watching the news, and you see it every morning if you watch those early morning news shows, I kept seeing startup.ny.gov. Come to New York and start your business. It doesn't even have to be a new business but we'll give you 10 years of free taxes. No taxes for 10 years. That's what we have to compete with. If we want these kinds of jobs and these kinds of businesses here, we need to take this first step.

I want to commend everybody who has worked on this. It's been around here for a long time. We passed it once in the Senate but couldn't get it through the House. The House has passed it but couldn't get it through here. I'm hopeful this year it gets done all the way.

Thank you, Mr. President.

REMARKS OF
HONORABLE
ERIK P. WELLS

Sunday, March 9, 2014

SENATOR WELLS: Thank you very much, Mr. President.

I just wanted to say that today is the final day of the sixty-day session and the last for our colleague—the Senior Senator from the Seventeenth.

I came here eight years ago and I had known the Senator before from my days as a reporter. I have just really enjoyed working with him. We have not always agreed, but most of the time we do.

I appreciate his confidence and certainly educating me about this process. He helped to temper me in terms of when things didn't go my way and you take things personally—as I think all new members probably do and then you learn that you battle in here. We all have different opinions but, at the end of the day, despite our arguments at times, I do believe that the people are really looking to do the best for West Virginia and the Senator from the Seventeenth has certainly demonstrated that.

I've really enjoyed serving these last eight years with you and I wish you, certainly, a lot of luck. I know you have a lot of plans and I hope they all come true for you.

Thank you.

REMARKS OF
HONORABLE
H. TRUMAN CHAFIN

Sunday, March 9, 2014

SENATOR CHAFIN: I wanted to also echo your colleague's remarks.

You know, it's only through caring and helping others that life's true success can be found. I've had the pleasure of serving with you for probably as long as anybody, since I have been here longer than anybody.

But, you know, ladies and gentlemen, Senator McCabe and Senator Jenkins, both, are very intelligent individuals.

We had a real crisis, a real crisis in workers' compensation a few years ago when President Tomblin was President. I was Majority Leader and we had a long conference on how to resolve it because it was just almost impossible. Labor was

on one side and business on the other and, Mr. President, you remember how they had bloody hatchets. I mean it was just really tense.

It was difficult to find a solution. Do you know who we turned to? We turned to the Senator from Kanawha. He undertook the very difficult, almost impossible task of trying to work that out so this state could move forward. You did that.

A lot of people remember it. A lot of people probably don't. But you're a very caring individual and you're a great family man. I just wanted to let you know that I appreciate you and I know a lot of people appreciate you.

And the Senator from Cabell, nobody is more intelligent than you. I've watched you on Judiciary. You're absolutely brilliant. You've made amendments. You've made remarks. You've changed the whole flow of legislation when it was going one direction and we'd hear your insight and it would totally go a different direction. That's acumen, that's insight, that's intelligence. You've added a lot to this Senate.

You both are going to be greatly missed. I've really enjoyed serving with both of you. God bless you.

REMARKS OF
**HONORABLE
LARRY J. EDGELL**

Sunday, March 9, 2014

SENATOR EDGELL: Senator from Kanawha, 16 years ago we came here in a class of five and now you're leaving us. There are only two of us left.

I remember our days of huddling together

up in the little place that I had for an office in those days. Week after week we would talk and we would all listen to you because you knew what was going on from the beginning and the rest of us were a bunch of rookies.

So, I am really, really going to miss you.

Thank you so much.

REMARKS OF
**HONORABLE
SAMUEL J. CANN**

Sunday, March 9, 2014

SENATOR CANN: Senator from Kanawha, congratulations on a wonderful career here.

I told you as you got up to go down there that maybe we'll have to talk to Clerk Minard and see if we can't find you a job so maybe you can come back and keep us in line next year.

But, we've been through a few battles. For some of them, I was opposite of you but we've accomplished a bunch of good things and I appreciate all those times. We've worked through workers' compensation, through medical malpractice, through several of those kinds of things, workforce development, we could go on and on, you and I both know.

But, congratulations. Enjoy life after this. It's probably more enjoyable. Enjoy your family. Enjoy wherever you go.

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Sunday, March 9, 2014

SENATOR PLYMALE: Thank you, Senator from Kanawha.

It's been a pleasure serving with you and I really appreciate all the insight you've given.

Also, I would like to say to the Senator from Cabell, we've gone through a lot of things. Huntington has gone through a major transformation with many of the things we have done from Pullman Square and other significant projects. I've enjoyed serving with you and good luck.

REMARKS OF
**HONORABLE
RON D. STOLLINGS**

Sunday, March 9, 2014

SENATOR STOLLINGS: Thank you, Senator from Kanawha.

I think back before I came to this body. Having served with various education or economic development issues, I had certainly come in contact with you—everything from metro government and all the other visionary things. I have seen you be at the point of the arrow.

It's certainly with regret that I see you've made a change from coming here to this chamber and joining us to maybe writing books or some other visionary projects.

But, we, the State of West Virginia, has benefitted greatly from your vision, your eloquence, your ability to bring people together—here in the capital city. We're going to miss you and we're going to miss the Senator from Cabell as well.

The Senator from Cabell and I have had a relationship. Many people know I was President of the State Medical Association back in 2002-2003 and lots of things were happening.

The Senator and I worked together, arm in arm, to try to make access to care a better issue. We've talked about various public health issues and have certainly been through some battles together. Again, it's with a heavy heart that you're not going to be here.

I hope that whoever replaces you two have near the IQ that you both have because there is certainly a potential for brain drain here.

You both truly bring a lot to the Senate. I have certainly enjoyed and have grown from and been mentored by the both of you.

And again, what I urge you to do is don't be silent. We in this room here listen to people with great ideas. I will continue to listen to you and I appreciate you bringing ideas to us.

REMARKS OF
**HONORABLE
MIKE HALL**

Thursday, March 13, 2014

SENATOR M. HALL: Thank you, Mr. President.

I'd just like to take a couple of minutes of the Senate's time and talk about an issue that surfaced in our area of Hurricane and it's also true, I think, around the valley.

You know, some things are understandable. They are going to happen. When the water crisis occurred, there was a

cleanup. What was not told was where all that material was going to go.

I've just talked to the Mayor of the City of Hurricane and several citizens who live down there. I have in my possession all the permits that were given to (actually, the application for a minor permit modification) Freedom Industries to take, literally, thousands of gallons of water, some of which do have some residual of the chemical that smells like licorice to the Waste Management landfill in Hurricane.

I guess that was to be expected. We had to think that this material would have to be sent somewhere. As the official representing the area and the others who do, it would have been nice to know in advance and for the citizens to know in advance and even the city (who didn't know in advance because they don't have to). I introduced you all to Ben Newhouse the other day. He sent me an e-mail this morning saying they would like a bill that would at least give the cities and other utility providers the opportunity to review special waste permits and have a comment period. Certain things have been brought into the landfill without their knowledge.

Now, we don't have any belief that that water will seep out into the system itself but there are citizens that live around that landfill. We had a really nice day yesterday. It was warm and sunny and there was an odor all over that area.

So, I just say to those who are listening that the folks in my area are upset about this, at least about the lack of knowledge as to what would happen. I understand there are other landfills that have been utilized.

I just couldn't let the day go past, Mr. President, without at least commenting to let the folks down home and around the area know that we have now been informed. There have been news stories out there about it.

I just want to let them know that we here in the Senate are at least listening to what they're having to say.

Thank you, Mr. President.

Budget Bill

*(Passage of Eng. Com. Sub. for
Senate Bill No. 306)*

**REMARKS OF
HONORABLE
CRAIG BLAIR**

Friday, March 14, 2014

SENATOR BLAIR: Thank you, sir.

I rise today in opposition to the budget. Not because of the work that's been done to create this budget but because of the work that hasn't been done.

The other day, I rose on the last night of session. We have all these buckets here. There's a bucket sitting on my desk. We are fighting over change right now and have been doing that.

There is an opportunity in this state to get it right. At least to be able to look and see where we can actually go out and save money without hurting anybody. And what it is is the West Virginia prevailing wage.

Look, I'm not opposed in any way to our employees making a true wage. But there is something absolutely wrong in this state when you have, for instance, a plumber that makes \$35 an hour, but when you go to the U. S. Bureau of Labor Statistics it's \$22 an hour. That has the prevailing, West Virginia's prevailing wage is calculated into it.

We spend millions and millions and millions of dollars a year in prevailing wage cases. I'm going to give two examples. One is in 2013—the School Building Authority—\$57.5 million. In 2012—\$47.5 million. At the minimalist estimates, it's 25 percent wasted. I just showed you those numbers. If you would like to go online, feel free to do so. Go look at what West Virginia's prevailing wage is for a bricklayer. Go look and see what it is for a construction worker and then go to the U. S. Bureau of Labor Statistics and see what those numbers are.

Now, this just doesn't affect our budget and how we go about spending money in the state. It affects every municipality. It affects every county. It affects every school board.

We've got to get this right. We have an obligation to the taxpayers and our citizens to get it right. We haven't done that yet. Behind the scenes, it's the most amazing thing. I have talked to people throughout government. They say, "Yeah, we know we have a problem but we just can't seem to get it fixed."

Now, I'm going to give you another example. This is one of the most egregious ones. In my county, our Powerball winner, the two-term Democratic chair, Randy Smith (he was a magistrate as well), won the Powerball and then, in the south end of the county, he wanted to donate \$1.5 million for the Parks and Recreation Center to be built there. Well, they were going to build it on school grounds. In the Eastern Panhandle, we try to keep everything in complexes so that it works out. So they were going to build it on a piece of ground on school property. It ended up, because of prevailing wage, costing \$600,000 more. It would have never happened if we couldn't have went back to the Powerball winner and begged him for another \$600,000 to get the job done. We didn't come to the state for it, but many, many, many times we do.

I believe that the Sissonville Fire Department was an issue not too long ago. We had something going on at Concord University.

We have built a lot of schools in the Eastern Panhandle because of the growth. My superintendent of schools has said to me many times, over and over, "For every three schools we build, we could build a fourth one." That would put more money back into the budget for every one of our areas to have better improved schools.

Again, I can't stress this enough, I'm not against a West Virginia worker making a good wage. That's probably one of the main reasons why I'm here. But to have one that is artificially inflated way above the amount, it is actually hurting everybody and picking out a few select winners and losers. In government we have no business doing that. For that reason today, I am going to vote against this budget.

I tried to amend it the other night. It failed and rightfully so. It was late in the game. But we have to get this taken care of. I beg you, somewhere along the line, to please step forward with me and look at getting this calculated to the true prevailing wage. Not eliminating it, but true prevailing wage. That's the most important thing that we could do.

Thank you, Mr. President, for giving me the opportunity to give my bucket speech.

SENATE ABSTRACT INDEX

1. Senate Bills Passed by Legislature (total of 96)	2730-2741
2. Senate Concurrent Resolutions Adopted by Legislature (total of 24)	2741-2743
3. House Bills Passed by Legislature (total of 105)	2743-2756
4. House Joint Resolutions Adopted by Legislature (total of 1)	2756
5. House Concurrent Resolutions Adopted by Legislature (total of 57)	2756-2761
6. Senate Bills Vetoed by Governor, Amended, Repassed Legislature, Approved by Governor	2761
7. Senate Bills Vetoed by Governor	2761
8. House Bills Vetoed by Governor, Amended, Repassed Legislature, Approved by Governor	2761-2762
9. House Bills Vetoed by Governor	2762
10. Senate Bills Introduced	2762-2832
11. Senate Joint Resolutions Offered	2832-2834
12. Senate Concurrent Resolutions Offered	2834-2847
13. Senate Resolutions Offered	2847-2852
14. Senate Bills Communicated to House	2852-2860
15. Senate Joint Resolutions Communicated to House	2860
16. Senate Concurrent Resolutions Communicated to House	2860-2863
17. House Bills Communicated to Senate	2863-2890
18. House Joint Resolutions Communicated to Senate	2890
19. House Concurrent Resolutions Communicated to Senate	2891-2904
20. Topical Index of Senate Bills	2905-2943

HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

3. By Sen. Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells, Miller, McCabe, Tucker and M. Hall - **Creating Uniform Real Property Transfer on Death Act** (original same as H. B. No. 4011 - similar to H. B. No. 2488) - Passed 3/7/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 181, Acts, Regular Session, 2014
- *12. By Sen. Stollings - **Relating to expedited partner therapy treatment** - Passed 3/8/2014 - To Governor 3/21/14 - Vetoed by Governor 3/25/14
- *58. By Sen. Cookman, Miller, Plymale and Fitzsimmons - **Relating to basis for voidable marriages and annulments** - Passed 3/5/2014 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 42, Acts, Regular Session, 2014
88. By Sen. Laird and Plymale - **Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 94, Acts, Regular Session, 2014
- *90. By Sen. Laird, Cookman and Fitzsimmons - **Creating criminal offense for interfering or preventing call for assistance of emergency service personnel** - Passed 3/5/2014 - To Governor 3/13/14 - Approved by Governor 3/18/14 - Chapter 34, Acts, Regular Session, 2014
- *133. By Sen. Snyder - **Authorizing DEP promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 107, Acts, Regular Session, 2014
- *140. By Sen. Snyder - **Authorizing Department of Commerce promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 114, Acts, Regular Session, 2014
- *155. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 109, Acts, Regular Session, 2014

- *165. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Passed 3/7/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 112, Acts, Regular Session, 2014
- *167. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 111, Acts, Regular Session, 2014
- *181. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 106, Acts, Regular Session, 2014
- *196. By Sen. Snyder - **Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board** - Passed 3/7/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 108, Acts, Regular Session, 2014
202. By Sen. Unger - **Creating Benefit Corporation Act** - Passed 3/7/2014; Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 17, Acts, Regular Session, 2014
- *204. By Sen. Unger and Kessler (Mr. President) - **Relating to crime victims compensation awards** - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 31, Acts, Regular Session, 2014
209. By Sen. Beach, Miller, Cookman, Walters and Fitzsimmons - **Allowing special needs students to participate in graduation ceremonies** - Passed 3/6/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 55, Acts, Regular Session, 2014
- *252. By Sen. Palumbo and Nohe - **Allowing certain expelled students to return to school through Juvenile Drug Court** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 100, Acts, Regular Session, 2014
- *253. By Sen. Palumbo and Laird - **Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 58, Acts, Regular Session, 2014
- *267. By Sen. Palumbo, Kessler (Mr. President), Cookman and Fitzsimmons - **Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 89, Acts, Regular Session, 2014

- *306. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Budget Bill** (original same as H. B. No. 4015) - Passed 3/14/2014; Effective from passage - To Governor 3/19/14 - Approved by Governor with deletions and reductions 3/19/14 - Chapter 13, Acts, Regular Session, 2014
- *307. By Sen. Cann, Williams, Cookman and Palumbo - **Relating to pretrial management of persons charged with committing crimes** - Passed 3/8/2014 - To Governor 3/14/14 - Vetoed by Governor 3/14/14 - Senate amended, repassed to meet objections of Governor 3/14/14 - House concurred in Senate amendment 3/14/14 - Repassed House to meet the objections of the Governor 3/14/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 38, Acts, Regular Session, 2014
314. By Sen. Williams and Sypolt - **Appropriating hotel occupancy tax proceeds to counties with no more than one hospital** (original similar to H. B. No. 4249) - Passed 3/5/2014 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 86, Acts, Regular Session, 2014
- *315. By Sen. Wells - **Clarifying use of certain funds under Military Authority Act** - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 119, Acts, Regular Session, 2014
- *317. By Sen. Unger, Nohe, Kessler (Mr. President), D. Hall, Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird, Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder - **Relating to municipal firearm laws** (original similar to H. B. No. 2760 and H. B. No. 4288) - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/25/14 - Chapter 129, Acts, Regular Session, 2014
- *322. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing state compensate officials, officers and employees every two weeks with certain exceptions** (original same as H. B. No. 4150) - Passed 3/5/2014; Effective July 1, 2014 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 146, Acts, Regular Session, 2014
325. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing State Fire Marshal serve at will and pleasure of Fire Commission** (original same as H. B. No. 4153) - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 68, Acts, Regular Session, 2014
327. 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. 4174) - Passed 3/4/2014; Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 174, Acts, Regular Session, 2014

328. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Terminating Strategic Research and Development Tax Credit** (original same as H. B. No. 4148) - Passed 3/4/2014; Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 169, Acts, Regular Session, 2014
331. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes** (original same as H. B. No. 4158) - Passed 3/5/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 171, Acts, Regular Session, 2014
341. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services** (original same as H. B. No. 4176) - Passed 2/5/2014; Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 15, Acts, Regular Session, 2014
346. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services** (original same as H. B. No. 4181) - Passed 1/29/2014; Effective from passage - To Governor 2/4/14 - Approved by Governor 2/4/14 - Chapter 14, Acts, Regular Session, 2014
350. By Sen. Miller, Stollings, Snyder, Plymale, Laird, D. Hall, Unger and Beach - **Relating to Rural Rehabilitation Loan Program** - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 1, Acts, Regular Session, 2014
- *353. By Sen. Williams, Beach, D. Hall, Miller, Sypolt, Stollings, Tucker and Plymale - **Relating to timber theft from state forests** (original same as H. B. No. 4202) - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 69, Acts, Regular Session, 2014
- *356. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to purchasing reform** (original same as H. B. No. 4185) - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 151, Acts, Regular Session, 2014
- *357. By Sen. Williams, Beach, D. Hall, Miller, Sypolt, Plymale and Tucker - **Relating to Logging Sediment Control Act civil and criminal penalties** (original same as H. B. No. 4201) - Passed 3/7/2014 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 70, Acts, Regular Session, 2014

359. By Sen. Beach, Palumbo, Cann, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Carmichael, Nohe, Walters, Plymale, Stollings and Snyder - **Reducing number of precincts for manual count in post-election canvass** (original same as H. B. No. 4198) - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 60, Acts, Regular Session, 2014
- *365. By Sen. Miller, Snyder and Williams - **Relating to administration of Conservation Agency programs** - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 4, Acts, Regular Session, 2014
- *373. By Sen. Unger, Kessler (Mr. President), Palumbo, Plymale, Laird, Yost, Miller, Prezioso, Fitzsimmons, Wells, Cann, Chafin, Tucker, Stollings, Cookman and Snyder - **Relating to water resources protection** (original similar to H. B. No. 4255, H. B. No. 4285 and S. B. No. 355) - Passed 3/8/2014 - To Governor 3/17/14 - Approved by Governor 4/1/14 - Chapter 187, Acts, Regular Session, 2014
375. By Sen. Cann and Snyder - **Excluding certain real and personal property from TIF assessment** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/27/14 - Chapter 162, Acts, Regular Session, 2014
- *376. By Sen. Yost, Fitzsimmons, Kessler (Mr. President) and Wells - **Requiring certain construction workers complete OSHA safety program** (original similar to H. B. No. 4353) - Passed 3/8/2014; Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 103, Acts, Regular Session, 2014
- *378. By Sen. Cookman - **Relating to special speed limitations as to waste service vehicles** - Passed 3/5/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 178, Acts, Regular Session, 2014
380. By Sen. Beach and Stollings - **Redefining "all-terrain and utility terrain vehicles"** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 125, Acts, Regular Session, 2014
- *383. By Sen. Tucker, Barnes, D. Hall and Snyder - **Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages** (original same as H. B. No. 4116) - Passed 3/7/2014; Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 25, Acts, Regular Session, 2014
- *387. By Sen. Cole, Blair, Carmichael, D. Hall, M. Hall, Jenkins, McCabe, Walters, Williams and Nohe - **Clarifying duly authorized officers have legal custody of their prisoners while in WV** - Passed 3/6/2014 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 149, Acts, Regular Session, 2014

- *391. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing salary increase for teachers and school service personnel** (original same as H. B. No. 4261 - similar to S. B. No. 303) - Passed 3/8/2014; Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 158, Acts, Regular Session, 2014
- *393. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing Governor may borrow revenue shortfall reserve funds prior to April 1, 2014** (original same as H. B. No. 4282) - Passed 3/8/2014; Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 156, Acts, Regular Session, 2014
394. By Sen. Laird, Stollings, Plymale, Wells, Beach, Chafin, Tucker, Boley, Carmichael and Jenkins - **Redesignating Health Sciences Scholarship Program as Health Sciences Service Program** (original same as H. B. No. 4296) - Passed 3/6/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 84, Acts, Regular Session, 2014
- *395. By Sen. Palumbo - **Relating to operation and oversight of certain human services benefit programs** (original same as H. B. No. 4297) - Passed 3/8/2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 188, Acts, Regular Session, 2014
- *397. By Sen. Williams, Laird, Unger, Tucker, Plymale, Palumbo and Stollings - **Expanding scope of activities considered financial exploitation of elderly** - Passed 3/8/2014 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 33, Acts, Regular Session, 2014
402. By Sen. Prezioso, Edgell and Plymale - **Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment** (original same as H. B. No. 4397) - Passed 2/20/2014 - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 166, Acts, Regular Session, 2014
403. By Sen. Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Miller and Beach - **Regulating importation and possession of certain injurious aquatic species** (original same as H. B. No. 4293) - Passed 3/7/2014 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 189, Acts, Regular Session, 2014
- *405. By Sen. Cookman, Miller and Plymale - **Allowing presiding judge to release juror qualification forms after trial's conclusion** - Passed 3/5/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 97, Acts, Regular Session, 2014

- *408. By Sen. Plymale - **Relating to parole** (original same as H. B. No. 4313) - Passed 3/5/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 136, Acts, Regular Session, 2014
- *414. By Sen. Prezioso, Edgell and Plymale - **Redirecting nonprobate appraisal filings** (original same as H. B. No. 4398) - Passed 3/8/2014; Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 167, Acts, Regular Session, 2014
- *416. By Sen. Prezioso and Edgell - **Relating to tentative appraisals of natural resources property** (original same as H. B. No. 4470) - Passed 3/4/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 165, Acts, Regular Session, 2014
- *425. By Sen. Stollings and Edgell - **Relating to licensure, supervision and regulation of physician assistants** (original similar to H. B. No. 4289) - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 142, Acts, Regular Session, 2014
426. By Sen. Plymale - **Relating to appointments to certain higher education commissions, councils and boards** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Vetoed by Governor 3/31/14
- *427. By Sen. Beach - **Relating to motor vehicle insurance** (original similar to H. B. No. 2990) - Passed 3/8/2014 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 128, Acts, Regular Session, 2014
- *431. By Sen. Beach - **Relating to issuance and renewal of certain driver's licenses and federal ID cards** - Passed 3/7/2014 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 44, Acts, Regular Session, 2014
- *434. By Sen. Beach - **Eliminating revocation period for certain DUI offenders** (original similar to H. B. No. 4377) - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/28/14 - Chapter 126, Acts, Regular Session, 2014
- *439. By Sen. Fitzsimmons, Kessler (Mr. President), Beach, Edgell and Yost - **Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District** (original same as H. B. No. 4247) - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 27, Acts, Regular Session, 2014
443. By Sen. Kirkendoll, Cann, Edgell and Carmichael - **Relating to SPRS** (original same as H. B. No. 4345) - Passed 2/19/2014; Effective from passage - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 155, Acts, Regular Session, 2014

444. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to PERS** (original same as H. B. No. 4364) - Passed 2/19/2014; Effective from passage - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 153, Acts, Regular Session, 2014
- *450. By Sen. Walters, Blair, Carmichael, McCabe, Palumbo and Wells - **Relating to sale and consumption of alcoholic beverages in certain outdoor settings** (original similar to H. B. No. 4436) - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/27/14 - Chapter 6, Acts, Regular Session, 2014
452. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to TRS annuity calculation of member with reciprocal service credit** (original same as H. B. No. 4366) - Passed 2/19/2014 - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 154, Acts, Regular Session, 2014
454. By Sen. Miller, Cookman, D. Hall, Laird, Tucker, Williams and Snyder - **Defining dam "owner"** - Passed 3/8/2014 - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 64, Acts, Regular Session, 2014
456. By Sen. Stollings - **Extending expiration date for health care provider tax on eligible acute care hospitals** - Passed 3/6/2014; Effective from passage - To Governor 3/13/14 - Approved by Governor 3/19/14 - Chapter 175, Acts, Regular Session, 2014
457. By Sen. Cookman, Miller, Laird, Plymale, Kessler (Mr. President), Tucker and Snyder - **Requiring programs for temporarily detained inmates in regional jails** (original similar to H. B. No. 4338) - Passed 3/6/2014 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 26, Acts, Regular Session, 2014
- *458. By Sen. Kessler (Mr. President), Barnes, Fitzsimmons, Kirkendoll, Walters, Laird, Yost, Cookman and Stollings - **Dedicating certain circuit court fees to fund low-income persons' civil legal services** (original same as H. B. No. 4348 - similar to H. B. No. 4125) - Passed 3/8/2014; Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 28, Acts, Regular Session, 2014
460. By Sen. Miller, Laird, Unger, Beach, Snyder, Stollings and Jenkins - **Permitting School of Osteopathic Medicine invest certain moneys in its foundation** (original same as H. B. No. 4435) - Passed 3/4/2014 - To Governor 3/7/14 - Approved by Governor 3/7/14 - Chapter 147, Acts, Regular Session, 2014
- *461. By Sen. Kessler (Mr. President), Williams, Tucker, Plymale, Stollings, Snyder, Cookman, Palumbo, Fitzsimmons, Beach, Yost, Miller, D. Hall, Jenkins, McCabe,

- Wells, Edgell, Barnes, Blair, Boley, Cann, Chafin, Kirkendoll, Laird, Nohe, Prezioso, Sypolt, Unger, Walters, Green and M. Hall - **Creating Future Fund** - Passed 3/8/2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 71, Acts, Regular Session, 2014
- *469. By Sen. Miller, Yost, Wells, Carmichael, Snyder, Nohe, Williams, Jenkins, D. Hall, Edgell, Stollings, Laird and Sypolt - **Creating Veterans and Warriors to Agriculture Program** (original same as H. B. No. 4439) - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/27/14 - Chapter 2, Acts, Regular Session, 2014
470. By Sen. Cookman, Miller, Snyder, Fitzsimmons, Williams, D. Hall and Stollings - **Providing completed grand jury questionnaires are confidential** - Passed 3/4/2014 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 98, Acts, Regular Session, 2014
- *477. By Sen. Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings - **Providing teachers determine use of time during planning period** - Passed 3/8/2014 - To Governor 3/27/14 - Vetoed by Governor 4/1/14
483. By Sen. Laird, Plymale, Miller and Stollings - **Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology** (original same as H. B. No. 4420) - Passed 3/6/2014; Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 81, Acts, Regular Session, 2014
485. By Sen. Kirkendoll, Beach, D. Hall, Miller, Snyder, Barnes, Stollings and Plymale - **Exempting DOH from certain permitting requirements of Natural Streams Preservation Act** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 132, Acts, Regular Session, 2014
- *486. By Sen. Snyder, Unger, Kessler (Mr. President), Williams, Wells, Miller, D. Hall, Jenkins, Green and Barnes - **Establishing certain salary increases for State Police civilian and forensic lab employees** (original same as H. B. No. 4408 - similar to S. B. No. 63) - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 160, Acts, Regular Session, 2014
- *499. By Sen. Kirkendoll, McCabe, Edgell, Cann, M. Hall, Carmichael, Plymale, Palumbo and Nohe - **Making Prudent Investor Act primary standard of care for Investment Management Board** (original same as H. B. No. 4492) - Passed 3/3/2014 - To Governor 3/7/14 - Approved by Governor 3/13/14 - Chapter 148, Acts, Regular Session, 2014

- *507. By Sen. Snyder and Plymale - **Relating to Board of Barbers and Cosmetologists** - Passed 3/8/2014; Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 144, Acts, Regular Session, 2014
- *523. By Sen. Green, D. Hall, Facemire, Laird, McCabe, Miller, Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and Stollings - **Providing for additional state veterans skilled nursing facility in Beckley** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 184, Acts, Regular Session, 2014
- *535. By Sen. Tucker, Laird, D. Hall and Miller - **Clarifying definition of "ginseng"** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 72, Acts, Regular Session, 2014
547. By Sen. Palumbo, Beach and Nohe - **Relating to number of municipal wards or election districts and council members** - Passed 3/10/2014 - Effective ninety days from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 130, Acts, Regular Session, 2014
- *553. By Sen. Edgell, Fitzsimmons, Cookman, Yost and Beach - **Relating to certificates of nomination for elected office** (original same as H. B. No. 4491) - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 61, Acts, Regular Session, 2014
558. By Sen. Facemire, Edgell and Blair - **Finding and declaring certain claims against state** - Passed 3/6/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 20, Acts, Regular Session, 2014
572. By Sen. Tucker, Fitzsimmons and Edgell - **Relating to financing statements covering as-extracted collateral or timber to be cut** (original same as H. B. No. 4521) - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 180, Acts, Regular Session, 2014
- *574. By Sen. Tucker, Fitzsimmons and Edgell - **Clarifying mobile home permanently attached to real estate is not personal property under certain conditions** (original same as H. B. No. 4517) - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 164, Acts, Regular Session, 2014
- *579. By Sen. Unger, Cookman, Edgell, Laird, Miller, Palumbo, Snyder, Stollings and Kessler (Mr. President) - **Creating Land Reuse Agency Authorization Act** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 88, Acts, Regular Session, 2014

585. By Sen. Palumbo - **Removing unconstitutional language regarding access to rail lines** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 152, Acts, Regular Session, 2014
586. By Sen. Palumbo - **Removing unconstitutional language regarding jurors and verdicts in certain civil litigation** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 99, Acts, Regular Session, 2014
- *600. By Sen. Yost, Snyder, Miller, Laird, Edgell and Fitzsimmons - **Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties** (original similar to H. B. No. 4583) - Passed 3/6/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 131, Acts, Regular Session, 2014
601. By Sen. Palumbo - **Relating to property assessment appeals** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 163, Acts, Regular Session, 2014
- *602. By Sen. Stollings, Beach, Jenkins and Laird - **Requiring health care providers wear ID badges** - Passed 3/6/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 74, Acts, Regular Session, 2014
- *603. By Sen. Kirkendoll, Stollings, Miller, Facemire, Cann, Edgell, Green, D. Hall, McCabe, Unger, Kessler (Mr. President), Plymale and Jenkins - **Relating to testing for presence of methane in underground mines** (original similar to H. B. No. 4551) - Passed 3/6/2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 122, Acts, Regular Session, 2014
- *619. By Sen. Tucker - **Exempting certain critical access hospitals from certificate of need requirement** - Passed 3/8/2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 76, Acts, Regular Session, 2014
- *621. By Sen. Fitzsimmons, Kessler (Mr. President), Edgell, Yost and Cookman - **Authorizing insurers offer flood insurance** - Passed 3/7/2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 96, Acts, Regular Session, 2014
- *623. By Sen. Palumbo, Tucker and Snyder - **Requiring notification of certain substance abuse screening of mine personnel** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 121, Acts, Regular Session, 2014
631. By Sen. Snyder (Originating in Senate Government Organization) - **Extending time for Fayetteville City Council to meet as levying body** - Passed 3/8/2014;

Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 192, Acts, Regular Session, 2014

SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

- *1. By Sen. Barnes and Tucker - **Requesting DOH name Becky's Creek Bridge, Randolph County, "U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge"** - Adopted 2/28/14
- *2. By Sen. Cann and Yost - **Requesting DOH name bridge in Harrison County "U. S. Navy Petty Officer First Class Kevin S. Rux Memorial Bridge"** - Adopted 2/24/14
- *3. By Sen. Cann and Yost - **Requesting DOH name bridge in Gypsy, Harrison County, "U. S. Navy Seaman First Class Sam Lopez Bridge"** - Adopted 2/24/14
4. By Sen. Cann and Yost - **Requesting DOH name new bridge crossing West Fork of Monongahela River at Shinnston "Veterans Memorial Bridge"** - Adopted 2/24/14
5. By Sen. Wells, McCabe, Palumbo, Walters, Yost and Stollings - **Requesting DOH name bridge in Kanawha County "Army PFC William Floyd Harrison Memorial Bridge"** - Adopted 2/24/14
7. By Sen. Beach, Unger, Kessler (Mr. President), Miller, Williams, Jenkins, Prezioso, Wells, D. Hall, Stollings and Cann - **Requesting Star City interchange on I-79 in Morgantown be named "Michael A. Oliverio, Sr., Interchange"** - Adopted 1/22/14
- *8. By Sen. Cann, Stollings, Plymale and Wells - **Requesting DOH name bridge in West Milford, Harrison County, "USMC Cpl. Gene William Somers, Jr., Memorial Bridge"** - Adopted 2/24/14
- *9. By Sen. Cookman, Stollings, Plymale, Wells and Jenkins - **Requesting DOH name portion of U. S. Rt. 522 "Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway"** - Adopted 2/24/14
- *10. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name bridge in Switzer, Logan County, "U. S. Army Cpl. James Melvin 'Pete' Spradlin Memorial Bridge"** - Adopted 2/24/14

- *11. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name bridge in Logan “U. S. Army Major Thomas McElwain Memorial Bridge”** - Adopted 2/24/14
- *15. By Sen. Plymale, Beach, Stollings, Jenkins and Edgell - **Requesting DOH name bridge on Rt. 2, Cabell County, “U. S. Army PFC Homer 'Clyde' Farley and U. S. Army PFC Max O. Farley Memorial Bridge”** - Adopted 3/6/14
- *17. By Sen. Laird, Miller, Unger, Plymale, Stollings, Cole and Jenkins - **Requesting DOH name bridge in Greenbrier County “U. S. Army Sgt. James Lee Holcomb Memorial Bridge”** - Adopted 3/6/14
- *19. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name bridge in Lincoln County “U. S. Army Sergeant Paul Norman Chapman Memorial Bridge”** - Adopted 3/6/14
- 20. By Sen. Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall - **Recognizing value and importance of state's innovation industry** - Adopted 3/6/14
- *21. By Sen. Green, Stollings, Cole, D. Hall and Jenkins - **Requesting DOH name bridge in Raleigh County “U. S. Army PFC Shelby Dean Stover Memorial Bridge”** - Adopted 3/6/14
- 22. By Sen. Cookman, Plymale and Blair - **Requesting DOH name section of Rt. 901 “Deputy John L. Burkett III Memorial Highway”** - Adopted 3/4/14
- 27. By Sen. Unger, Kessler (Mr. President), Stollings, Plymale, Laird, McCabe, Prezioso, Yost, Wells, Miller, Cookman, Palumbo and Jenkins - **Urging President and Congress establish provisions to prevent and respond to chemical spills in state and national waters** - Adopted 3/6/14
- *28. By Sen. Kirkendoll, Stollings, Unger and Jenkins - **Requesting DOH name road in Logan County “Joshua Walls Memorial Highway”** - Adopted 3/8/14
- 32. By Sen. Beach, Unger, Kessler (Mr. President), Stollings and Plymale - **Requesting DOH name bridge in Calhoun County “U. S. Army Sergeant Robert Odell Orders Memorial Bridge”** - Adopted 2/19/14
- *41. By Sen. Chafin, Stollings, Jenkins, D. Hall and Cole - **Requesting DOH name portion of Rt. 83 in McDowell County “U. S. Army MSGT Joe C. Alderman Memorial Road”** - Adopted 3/8/14

- *44. By Sen. Prezioso, Stollings, Kessler (Mr. President), Cann, Beach and Edgell - **Requesting DOH name bridge in Marion County “Sheriff Junior Slaughter Memorial Bridge”** - Adopted 3/6/14
- *50. By Sen. Miller, Laird, Plymale, Jenkins, Green, Cole, Unger and Wells - **Requesting DOH name portion of State Rt. 20, Hinton, Summers County, “USMC Sgt. Mecot E. Camara Memorial Highway”** - Adopted 3/8/14
- *52. By Sen. Wells, Kessler (Mr. President), Plymale, Jenkins, D. Hall, Green, Edgell, Cookman, Yost and Unger - **Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families** - Adopted 3/8/14
- 60. By Sen. Prezioso, Edgell, Plymale, Stollings, Unger and Green - **Requesting DOH name section of Rt. 1 in Marion County “USAF Sergeant Jerome E. Kiger Memorial Road”** - Adopted 3/8/14

HOUSE BILLS PASSED LEGISLATURE

- *2165. By Del. Iaquina, Longstreth, Fleischauer, Jones, Stephens and Azinger - **Relating to death certificates of military veterans** - Passed 3/4/2014; Effective July 1, 2014 - To Governor 3/17/14 - Vetoed by Governor 3/25/14
- *2387. By Del. Marshall and Moore - **Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 87, Acts, Regular Session, 2014
- 2477. By Del. Overington, Barill and Sobonya - **Permitting certain auxiliary lighting on motorcycles** (original similar to S. B. No. 372) - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 127, Acts, Regular Session, 2014
- *2606. By Del. Hartman, Campbell, Evans, A., Rowan, Boggs and Lynch - **Permitting the State Rail Authority to set the salary of the executive director** - Passed 3/8/2014; Effective from passage - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 161, Acts, Regular Session, 2014
- *2757. By Del. Sponaugle, Lynch, Evans, A. and Andes - **Private cause of action for the humane destruction of a dog** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 41, Acts, Regular Session, 2014
- *2803. By Del. Manchin, Poling, M., Iaquina, Guthrie and Manypenny - **Requiring electric utilities to implement integrated resource plans** - Passed 3/7/2014 - To

Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 150, Acts, Regular Session, 2014

- *2954. By Del. Caputo, Tomblin and Phillips, R. - **Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature** - Passed 3/8/2014; Effective from passage - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 123, Acts, Regular Session, 2014
- *3011. By Del. Manypenny, Walker, Swartzmiller, Canterbury and Ambler - **Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 3, Acts, Regular Session, 2014
- *3108. By Del. Campbell, Ellington and Perdue - **Relating to criminal background checks on applicants for employment by nursing homes** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 78, Acts, Regular Session, 2014
- *3156. By Del. Poling, D., Caputo, Manypenny and Walker - **Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 145, Acts, Regular Session, 2014
- *4003. By Del. Walker, Perry, Paxton, Poling, M. and Pethtel - **Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies** - Passed 3/4/2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 54, Acts, Regular Session, 2014
- *4005. By Del. Phillips, L., Rowan, Fleischauer, Border, Lawrence, Guthrie, Smith, P., Marshall and Poore - **Relating to criminal offenses for child abuse and child neglect** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 36, Acts, Regular Session, 2014
4006. By Del. Phillips, L., Rowan, Fleischauer, Sobonya, Guthrie, Sumner, Lawrence, Miller, Poore, Border and Arvon - **Relating to the possession and distribution of child pornography** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 35, Acts, Regular Session, 2014
- *4012. By Del. Smith, P., Phillips, R., Ellington, Ferro, Reynolds, Skinner and Storch - **Relating to the Revised Uniform Law on Notarial Acts** (original same as S. B. No. 4) - Passed 3/6/2014; Effective July 1, 2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 133, Acts, Regular Session, 2014

- *4039. By Del. Poore, Marcum, Eldridge, Fleischauer and Frich - **Authorizing miscellaneous boards and agencies to promulgate legislative rules** - Passed 3/8/2014; Effective from passage - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 113, Acts, Regular Session, 2014
- *4067. By Del. Poore, Marcum, Eldridge, Fleischauer and Frich - **Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules** - Passed 3/5/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 110, Acts, Regular Session, 2014
4135. By Del. Smith, P., Perry, Pino, Walker, Young, Lynch, Hamilton, Hartman and Kinsey - **Designating the first Thursday in May the West Virginia Day of Prayer** - Passed 3/7/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 85, Acts, Regular Session, 2014
- *4139. By Del. Guthrie, Phillips, L., Rowan, Fleischauer, Border, Lawrence, Marshall, Staggers, Poore and Smith, P. - **Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse** - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 43, Acts, Regular Session, 2014
- *4147. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to emergency preparedness** (original same as S. B. No. 320) - Passed 3/8/2014; Effective from passage - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 62, Acts, Regular Session, 2014
- *4149. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Allowing members of the Board of Public Works to be represented by designees and to vote by proxy** (original same as S. B. No. 321) - Passed 3/7/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 18, Acts, Regular Session, 2014
- *4151. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to military members and their spouses who obtain licensure through professional boards** (original same as S. B. No. 323) - Passed 3/4/2014 - To Governor 3/17/14 - Approved by Governor 4/1/14 - Chapter 140, Acts, Regular Session, 2014
4154. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Fixing a technical error relating to the motor fuel excise tax** (original same as S. B. No. 326) - Adopted 3/5/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 170, Acts, Regular Session, 2014

- *4156. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Electronic Toll Collection Act** (original same as S. B. No. 330) - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 157, Acts, Regular Session, 2014
4159. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms** (original same as S. B. No. 333) - Passed 3/5/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 173, Acts, Regular Session, 2014
- *4175. By Del. Skaff, Barrett, Mr. Speaker (Mr. Miley), Boggs, Hartman, White, Skinner, Lane, Ellem, Ireland and Pasdon - **West Virginia Small Business Emergency Act** - Passed 3/6/2014; Effective from passage - To Governor 3/20/14 - Approved by Governor 4/1/14 - Chapter 45, Acts, Regular Session, 2014
4177. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation to various agencies** (original same as S. B. No. 342) - Passed 2/5/2014; Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 8, Acts, Regular Session, 2014
4178. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia** (original same as S. B. No. 343) - Passed 3/4/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/24/14 - Chapter 9, Acts, Regular Session, 2014
4182. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts** (original same as S. B. No. 347) - Passed 2/5/2014; Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 10, Acts, Regular Session, 2014
- *4183. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways** - Passed 3/7/2014; Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 11, Acts, Regular Session, 2014
- *4184. By Mr. Speaker (Mr. Miley) [By Request of the Executive] - **Relating to the West Virginia Tourism Development Act** (original same as S. B. No. 338) - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/20/14 - Chapter 177, Acts, Regular Session, 2014

4186. By Del. Phillips, R., White, Tomblin, Marcum, Hamilton, Evans, A., Ashley, Barker, Boggs, Hartman and Sponaugle - **Relating to the procedures for issuing a concealed weapon license** - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 21, Acts, Regular Session, 2014
- *4188. By Del. Perdue, Fleischauer, Diserio, Eldridge, Kinsey, Lawrence, Marshall, Moore, Poore and Campbell - **Updating the authority and responsibility of the Center for Nursing** - Passed 3/5/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 137, Acts, Regular Session, 2014
- *4196. By Del. Marshall, Fleischauer and Cooper - **Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs** (original same as S. B. No. 354) - Passed 3/7/2014 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 190, Acts, Regular Session, 2014
- *4204. By Del. Hunt, Manchin, Manypenny, Skinner, Moore, Sponaugle and Ireland - **Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years** (original same as S. B. No. 349) - Passed 3/8/2014 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 93, Acts, Regular Session, 2014
- *4208. By Del. Fleischauer, Barill, Marshall, Barker, Perdue, Kinsey, Ellem, Pasdon, Hunt, Marcum and Border - **Banning synthetic hallucinogens** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 23, Acts, Regular Session, 2014
- *4210. By Del. Fleischauer, Skinner, Poore, Longstreth, Barill, Ellem, Sponaugle, Lynch, Manypenny, Hamilton and Pethtel - **Juvenile sentencing reform** (original similar to S. B. No. 370) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 37, Acts, Regular Session, 2014
- *4217. By Del. Perdue, Fleischauer, Campbell, Ellington, Morgan and Stephens - **Relating to Medicaid reports to the Legislature** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 117, Acts, Regular Session, 2014
- *4220. By Del. Staggers and Manchin - **Relating to waiver of jury trial in claims arising from consumer transactions** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 134, Acts, Regular Session, 2014
- *4228. By Del. Poling, M., Perry, Lawrence, Barrett, Young, Tomblin, Barill, Moye, Campbell, Walker and Pethtel - **Repealing or removing certain portions of education-related statutes that have expired** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 47, Acts, Regular Session, 2014

- *4237. By Del. Lawrence, Barrett, Guthrie, Skinner, Perdue, Campbell, Marshall, Poore, Fleischauer, Staggers and Evans, A. - **Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 176, Acts, Regular Session, 2014
- *4242. By Del. Diserio, Jones, Swartzmiller, Ferro, Fleischauer, Perdue, Poore, Storch, Poling, D., Eldridge and Phillips, L. - **Increasing gross weight limitations on certain roads in Brooke County** - Passed 3/7/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 191, Acts, Regular Session, 2014
- *4245. By Del. Fleischauer, Young, Iaquinta, Barrett, Barker, Barill, Diserio, Perdue, Guthrie, Ellington and Miller - **Relating to anticipated retirement dates of certain health care professionals** - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 139, Acts, Regular Session, 2014
- *4254. By Del. Armstead, Mr. Speaker (Mr. Miley), Ashley, Cadle, Westfall, McCuskey, Butler, Manchin, Walters, Boggs and Nelson, E. - **Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency** - Passed 3/7/2014; Effective from passage - To Governor 3/28/14 - Vetoed by Governor 3/31/14
4256. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Amending the annual salary schedule for members of the state police** (original same as S. B. No. 392) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 159, Acts, Regular Session, 2014
4259. By Del. Romine - **Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body** - Passed 3/4/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 193, Acts, Regular Session, 2014
- *4268. By Del. Iaquinta, Boggs, Fleischauer, Longstreth, Perry, Morgan, Wells, Poore, Evans, D. and Lane - **Relating to the administration of veterans' assistance** (original same as S. B. No. 449) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 186, Acts, Regular Session, 2014
- *4270. By Del. Westfall, Boggs, Perry, Poling, M., Espinosa, Raines, Ashley, Hamrick, Tomblin, Cadle and Pasdon - **Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center** - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 49, Acts, Regular Session, 2014

- *4278. By Del. Perdue, Fleischauer, Morgan, Guthrie, Ellington, Staggers and Swartzmiller - **Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 141, Acts, Regular Session, 2014
- *4283. By Del. Barrett, Barill, Barker, Diserio, Lawrence, Manypenny, Marcum, Poling, D., Reynolds, Sponaugle and Young - **Raising the minimum wage** (original similar to S. B. No. 411) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 124, Acts, Regular Session, 2014
- *4284. By Del. Perdue, Fleischauer, Barrett, Caputo, Sponaugle, Kinsey, Lawrence, Manchin, Skinner, Guthrie and Young - **Pregnant Workers' Fairness Act** - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 135, Acts, Regular Session, 2014
- *4287. By Del. Fleischauer, Marshall, Barill, Manypenny, Fragale, Campbell, Pasdon, Mr. Speaker (Mr. Miley), White, Pethel and Tomblin - **Administration of health maintenance tasks** - Passed 3/6/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 79, Acts, Regular Session, 2014
- *4290. By Del. Moore, Campbell, Azinger and Reynolds - **Revising the regulatory structure of money transmitters and other entities** - Passed 3/6/2014; Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 39, Acts, Regular Session, 2014
- *4294. By Del. Ashley, Westfall, Manchin, Hunt, Skinner, Ellem, McCuskey, Shott, Morgan, Craig and Lane - **Establishing standards for court reporters and entities that provide court reporting services** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 30, Acts, Regular Session, 2014
- *4298. By Del. Manchin and Morgan - **Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission** (original same as S. B. No. 484) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 65, Acts, Regular Session, 2014
4301. By Del. Eldridge, Wells, Craig, Evans, A., Hamilton, Paxton, White, Marcum, Phillips, R., Perry and Young - **Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky** (original same as S. B. No. 404) - Passed 3/4/2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 90, Acts, Regular Session, 2014

4302. By Del. Skaff, Guthrie, Poore, Wells, Perry, Pasdon and Walters - **Relating to elections for public school purposes** - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 46, Acts, Regular Session, 2014
- *4304. By Del. Wells, Guthrie, Skaff, Fleischauer, Skinner, Manypenny, Barill, Smith, R., Walters, Poore and McCuskey - **Providing rules for motor vehicles passing bicycles on roadways** (original same as S. B. No. 349 and S. B. No. 608) - Passed 3/5/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 179, Acts, Regular Session, 2014
- *4312. By Del. Staggers and Lawrence - **Creating a certification for emergency medical technician-industrial** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 77, Acts, Regular Session, 2014
- *4316. By Del. Poling, M., Perry, Moye, Tomblin, Young, Barrett, Barill, Walker, Pasdon, Pethel and Fragale - **Creating the student data accessibility, transparency and accountability act** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 48, Acts, Regular Session, 2014
- *4318. By Del. Fleischauer, Longstreth, Campbell, Pethel, Barrett, Barill, Jones, Stephens, Iaquina, Rowan and Ireland - **Continuing education of veterans mental health** - Passed 3/8/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 138, Acts, Regular Session, 2014
4332. By Del. Border, Anderson, Ellem, Azinger, Perdue, Poling, D., Staggers, Ellington, Cowles, Fleischauer and Lane - **Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds** - Passed 3/7/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 75, Acts, Regular Session, 2014
- *4335. By Del. Phillips, L., Campbell, Guthrie, Poore, Staggers, Moore, Perdue, Poling, M., Eldridge, Fleischauer and Marshall - **Relating to a child's right to nurse** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 73, Acts, Regular Session, 2014
- *4339. By Del. Campbell, Hartman, Sponaugle, Manchin, White, Hamilton and Lynch - **Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill** (original similar to S. B. No. 565) - Passed 3/8/2014 - Effective ninety days from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 105, Acts, Regular Session, 2014

- *4343. By Del. Skaff, Mr. Speaker (Mr. Miley), Hartman, Miller, Barrett, Walters, Guthrie, Lawrence, Fragale, Young and Ashley - **West Virginia Project Launchpad Act** (original same as S. B. No. 312) - Passed 3/8/2014 - To Governor 3/28/14 - Vetoed by Governor 3/31/14
4346. By Del. Phillips, R., Caputo, Andes, Craig, Sumner, Pethtel, Marcum, Lynch, Tomblin, Eldridge and Barker - **Establishing separate standards of performance for carbon dioxide emissions** (original similar to S. B. No. 530) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 63, Acts, Regular Session, 2014
- *4347. By Del. Shott, Sponaugle, Sobonya, Manchin, Lane, Poore and Pino - **Relating to affirmative defenses against mechanics' liens** (original similar to S. B. No. 568) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 115, Acts, Regular Session, 2014
- *4349. By Del. Pethtel, Jones, Canterbury, Kump, Craig, Lynch and Ellem - **Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order** (original same as S. B. No. 451) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 182, Acts, Regular Session, 2014
- *4350. By Del. Fleischauer, Ferro, Longstreth, Iaquinta, Barill, Paxton, Rowan, Eldridge, Phillips, L., Reynolds and Jones - **Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans** (original same as S. B. No. 468) - Passed 2/26/2014 - To Governor 3/6/14 - Approved by Governor 3/7/14 - Chapter 185, Acts, Regular Session, 2014
4359. By Del. Guthrie - **Relating to licensure of managing general agents of insurers** (original similar to S. B. No. 407) - Passed 2/24/2014 - To Governor 3/5/14 - Approved by Governor 3/7/14 - Chapter 95, Acts, Regular Session, 2014
- *4360. By Del. Guthrie, Phillips, L., Poore, Sponaugle, Young, Skinner, Fragale, Skaff and Caputo - **Relating to consumer credit protection** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 22, Acts, Regular Session, 2014
- *4363. By Del. Perdue, Ferro, Diserio and Poore - **Creating an informal dispute resolution process available to behavioral health providers** - Passed 3/7/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 118, Acts, Regular Session, 2014
4365. By Del. Pethtel, Jones, Canterbury, Kump, Craig, Lynch and Ellem - **Relating to employer remittance and reporting of Teachers Retirement System member**

- contributions to the retirement board** - Passed 3/5/2014 - To Governor 3/17/14
- Approved by Governor 3/21/14 - Chapter 53, Acts, Regular Session, 2014
4372. By Del. Moore, Campbell, Reynolds, Azinger and Nelson, E. - **Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial Institutions** - Passed 2/24/2014 - To Governor 3/5/14 - Approved by Governor 3/7/14 - Chapter 66, Acts, Regular Session, 2014
- *4373. By Del. Poling, M., Barrett, Lawrence, Perry, Walker, Fragale, Campbell and Tomblin - **Relating to driver education programs** - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 52, Acts, Regular Session, 2014
- *4384. By Del. Campbell, Poling, M., Perry, Tomblin, Young, Barrett, Lawrence, Hartman, Phillips, L., Ferro and Hunt - **Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan** - Passed 3/4/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 56, Acts, Regular Session, 2014
- *4392. By Del. Morgan, Diserio, Jones, Poling, D. and Barker - **Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers** - Passed 3/6/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 104, Acts, Regular Session, 2014
- *4393. By Del. Swartzmiller, Wells, Manypenny, Ellem, Paxton, Fragale, Craig and Storch - **Creating the Dangerous Wild Animals Act** (original similar to S. B. No. 428) - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 40, Acts, Regular Session, 2014
- *4402. By Del. Manchin, Skinner, Sponaugle, Longstreth, Marcum, Lynch, Wells, Caputo, Marshall and Barrett - **Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor** - Passed 3/5/2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 5, Acts, Regular Session, 2014
- *4410. By Del. Hartman - **Redefining auctioneer exceptions** (original same as S. B. No. 501) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 16, Acts, Regular Session, 2014
4421. By Del. White, Skaff, Boggs, Barrett, Craig, Evans, A., Manchin, Reynolds, Storch, Swartzmiller and Marcum - **Allowing the lottery to pay prizes utilizing other**

- payment methods in addition to checks** (original same as S. B. No. 494) - Passed 3/4/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 116, Acts, Regular Session, 2014
- *4425. By Del. White, Marcum, Ferro, Manchin, Poling, D., Caputo, Boggs, Swartzmiller, Craig, Barker and Skaff - **Giving the Superintendent of State Police authority to hire additional staff** - Passed 3/6/2014 - To Governor 3/17/14 - Vetoed by Governor 3/28/14
4431. By Del. Swartzmiller, Diserio, Poling, D., Jones, Boggs, Lynch, Young, Phillips, R., Marcum, Manypenny and Ferro - **Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license** (original similar to S. B. No. 298) - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 91, Acts, Regular Session, 2014
- *4432. By Del. Guthrie, Hartman, Perry and Ashley - **Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 92, Acts, Regular Session, 2014
4437. By Del. Perry, Morgan, Eldridge, Campbell and Poling, M. - **Relating to the Division of Juvenile Services** - Passed 3/4/2014 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 101, Acts, Regular Session, 2014
4445. By Del. Eldridge, Hartman, Barrett, Fleischauer, Campbell, Hamilton, Lynch and Sponaule - **Modifying the definition of “battery” and “domestic battery”** - Passed 3/4/2014 - To Governor 3/13/14 - Vetoed by Governor 3/13/14 - House amd. & repassed to meet the obj. of the Governor 3/14/14 - Senate concurred in House amendment and repassed bill 3/14/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 32, Acts, Regular Session, 2014
- *4449. By Del. Phillips, R., Lynch, Tomblin, Eldridge, Barker, Marcum, White, Caputo, Skaff, Craig and Sumner - **Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes** - Passed 3/6/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 168, Acts, Regular Session, 2014
4457. By Del. Lawrence, Raines, Staggers, Fleischauer, Longstreth, Marshall, Hunt, Barrett, Moore, Phillips, L. and Skinner - **Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program** - Passed 3/5/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 82, Acts, Regular Session, 2014

4460. By Del. Caputo, Swartzmiller, Eldridge, Storch, Azinger, Poling, D., Iaquina and Ellem - **Relating to violating provisions of the civil service law for paid fire departments** - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 67, Acts, Regular Session, 2014
- *4473. By Del. Fleischauer, Manypenny, Poore, Marshall, Iaquina, Skinner and Hamilton - **Relating to establishing voting precincts and changing the composition of standard receiving boards** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 59, Acts, Regular Session, 2014
- *4480. By Del. Craig and Skaff - **Relating to investment of the Acid Mine Drainage Fund** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 120, Acts, Regular Session, 2014
4488. By Del. Morgan, Poore, Poling, D., Fleischauer, Manypenny and Sponaugle - **Eliminating the requirement for notarization of the articles of incorporation for cooperative associations** - Passed 3/5/2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 24, Acts, Regular Session, 2014
- *4496. By Del. Skaff, Mr. Speaker (Mr. Miley), Armstead, Lane, Nelson, E., Fragale, Moore, McCuskey and Poore - **Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund** (original same as S. B. No. 560) - Passed 3/6/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 83, Acts, Regular Session, 2014
4503. By Del. Marshall, Iaquina, Williams, Anderson and Evans, A. - **Declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 3/6/2014; Effective from passage - To Governor 3/17/14 - Approved by Governor 3/24/14 - Chapter 19, Acts, Regular Session, 2014
4504. By Del. Perry, Morgan, Campbell and Ellem - **Providing for sharing juvenile records in certain circumstances with another state** (original same as S. B. No. 544) - Passed 2/28/2014 - To Governor 3/6/14 - Approved by Governor 3/7/14 - Chapter 102, Acts, Regular Session, 2014
4529. By Del. Manchin, Ferro, Lawrence, Pethtel, Boggs and Skaff - **Relating to the sale of wine** - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 7, Acts, Regular Session, 2014
- *4538. By Del. Staggers, Morgan and Stephens - **Relating to the Board of Dentistry** - Passed 3/7/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 143, Acts, Regular Session, 2014

4549. By Del. Manchin, Moore, Eldridge and Skaff - **Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands** (original same as S. B. No. 597) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 172, Acts, Regular Session, 2014
- *4552. By Del. Hunt, Sponaule, Wells and Manypenny - **Relating to the court of claims** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 29, Acts, Regular Session, 2014
- *4560. By Del. Manchin, Caputo, Longstreth, Skinner, Moore, Wells, Poling, M. and Sponaule - **Relating to reimbursement for copies of medical records** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 80, Acts, Regular Session, 2014
4588. By Del. Perry, Reynolds, Skaff, Smith, P., Pino, Moye, Eldridge, Campbell, Stephens, Marcum and Barker - **Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks** (original similar to S. B. No. 388) - Passed 3/8/2014 - To Governor 3/28/14 - Vetoed by Governor 3/28/14
4601. By Del. White (By Request), Boggs and Skaff - **Relating to fiscal management and regulation of publicly-owned utilities** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 183, Acts, Regular Session, 2014
- *4608. By Del. Barrett, Lawrence, Young, Tomblin and Campbell - **Defining dyslexia and dyscalculia** (original similar to S. B. No. 412) - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 57, Acts, Regular Session, 2014
4618. By Del. Perry, Young, Tomblin, Fragale, Williams, Walker, Espinosa, Cooper, Moye, Sumner and Evans, D. (Originating in House Education) - **Establishing transformative system of support for early literacy** - Passed 3/5/2014 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 50, Acts, Regular Session, 2014
4619. By Del. Poling, M., Perry, Pethtel, Lawrence, Barrett, Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler (Originating in House Education) - **Authorizing innovation school districts** - Passed 3/8/2014 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 51, Acts, Regular Session, 2014
4621. By Del. Boggs, Guthrie, Iaquina, Perdue, Pethtel, Phillips, R., Poling, D., Williams, Canterbury, Cowles and Gearheart (Originating in House Finance) - **Expiring funds to the Board of Risk and Insurance Management, Patient**

Injury Compensation Fund from the Board of Risk and Insurance Management Medical Liability Fund - Passed 3/7/2014; Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 12, Acts, Regular Session, 2014

HOUSE JOINT RESOLUTIONS ADOPTED BY LEGISLATURE

108. By Mr. Speaker (Mr. Miley), Del. Armstead, Manchin, Boggs, Young, White, Barker, Sponaugle, Diserio, Ashley and O'Neal - **Nonprofit Youth Organization Tax Exemption Support Amendment** - Adopted 3/8/14

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Mr. Speaker (Mr. Miley) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/8/14
- *2. By Del. Phillips, R., Tomblin and Marcum - **The "USMC CPL Larry G. Carnutte Memorial Bridge"** - Adopted 2/27/14
- *4. By Del. Tomblin, Phillips, R. and Marcum - **The "Army Corporal Eldred Jennings Hensley Memorial Bridge"** - Adopted 3/3/14
- *5. By Del. Phillips, R., Tomblin and Marcum - **The "Sergeant Elzie Mundy, Jr. Bridge"** - Adopted 3/3/14
- *6. By Del. Phillips, R., Tomblin and Marcum - **The "Marine LCpl Benny A. Gilco Bridge"** - Adopted 3/3/14
7. By Del. Phillips, R., Tomblin and Marcum - **The "Kerry Albright Road"** - Adopted 2/27/14
- *8. By Del. Phillips, R., Marcum and Tomblin - **The "Oral Gene Castle Bridge"** - Adopted 3/3/14
- *9. By Del. Perry and Staggers - **The "Army S/SGT Raymond Lawrence Berry Memorial Bridge"** - Adopted 3/6/14
- *10. By Del. Walker, Perry, Pino and Staggers - **The "Veterans Memorial Bridge"** - Adopted 2/18/14

11. By Del. Evans, A. and Sponaugle - **The “Pendleton County Union Veterans Memorial Bridge”** - Adopted 3/4/14
12. By Del. Sponaugle and Evans, A. - **The “Pendleton County Confederate Veterans Memorial Highway”** - Adopted 3/3/14
- *13. By Del. Perry, Pino and Staggers - **The “Thomas H. Stafford Memorial Bridge”** - Adopted 2/18/14
14. By Del. Walker - **The “Army Specialist Fifth Class Elton Dale Workman Memorial Bridge”** - Adopted 2/20/14
- *17. By Del. Evans, A. and Sponaugle - **The “Captain Isaac Alt West Virginia Militia Memorial Bridge”** - Adopted 3/8/14
- *19. By Del. Hamilton and Azinger - **The “Army Specialist 4 William Lewis Reger Memorial Bridge”** - Adopted 2/20/14
- *20. By Del. Evans, A., Staggers and Lynch - **The “Army Corporal William Eugene Shank Memorial Bridge”** - Adopted 3/6/14
- *23. By Del. Hamilton - **Army Sgt. Walter William Smith Memorial Bridge** - Adopted 2/20/14
25. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethel, Perry, Pino, Stephens, Young, Rowan, O’Neal, Armstead, Ashley, Border, Ellem, Faircloth, Ferns, Householder, Raines, Sobonya and Westfall (Originating in House Senior Citizen Issues) - **Urging the West Virginia Governor's Office and the Senate and House Finance Committees to include sufficient funds in the budget to eliminate the wait list for the Aged and Disabled Waiver program** - Adopted 3/6/14
- *27. By Del. Poling, M. and Hamilton - **The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky** - Adopted 2/24/14
- *28. By Del. Marcum, White, Phillips, R., Moore and Raines - **William S. (Bill) Croaff Memorial Bridge** - Adopted 3/8/14
- *32. By Del. Phillips, R., Tomblin, Barker and Eldridge - **Joe “Toby” Slade Memorial Bridge** - Adopted 3/3/14
- *34. By Del. Phillips, R., Tomblin, Barker and Eldridge - **Marine Private Rudy Varney Bridge - Purple Heart Recipient** - Adopted 3/8/14

- *35. By Del. Poling, M. - **The Arden Bridge in Memory of Abbie Gall** - Adopted 2/24/14
- *36. By Del. Phillips, R., Tomblin, Marcum, Eldridge and Barker - **Army Sergeant Billy E. Vinson Memorial Bridge** - Adopted 3/6/14
- *37. By Del. Pethtel - **Army Sergeant Charles Leo Dulaney Memorial Bridge** - Adopted 2/20/14
- *38. By Del. Wells, Guthrie and Skaff - **W.T. (Big Bill) Elswick Memorial Bridge** - Adopted 3/4/14
- *39. By Del. Phillips, R., Tomblin, Marcum, White, Eldridge and Barker - **Army LTC Robert “Bob” Marslender Bridge** - Adopted 3/6/14
- 40. By Del. Gearheart, Arvon, Moore, Staggers, Ambler, Cooper, Sponaugle, Barrett, Hamrick, Overington and Ellington - **Designating “Take Me Home Country Roads” an official state song**. - Adopted 3/7/14
- 42. By Mr. Speaker (Mr. Miley), Del. Swartzmiller, Ambler, Anderson, Armstead, Ashley, Azinger, Barill, Barker, Barrett, Boggs, Border, Cadle, Campbell, Canterbury, Caputo, Craig, Diserio, Eldridge, Ellem, Ellington, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquinta, Jones, Kinsey, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miller, Moore, Morgan, Moye, Pasdon, Overington, Paxton, Perdue, Perry, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Romine, Rowan, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Sumner, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young - **Biggert-Waters Flood Insurance Reform Act of 2012** - Adopted 2/11/14
- *43. By Del. Shott, Gearheart, Ellington and Moore - **Dr. William Prudich Memorial Highway** - Adopted 3/3/14
- *44. By Del. Moore, Phillips, L., Marcum and White - **Carnie L. Spratt Memorial Bridge** - Adopted 3/6/14
- *45. By Del. Miller, Craig, Eldridge, Phillips, R., Morgan, Barker and Sobonya - **U.S. Army SFC Bob L. VandeLinde Bridge** - Adopted 3/3/14
- *47. By Del. Phillips, L., Moore and White - **Army SFC Michael Joe “Joey” Marushia Memorial Bridge** - Adopted 3/6/14

- *48. By Del. Phillips, L., Moore and White - **Corporal Tracy Thurman Walls Memorial Bridge** - Adopted 3/6/14
- 49. By Del. Barker, Phillips, R., Tomblin, Eldridge, Barill, Marcum and White - **Army PFC Lilborn Dillon Memorial Road** - Adopted 3/8/14
- *54. By Del. Caputo, Longstreth and Manchin - **Chief Denzil O. Lockard Memorial Bridge** - Adopted 2/18/14
- *55. By Del. Caputo, Longstreth and Manchin - **Alex Angelino Memorial Bridge** - Adopted 2/18/14
- *56. By Del. Romine, Evans, A., Hartman, Campbell, Sponaugle and Pethtel - **Army SSG Jesse Adam Ault Memorial Bridge** - Adopted 3/4/14
- 57. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya, Westfall and Ellington (Originating in House Senior Citizen Issues) - **Providing for the licensing of adult day health centers that implement a hybrid model of care** - Adopted 3/6/14
- 59. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya and Westfall (Originating in House Senior Citizen Issues) - **Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care** - Adopted 3/8/14
- *60. By Mr. Speaker (Mr. Miley), Del. Iaquinta, Fragale and Hamrick - **Lester W. 'Cappy' Burnside, Jr. Bridge** - Adopted 3/8/14
- *63. By Del. Hunt and Manchin - **Army SPC Gary Wayne Hudnall Memorial Bridge** - Adopted 3/6/14
- *64. By Del. Smith, P. - **SSG Earl F. (Fred) Brown Memorial Bridge** - Adopted 3/8/14
- *65. By Del. Paxton, Longstreth, Iaquinta, Andes, McCuskey, Guthrie, Wells, Young, Tomblin, Perdue, Smith, P. and Boggs - **Army SP4 Harold "Skip" Grouser Memorial Bridge** - Adopted 3/8/14
- *66. By Del. Paxton, Marshall, Craig, Young, Stephens, Westfall, Hamilton, Iaquinta, Kinsey, Barker and Reynolds - **Quentin H. Wickline Memorial Bridge** - Adopted 3/8/14

- *69. By Del. Cadle, Hartman, Smith, P., Butler, Andes, Arvon, Azinger, Cooper, Ellem, Ellington, Hamrick, Espinosa, Evans, A., Faircloth, Folk, Householder, Howell, Iaquinta, Ireland, Miller, Pasdon, Paxton, Poore, Romine, Rowan, Shott and Westfall - **U.S. Army Corporal John L. Gibbs Memorial Bridge** - Adopted 3/6/14
- *70. By Del. Ferns, Storch, Evans, D., Ferro and Diserio - **U.S. Army Sgt. Matthew D. Hunter Memorial Bridge** - Adopted 3/6/14
- *71. By Del. Wells - **Army Private William C. Bias Memorial Bridge** - Adopted 3/8/14
- *73. By Del. Ferns and Storch - **U.S. Army Captain David Van Camp Memorial Bridge** - Adopted 3/6/14
- *74. By Del. Perry, Staggers and Pino - **Deputy Roger Lee Treadway Memorial Bridge** - Adopted 3/6/14
75. By Del. Armstead and Walker - **Army SPC 4 Marvin Dewayne Canterbury Memorial Highway** - Adopted 3/6/14
- *76. By Del. Perdue and Kinsey - **Army PFC Richard Lee Lakin Memorial Bridge** - Adopted 3/6/14
- *79. By Del. Cadle, Arvon, Boggs, Butler, Espinosa, Evans, A., Folk, Householder, Howell, Ireland, Romine, Rowan, Shott and Sumner - **Ord Brothers Memorial Bridge** - Adopted 3/5/14
- *82. By Del. Skaff, Wells, Guthrie, Poore, Armstead, Nelson, E., Lane, Hunt, Walters and McCuskey - **U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge** - Adopted 3/5/14
83. By Del. Azinger, Iaquinta, Cooper, Paxton, Williams, Sobonya, Frich, Rowan, Evans, A., Romine, Hamilton, Eldridge, Kinsey, Ambler, Anderson, Arvon, Ashley, Barker, Barrett, Butler, Cadle, Campbell, Cowles, Evans, D., Canterbury, Guthrie, Lawrence, Diserio, Ellington, Espinosa, Faircloth, Ferns, Folk, Gearheart, Hartman, Householder, Howell, Hunt, Ireland, Lynch, Marshall, McCuskey, Miller, Moore, Morgan, Moye, Nelson, E., Overington, Pasdon, Perdue, Perry, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Shott, Skaff, Skinner, Smith, P., Smith, R., Sponaule, Stephens, Storch, Sumner, Walker, Walters, Wells, Westfall and Young - **Requesting Congress erect a national monument to motherhood** - Adopted 3/6/14

105. By Del. Swartzmiller - **Urging Congress to pass the Safe Freight Act** - Adopted 3/8/14
107. By Del. White and Phillips, R. - **“William Dakota “Kody” Faine Memorial Bridge”** - Adopted 3/6/14
140. By Del. Manchin, Iaquinta, Fragale, Mr. Speaker (Mr. Miley), Hamrick, Caputo and Longstreth - **James D. LaRosa Memorial Bridge** - Adopted 3/8/14

SENATE BILLS VETOED BY GOVERNOR, AMENDED, REPASSED LEGISLATURE, APPROVED BY GOVERNOR

- *307. By Sen. Cann, Williams, Cookman and Palumbo - **Relating to pretrial management of persons charged with committing crimes** - Passed 3/8/2014 - To Governor 3/14/14 - Vetoed by Governor 3/14/14 - Senate amended, repassed to meet objections of Governor 3/14/14 - House concurred in Senate amendment 3/14/14 - Repassed House to meet the objections of the Governor 3/14/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 38, Acts, Regular Session, 2014

SENATE BILLS VETOED BY GOVERNOR

- *12. By Sen. Stollings - **Relating to expedited partner therapy treatment** - Passed 3/8/2014 - To Governor 3/21/14 - Vetoed by Governor 3/25/14
426. By Sen. Plymale - **Relating to appointments to certain higher education commissions, councils and boards** - Passed 3/8/2014; Effective from passage - To Governor 3/27/14 - Vetoed by Governor 3/31/14
- *477. By Sen. Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings - **Providing teachers determine use of time during planning period** - Passed 3/8/2014 - To Governor 3/27/14 - Vetoed by Governor 4/1/14

HOUSE BILLS VETOED BY GOVERNOR, AMENDED, REPASSED LEGISLATURE, APPROVED BY GOVERNOR

4445. By Del. Eldridge, Hartman, Barrett, Fleischauer, Campbell, Hamilton, Lynch and Sponaugle - **Modifying the definition of “battery” and “domestic battery”** - Passed 3/4/2014 - To Governor 3/13/14 - Vetoed by Governor 3/13/14 - House

amended and repassed to meet the objections of the Governor 3/14/14 - Senate concurred in House amendment and repassed bill 3/14/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 32, Acts, Regular Session, 2014

HOUSE BILLS VETOED BY GOVERNOR

- *2165. By Del. Iaquina, Longstreth, Fleischauer, Jones, Stephens and Azinger - **Relating to death certificates of military veterans** - Passed 3/4/2014; Effective July 1, 2014 - To Governor 3/17/14 - Vetoed by Governor 3/25/14
- *4254. By Del. Armstead, Mr. Speaker (Mr. Miley), Ashley, Cadle, Westfall, McCuskey, Butler, Manchin, Walters, Boggs and Nelson, E. - **Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency** - Passed 3/7/2014; Effective from passage - To Governor 3/28/14 - Vetoed by Governor 3/31/14
- *4343. By Del. Skaff, Mr. Speaker (Mr. Miley), Hartman, Miller, Barrett, Walters, Guthrie, Lawrence, Fragale, Young and Ashley - **West Virginia Project Launchpad Act** (original same as S. B. No. 312) - Passed 3/8/2014 - To Governor 3/28/14 - Vetoed by Governor 3/31/14
- *4425. By Del. White, Marcum, Ferro, Manchin, Poling, D., Caputo, Boggs, Swartzmiller, Craig, Barker and Skaff - **Giving the Superintendent of State Police authority to hire additional staff** - Passed 3/6/2014 - To Governor 3/17/14 - Vetoed by Governor 3/28/14
- 4588. By Del. Perry, Reynolds, Skaff, Smith, P., Pino, Moye, Eldridge, Campbell, Stephens, Marcum and Barker - **Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks** (original similar to S. B. No. 388) - Passed 3/8/2014 - To Governor 3/28/14 - Vetoed by Governor 3/28/14

SENATE BILLS INTRODUCED

- *1. By Sen. Stollings, Jenkins, Miller, Laird and Plymale - **Modifying controlled substances schedules and prescriptive authority** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/29/14 - To Judiciary 1/29/14
- 2. By Sen. Stollings, Unger, Jenkins, Miller, Laird and Yost - **Providing tax incentive to dental practitioners performing services to indigents** (original similar to H. B. No. 2276) - Introduced 1/8/14 - To Health and Human Resources then Finance

3. By Sen. Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells, Miller, McCabe, Tucker and M. Hall - **Creating Uniform Real Property Transfer on Death Act** (original same as H. B. No. 4011 - similar to H. B. No. 2488) - Introduced 1/8/14 - To Judiciary - Passed Senate 1/22/14 - To House 1/23/14 - To Judiciary - Passed House 3/7/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 181, Acts, Regular Session, 2014
4. By Sen. Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe - **Creating Revised Uniform Law on Notarial Acts** (original same as H. B. No. 4012) - Introduced 1/8/14 - To Judiciary
5. By Sen. Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe - **Creating Uniform Real Property Electronic Recording Act** (original same as H. B. No. 2971 and H. B. No. 4010) - Introduced 1/8/14 - To Judiciary
- *6. By Sen. Tucker, Kessler (Mr. President), Stollings, Laird and Plymale - **Regulating sale of drug products used in manufacture of methamphetamine** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 2/5/14 - To Judiciary 2/5/14 - Com. sub. for com. sub. reported 2/13/14 - Amended on 3rd reading - Passed Senate with amended title 2/18/14 - To House 2/19/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate refused to concur in House amendment 3/8/14 - House refused to recede and requested conference 3/8/14 - To conference 3/8/14 - Conference time expired 3/8/14 - House conference committee discharged 3/8/14
7. By Sen. Snyder, Laird and Miller - **Relating to composition of Joint Committee on Government and Finance** - Introduced 1/8/14 - To Rules
8. By Sen. Snyder, Blair, Unger and Cookman - **Prohibiting zone pricing of gasoline** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
9. By Sen. Palumbo, Jenkins, Miller, Cookman, Laird and Fitzsimmons - **Creating Sexual Assault Forensic Examination Commission** (original similar to H. B. No. 4236) - Introduced 1/8/14 - To Judiciary then Finance
10. By Sen. Stollings, Miller and Laird - **Requiring Medicaid dental coverage for certain mothers of newborns** - Introduced 1/8/14 - To Health and Human Resources then Finance
11. By Sen. Stollings - **Relating to cellular telephone communications and wiretapping evidentiary provisions in family court proceedings** - Introduced 1/8/14 - To Judiciary

- *12. By Sen. Stollings - **Relating to expedited partner therapy treatment** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/17/14 - To Judiciary 1/17/14 - Passed Senate 1/28/14 - To House 1/29/14 - To Judiciary - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Vetoed by Governor 3/25/14
13. By Sen. Stollings - **Modifying Courthouse Facilities Improvement Authority funding assistance** - Introduced 1/8/14 - To Judiciary then Finance
14. By Sen. Stollings and Laird - **Establishing child support insurance match program** - Introduced 1/8/14 - To Banking and Insurance then Judiciary
- *15. By Sen. Stollings - **Removing certain billing limitations for HIV or STD testing by public health agencies** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/31/14 - To Judiciary 1/31/14 - Com. sub. for com. sub. reported 2/13/14 - Passed Senate 2/18/14 - To House 2/19/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/28/14
16. By Sen. Stollings and Miller - **Requiring health insurance coverage of hearing aids for certain individuals** - Introduced 1/8/14 - To Banking and Insurance then Finance
17. By Sen. Stollings, Jenkins, Miller, Cookman, Laird and Fitzsimmons - **Allowing possession of opioid antagonist by certain public safety personnel** (original same as H. B. No. 4161 and S. B. No. 336) - Introduced 1/8/14 - To Health and Human Resources then Judiciary
18. By Sen. Fitzsimmons, Cookman and Yost - **Redefining and renaming “obscene matter”** - Introduced 1/8/14 - To Judiciary
19. By Sen. Fitzsimmons and Yost - **Increasing compensation caps for certain family court staff** (original similar to H. B. No. 3096 and H. B. No. 4430) - Introduced 1/8/14 - To Judiciary then Finance
20. By Sen. D. Hall - **Revising laws relating to regulation of fireworks** - Introduced 1/8/14 - To Judiciary then Finance
21. By Sen. D. Hall, Cann and Beach - **Reducing student-to-teacher ratio in public schools and increasing certain aides' pay** (original similar to H. B. No. 2221 and H. B. No. 4142) - Introduced 1/8/14 - To Education then Finance
22. By Sen. Green - **Relating to State Auditor's compliance regarding limitation of PERS post-retirement earnings** - Introduced 1/8/14 - To Pensions then Finance

23. By Sen. Green and Miller - **Relating to fetal death reporting** - Introduced 1/8/14 - To Health and Human Resources then Judiciary
24. By Sen. Green, Jenkins, Miller and McCabe - **Relating to liability immunity for ski patrol rendering certain emergency care** - Introduced 1/8/14 - To Judiciary
25. By Sen. Green, Jenkins, D. Hall, Miller and Tucker - **Requiring Senate advise and consent for State Superintendent of Schools appointment** - Introduced 1/8/14 - To Education then Judiciary
26. By Sen. Green, D. Hall, Jenkins, Miller and Tucker - **Creating emergency generator tax credit** - Introduced 1/8/14 - To Education then Finance - To Economic Development 1/15/14
27. By Sen. Green - **Relating to minors obtaining tattoos** - Introduced 1/8/14 - To Judiciary then Finance
28. By Sen. Green and McCabe - **Prohibiting certain campaign contributions by lobbyists during legislative session** (original similar to H. B. No. 4388) - Introduced 1/8/14 - To Judiciary then Finance
- *29. By Sen. Green - **Clarifying requirements for certain motor vehicle searches** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 1/17/14 - Passed Senate 1/22/14 - Effective from passage - To House 1/23/14 - To Judiciary
- *30. By Sen. Snyder - **Exempting autocycles from license examination and safety equipment requirements** - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
31. By Sen. Green and D. Hall - **Relating to appointment and removal of State Fire Marshal** - Introduced 1/8/14 - To Government Organization then Judiciary
- *32. By Sen. Snyder - **Authorizing Legislative Auditor to collect sunrise application review fees** - Introduced 1/8/14 - To Government Organization - Com. sub. reported 1/30/14 - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Government Organization then Finance
33. By Sen. Snyder, D. Hall, Cann, Williams and M. Hall - **Increasing salaries of State Police forensic lab and civilian employees** (original similar to H. B. No. 2095 and S. B. No. 63) - Introduced 1/8/14 - To Government Organization then Finance

34. By Sen. Snyder and Cookman - **Redistributing proceeds from excise tax on transfer of real property to counties for benefit of regional jails** (original similar to H. B. No. 2308) - Introduced 1/8/14 - To Government Organization then Finance
35. By Sen. Williams, Miller, Plymale and Beach - **Requiring filing fee for write-in candidates for public office** - Introduced 1/8/14 - To Judiciary then Finance
36. By Sen. Williams, Miller, Cann, Cookman, Tucker and Fitzsimmons - **Relating to posting of property to prohibit hunting or trespassing** (original similar to H. B. No. 4330) - Introduced 1/8/14 - To Natural Resources then Judiciary
37. By Sen. Williams, Miller, Cann, Carmichael and Tucker - **Creating personal income tax checkoff for Jackson's Mill 4-H Camp** - Introduced 1/8/14 - To Agriculture and Rural Development then Finance - To Finance 2/4/14
38. By Sen. Williams, D. Hall, Miller, Beach, Tucker and Fitzsimmons - **Reallocating certain oil and gas severance tax proceeds to counties of origin** (original similar to H. B. No. 2795) - Introduced 1/8/14 - To Government Organization then Finance
39. By Sen. Williams and Cookman - **Adding additional family court judge** (original similar to H. B. No. 2100) - Introduced 1/8/14 - To Judiciary then Finance
40. By Sen. Tucker - **Providing judges appoint public defender attorneys for eligible clients** - Introduced 1/8/14 - To Judiciary
41. By Sen. Tucker - **Providing resident tuition rates for children of WV institution graduates** - Introduced 1/8/14 - To Education then Finance
42. By Sen. Tucker, Jenkins and Laird - **Providing for construction of Lou Tabit Freeway** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
43. By Sen. Tucker, D. Hall, Cookman and Beach - **Creating crossbow hunting license** (original similar to H. B. No. 4145) - Introduced 1/8/14 - To Natural Resources then Finance
44. By Sen. Tucker and Beach - **Expanding hotel occupancy tax to include commercial campsites** - Introduced 1/8/14 - To Government Organization then Finance
45. By Sen. Tucker and Fitzsimmons - **Specifying certain residency requirements for majority of state-chartered banking institution directors** - Introduced 1/8/14 - To Banking and Insurance then Judiciary

- *46. By Sen. Tucker - **Creating informal dispute resolution process to certain behavioral health providers** - Introduced 1/8/14 - To Judiciary then Finance - Com. sub. reported 2/4/14 - To Finance 2/4/14
- 47. By Sen. Tucker - **Increasing minimum proof of financial responsibility in motor vehicle insurance coverage** (original similar to H. B. No. 2823) - Introduced 1/8/14 - To Banking and Insurance then Judiciary
- 48. By Sen. Tucker, Beach and Williams - **Authorizing rural resort community as limited gaming facility** - Introduced 1/8/14 - To Judiciary then Finance
- 49. By Sen. Tucker - **Relating to review of adverse determinations by insurance companies** - Introduced 1/8/14 - To Banking and Insurance then Judiciary
- 50. By Sen. Tucker and M. Hall - **Relating to organization of Physicians' Mutual Insurance Company** - Introduced 1/8/14 - To Banking and Insurance then Judiciary
- 51. By Sen. Walters - **Requiring water-free urinals in public rest areas, institutions and schools** - Introduced 1/8/14 - To Government Organization then Finance
- 52. By Sen. Walters - **Creating pilot program incorporating Khan method of teaching mathematics** - Introduced 1/8/14 - To Education then Finance
- 53. By Sen. Walters and Jenkins - **Authorizing state, county and local road construction improvements by private investors** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
- 54. By Sen. Walters and Miller - **Improving state emergency preparedness** (original similar to H. B. No. 4126) - Introduced 1/8/14 - To Judiciary then Finance
- 55. By Sen. Walters - **Creating licensed school psychologist-pupil ratio** - Introduced 1/8/14 - To Education then Finance
- 56. By Sen. Walters - **Creating pilot program for TANF recipients of academically achieving children** - Introduced 1/8/14 - To Health and Human Resources then Finance
- 57. By Sen. Cookman, Miller, Laird, Plymale and Fitzsimmons - **Implementing Child and Adolescent Needs and Strengths outcome evaluation system** - Introduced 1/8/14 - To Health and Human Resources then Finance
- *58. By Sen. Cookman, Miller, Plymale and Fitzsimmons - **Relating to basis for voidable marriages and annulments** - Introduced 1/8/14 - To Judiciary - Com.

- sub. reported 1/21/14 - Passed Senate 1/24/14 - To House 1/27/14 - To Judiciary - Amended - Passed House 2/28/14 - Title amended - Senate amended House amendment and passed 3/4/14 - House concurred in Senate amendment and passed 3/5/14 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 42, Acts, Regular Session, 2014
59. By Sen. Cookman - **Relating to claims against counties, school districts or municipalities** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/23/14
60. By Sen. Cookman - **Providing only notice of county board of education financial statement availability be published** - Introduced 1/8/14 - To Education then Finance
61. By Sen. Cookman and Fitzsimmons - **Increasing legal education credits required of court-appointed attorneys in juvenile cases** - Introduced 1/8/14 - To Judiciary
- *62. By Sen. Cookman, Laird and Plymale - **Relating to referral of drug court participants having co-occurring addiction and mental health issues** - Introduced 1/8/14 - To Judiciary then Finance - Com. sub. reported 2/7/14 - To Finance 2/7/14
63. By Sen. Facemire, D. Hall, Unger, Cann and Williams - **Increasing salaries of State Police forensic lab and civilian employees** (original similar to H. B. No. 2095, H. B. No. 4408, S. B. No. 33 and S. B. No. 486) - Introduced 1/8/14 - To Government Organization then Finance
64. By Sen. Facemire and Beach - **Providing automatic revocation of will upon legal separation** (original similar to H. B. No. 2424) - Introduced 1/8/14 - To Judiciary
65. By Sen. Facemire - **Prohibiting consideration of certain income-producing asset for purposes of spousal support** - Introduced 1/8/14 - To Judiciary
66. By Sen. Facemire - **Terminating state's jurisdiction over certain reclaimed sites of bond-forfeited surface mining operations** (original similar to H. B. No. 2826 and H. B. No. 4408) - Introduced 1/8/14 - To Education then Judiciary - To Energy, Industry and Mining 1/15/14
67. By Sen. Facemire - **Authorizing use of excess campaign contributions for repayment of previous campaign loans or debts** - Introduced 1/8/14 - To Judiciary
68. By Sen. Facemire - **Limiting liability of participants in certain water pollution abatement projects** - Introduced 1/8/14 - To Education then Judiciary - To Energy, Industry and Mining 1/15/14

69. By Sen. Facemire - **Clarifying period for determining property assessments for local share calculation** - Introduced 1/8/14 - To Judiciary then Finance
70. By Sen. Facemire - **Conforming code to federal requirements for certain registered voters in presidential elections** - Introduced 1/8/14 - To Judiciary
71. By Sen. Sypolt, Jenkins, McCabe, Carmichael, Cole and Nohe - **Limiting landowner's civil liability for injuries occurring while hunting** - Introduced 1/8/14 - To Natural Resources then Judiciary
72. By Sen. Sypolt, D. Hall, Jenkins and Carmichael - **Creating Intrastate Coal and Use Act** (original similar to H. B. No. 2535) - Introduced 1/8/14 - To Education then Judiciary - To Energy, Industry and Mining 1/15/14
73. By Sen. Sypolt, Jenkins and Nohe - **Exempting veterinary medications from sales tax** - Introduced 1/8/14 - To Agriculture and Rural Development then Finance
74. By Sen. Sypolt - **Redefining "low income" for senior citizens' homestead tax credit** - Introduced 1/8/14 - To Judiciary then Finance
75. By Sen. Sypolt - **Requiring equal membership from magisterial districts on county planning commission** - Introduced 1/8/14 - To Government Organization then Judiciary
76. By Sen. Sypolt, D. Hall, Jenkins and Williams - **Creating Firearms Freedom Act** - Introduced 1/8/14 - To Judiciary
77. By Sen. Sypolt - **Permitting escrow deposit by bond for mechanics' lien** - Introduced 1/8/14 - To Judiciary
78. By Sen. Sypolt - **Designating English as official state language** (original same as H. B. No. 2106) - Introduced 1/8/14 - To Government Organization then Finance
79. By Sen. Sypolt and Williams - **Changing number and method of jury strikes in felony cases** (original similar to H. B. No. 2892) - Introduced 1/8/14 - To Judiciary
80. By Sen. Sypolt, D. Hall, Williams and M. Hall - **Permitting concealed weapons licensees to carry weapon on Capitol Complex with certain exception** (original similar to H. B. No. 2135 and H. B. No. 2459) - Introduced 1/8/14 - To Government Organization then Judiciary
81. By Sen. Sypolt and Williams - **Excluding veterans' disability income in determining spousal support and marital property division** - Introduced 1/8/14 - To Military then Judiciary

82. By Sen. Sypolt and M. Hall - **Exempting homeowners' association dues, fees and assessments from consumers sales and service tax** - Introduced 1/8/14 - To Government Organization then Finance
83. By Sen. Laird and Unger - **Providing personal income tax deduction for spaying or neutering pets** (original same as H. B. No. 4356) - Introduced 1/8/14 - To Agriculture and Rural Development then Finance - To Finance 2/11/14
84. By Sen. Laird - **Relating to process of selecting state agency hearing examiners** - Introduced 1/8/14 - To Judiciary
85. By Sen. Laird, Stollings, Miller, Cann, Plymale and Tucker - **Establishing driver's license restoration program** (original similar to S. B. No. 89) - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary
86. By Sen. Laird, Stollings, Miller, Cookman, Beach and Fitzsimmons - **Expanding grandparents' rights** (original similar to H. B. No. 4519) - Introduced 1/8/14 - To Judiciary
87. By Sen. Laird, D. Hall, Unger, Miller and Plymale - **Providing salary increase for natural resources police officers** - Introduced 1/8/14 - To Natural Resources then Finance
88. By Sen. Laird and Plymale - **Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies** - Introduced 1/8/14 - To Banking and Insurance then Judiciary - To Judiciary 2/7/14 - Passed Senate 2/17/14 - To House 2/18/14 - To Banking and Insurance then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 94, Acts, Regular Session, 2014
89. By Sen. Laird, Stollings and Miller - **Creating amnesty program for certain drivers with suspended licenses** (original similar to S. B. No. 85) - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary
- *90. By Sen. Laird, Cookman and Fitzsimmons - **Creating criminal offense for interfering or preventing call for assistance of emergency service personnel** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 2/6/14 - Passed Senate 2/11/14 - To House 2/12/14 - To Judiciary - Amended - Passed House 3/4/14 - Senate concurred in House amendments and passed bill 3/5/14 - To Governor 3/13/14 - Approved by Governor 3/18/14 - Chapter 34, Acts, Regular Session, 2014

91. By Sen. Yost and Fitzsimmons - **Requiring state uniforms be manufactured in US** - Introduced 1/8/14 - To Labor then Finance
92. By Sen. Barnes, Miller, Walters and Nohe - **Establishing Animal Abuse Registry** (original same as H. B. No. 4300) - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary
93. By Sen. Barnes - **Amending public school support computation of local share** (original similar to H. B. No. 4002 and S. B. No. 432) - Introduced 1/8/14 - To Education then Finance
94. By Sen. Barnes - **Requiring county commission be notified prior to employee discharge** (original similar to S. B. No. 205) - Introduced 1/8/14 - To Labor then Government Organization
- *95. By Sen. Miller and Beach - **Creating felony offense for DUI causing serious bodily injury** (original similar to H. B. No. 3074 and S. B. No. 281) - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
96. By Sen. Miller, Unger, Laird, Plymale and Williams - **Creating Creative Communities Development Act** - Introduced 1/8/14 - To Education then Finance - To Economic Development 1/15/14 - To Finance 2/13/14
97. By Sen. Miller and Laird - **Relating to funding of civil legal services to low-income persons** (original similar to H. B. No. 2155) - Introduced 1/8/14 - To Judiciary then Finance
98. By Sen. Miller and Cann - **Relating to student-school nurse staffing ratio** - Introduced 1/8/14 - To Education then Finance
99. By Sen. Miller, Cookman and Fitzsimmons - **Relating to compensation and expenses for attorneys appointed in child abuse and neglect proceedings** - Introduced 1/8/14 - To Judiciary then Finance
100. By Sen. Miller and Beach - **Authorizing operation of low-speed vehicles on certain municipal roads** - Introduced 1/8/14 - To Transportation and Infrastructure then Government Organization - To Government Organization 2/5/14 - Passed Senate 2/18/14 - To House 2/19/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/28/14

101. By Sen. Snyder - **Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to regulation of chiropractic practice** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
102. By Sen. Snyder - **Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to fees pertaining to practice of chiropractic** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
103. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to board** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
104. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
105. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to fees established by board** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
106. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations; dental practice ownership** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
107. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to dental advertising** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
108. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
109. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
110. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to administration of anesthesia by dentists** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14

111. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
112. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to mobile dental facilities and portable dental units** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
113. By Sen. Snyder - **Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to policies regulating licensure of licensed practical nurse** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
114. By Sen. Snyder - **Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
115. By Sen. Snyder - **Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to continuing competence** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
116. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to continuing education for licensure of pharmacists** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
117. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring** - Introduced 1/8/14 - To Health and Human Resources then Government Organization then Judiciary - To Government Organization 1/15/14 - To Judiciary 1/22/14
118. By Sen. Snyder - **Authorizing Board of Sanitarians promulgate legislative rule relating to practice of public health sanitation** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - To Judiciary 1/17/14
119. By Sen. Snyder - **Authorizing Board of Professional Surveyors promulgate legislative rule relating to examination and licensing of professional surveyors** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14

120. By Sen. Snyder - **Authorizing Board of Veterinary Medicine promulgate legislative rule relating to registration of veterinary technicians** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
121. By Sen. Snyder - **Authorizing Board of Veterinary Medicine promulgate legislative rule relating to certified animal euthanasia technicians** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
122. By Sen. Snyder - **Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
123. By Sen. Snyder - **Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech-language pathology and audiology** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
124. By Sen. Snyder - **Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to speech-language pathology and audiology assistants** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
125. By Sen. Snyder - **Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
126. By Sen. Snyder - **Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to code of ethics** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/15/14
127. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to Wage Payment and Collection Act** - Introduced 1/8/14 - To Labor then Judiciary - To Judiciary 1/15/14
128. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to employer wage bonds** - Introduced 1/8/14 - To Labor then Judiciary - To Judiciary 1/15/14
129. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to ambient air quality standards** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14

130. 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 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14
131. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14
132. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14
- *133. By Sen. Snyder - **Authorizing DEP promulgate legislative rules** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14 - Com. sub. reported 2/7/14 - Passed Senate with amended title 2/12/14 - Effective from passage - To House 2/13/14 - To Judiciary - Amended - Passed House 3/7/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 107, Acts, Regular Session, 2014
134. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14
135. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14
136. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards** - Introduced 1/8/14 - To Natural Resources then Judiciary - To Judiciary 1/23/14
137. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to state certification of activities requiring federal licenses and permits** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 2/4/14
138. By Sen. Snyder - **Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to assessing health and safety violation penalties** - Introduced 1/8/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/21/14

139. By Sen. Snyder - **Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to program for sharing of information between employees** - Introduced 1/8/14 - To Labor then Judiciary - To Judiciary 2/5/14
- *140. By Sen. Snyder - **Authorizing Department of Commerce promulgate legislative rules** - Introduced 1/8/14 - To Labor then Judiciary - To Judiciary 2/5/14 - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - Effective from passage - To House 2/25/14 - To Judiciary - Amended - Passed House 3/8/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 114, Acts, Regular Session, 2014
141. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special motorboating** - Introduced 1/8/14 - To Natural Resources then Judiciary - To Judiciary 1/16/14
142. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to electronic registration of wildlife** - Introduced 1/8/14 - To Natural Resources then Judiciary - To Judiciary 1/16/14
143. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to voluntary remediation and redevelopment** - Introduced 1/8/14 - To Economic Development then Judiciary - To Judiciary 1/23/14
144. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to commercial feed** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary
145. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to schedule of charges for inspection services: fruit** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 1/21/14
146. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to auctioneers** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 1/21/14
147. By Sen. Snyder - **Authorizing Commissioner of Agriculture promulgate legislative rule relating to inspection of meat and poultry** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 1/29/14
148. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to clinical laboratory technician and technologist licensure and certification** -

- Introduced 1/8/14 - To Health and Human Resources then Finance then Judiciary
- To Finance 1/15/14 - To Judiciary 1/23/14
149. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to medication administration by unlicensed personnel** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - To Judiciary 1/17/14
150. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to AIDS-related medical testing and confidentiality** - Introduced 1/8/14 - To Health and Human Resources then Finance then Judiciary - To Finance 1/15/14 - To Judiciary 1/23/14
151. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to Cancer Registry** - Introduced 1/8/14 - To Health and Human Resources then Finance then Judiciary - To Finance 1/15/14 - To Judiciary 1/23/14
152. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to Medical Examiner's rule for post-mortem inquiries** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - To Judiciary 1/17/14
153. By Sen. Snyder - **Authorizing Health Care Authority promulgate legislative rule relating to Health Information Network** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - To Judiciary 1/17/14
154. By Sen. Snyder - **Authorizing Bureau of Senior Services promulgate legislative rule relating to In-Home Care Worker Registry** - Introduced 1/8/14 - To Health and Human Resources then Finance then Judiciary - To Finance 1/15/14 - To Judiciary 1/23/14
- *155. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Introduced 1/8/14 - To Health and Human Resources then Government Organization then Judiciary - To Government Organization 1/15/14 - To Judiciary 1/22/14 - Com. sub. reported 2/13/14 - Passed Senate 2/18/14 - Effective from passage - To House 2/19/14 - To Judiciary - Amended - Passed House 3/7/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 109, Acts, Regular Session, 2014
156. By Sen. Snyder - **Authorizing Fire Commission promulgate legislative rule relating to State Fire Code** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/22/14

157. By Sen. Snyder - **Authorizing Fire Commission promulgate legislative rule relating to certification of home inspectors** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 1/24/14
158. By Sen. Snyder - **Authorizing Regional Jail and Correctional Facility Authority promulgate legislative rule relating to determination of projected cost per day for inmates** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 1/23/14
159. By Sen. Snyder - **Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to bureau** - Introduced 1/8/14 - To Judiciary
160. By Sen. Snyder - **Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to obtaining support from federal and state tax refunds** - Introduced 1/8/14 - To Judiciary
161. By Sen. Snyder - **Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to interstate income withholding** - Introduced 1/8/14 - To Judiciary
162. By Sen. Snyder - **Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to support enforcement activities undertaken by bureau** - Introduced 1/8/14 - To Judiciary
163. By Sen. Snyder - **Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to distribution of support payments** - Introduced 1/8/14 - To Judiciary
164. By Sen. Snyder - **Authorizing State Fire Marshal promulgate legislative rule relating to certification of electrical inspectors** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 1/24/14
- *165. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 1/30/14 - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Judiciary - Passed House 3/7/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 112, Acts, Regular Session, 2014
166. By Sen. Snyder - **Authorizing Tax Department promulgate legislative rule relating to municipal sales and service and use tax administration** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 1/28/14
- *167. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 1/28/14 - Com.

sub. reported 2/14/14 - Passed Senate 2/19/14 - Effective from passage - To House 2/20/14 - To Judiciary - Amended - Passed House 3/7/14 - Senate concurred in House amendments and passed bill 3/8/14 - Effective ninety days from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 111, Acts, Regular Session, 2014

168. By Sen. Snyder - **Authorizing Tax Department promulgate legislative rule relating to withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs** - Introduced 1/8/14 - To Judiciary
169. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of funds in Treasurer's Office by state agencies** - Introduced 1/8/14 - To Judiciary
170. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of moneys with office by state agencies** - Introduced 1/8/14 - To Judiciary
171. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding** - Introduced 1/8/14 - To Judiciary
172. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for receipt accounts** - Introduced 1/8/14 - To Judiciary
173. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to reporting of debt capacity** - Introduced 1/8/14 - To Judiciary
174. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to reporting debt** - Introduced 1/8/14 - To Judiciary
175. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to procedures for fees in collections by charge, credit or debit card or by electronic payment** - Introduced 1/8/14 - To Judiciary
176. By Sen. Snyder - **Authorizing Treasurer's Office promulgate legislative rule relating to providing services to political subdivisions** - Introduced 1/8/14 - To Judiciary
177. By Sen. Snyder - **Authorizing Insurance Commissioner promulgate legislative rule relating to utilization review and benefit determination** - Introduced 1/8/14 - To Banking and Insurance then Judiciary - To Judiciary 1/28/14

178. By Sen. Snyder - **Authorizing Insurance Commissioner promulgate legislative rule relating to health plan insurer internal grievance procedure** - Introduced 1/8/14 - To Banking and Insurance then Judiciary - To Judiciary 1/28/14
179. By Sen. Snyder - **Authorizing Insurance Commissioner promulgate legislative rule relating to external review of adverse health insurance determinations** - Introduced 1/8/14 - To Banking and Insurance then Judiciary - To Judiciary 1/28/14
180. By Sen. Snyder - **Authorizing Election Commission promulgate legislative rule relating to Supreme Court of Appeals Public Campaign Financing Pilot Program** - Introduced 1/8/14 - To Judiciary
- *181. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rules** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14 - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - Effective from passage - To House 2/25/14 - To Judiciary - Amended - Passed House 3/7/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 106, Acts, Regular Session, 2014
182. By Sen. Snyder - **Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
183. By Sen. Snyder - **Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways** - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/15/14
184. By Sen. Snyder - **Authorizing Consolidated Public Retirement Board promulgate legislative rule relating to Public Employees Retirement System** - Introduced 1/8/14 - To Pensions then Finance then Judiciary - To Finance 1/20/14 - To Judiciary 2/4/14
185. By Sen. Snyder - **Authorizing Infrastructure and Jobs Development Council promulgate legislative rule relating to council** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
186. By Sen. Snyder - **Authorizing Real Estate Commission promulgate legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14

187. By Sen. Snyder - **Authorizing Real Estate Commission promulgate legislative rule relating to schedule of fees** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 2/6/14
188. By Sen. Snyder - **Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to private club licensing** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 2/6/14
189. By Sen. Snyder - **Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to farm wineries** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 1/21/14
190. By Sen. Snyder - **Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to sale of wine** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 1/21/14
191. By Sen. Snyder - **Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures** - Introduced 1/8/14 - To Finance then Judiciary - To Judiciary 2/6/14
192. By Sen. Snyder - **Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing** - Introduced 1/8/14 - To Judiciary
193. By Sen. Snyder - **Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
194. By Sen. Snyder - **Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure or certification** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
195. By Sen. Snyder - **Authorizing Massage Therapy Licensure Board promulgate legislative rule relating to schedule of fees** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/16/14
- *196. By Sen. Snyder - **Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - To Judiciary 1/17/14 - Com. sub. reported 1/23/14 - Passed Senate 1/28/14 - Effective from passage - To House 1/29/14 - To Judiciary - Passed House 3/7/14 - Effective from

passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 108, Acts, Regular Session, 2014

197. By Sen. Snyder - **Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation** - Introduced 1/8/14 - To Pensions then Finance then Judiciary - To Finance 1/20/14 - To Judiciary 2/4/14
198. By Sen. Unger, Kessler (Mr. President), Jenkins, Cann, Cookman, Fitzsimmons and Nohe - **Protecting confidentiality of applications, permits and renewal application for deadly weapons permits** (original similar to H. B. No. 4310) - Introduced 1/8/14 - To Judiciary
199. By Sen. Unger and Cann - **Allowing private property owner prohibit carrying firearms or deadly weapons on property** - Introduced 1/8/14 - To Judiciary
200. By Sen. Kirkendoll and Cookman - **Authorizing circuit and magistrate courts collect bail bond surcharges to offset regional jail costs** (original similar to H. B. No. 3070) - Introduced 1/8/14 - To Judiciary then Finance
201. By Sen. Unger, Jenkins, Cann, Plymale and Williams - **Requiring minimum number of state troopers; providing certain salary increases** (original similar to H. B. No. 2075, H. B. No. 2147, H. B. No. 2232 and S. B. No. 392) - Introduced 1/8/14 - To Government Organization then Finance
202. By Sen. Unger - **Creating Benefit Corporation Act** - Introduced 1/8/14 - To Judiciary - Passed Senate 2/25/14 - Effective July 1, 2014 - To House 2/26/14 - To Judiciary - Passed House 3/7/14 - Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 17, Acts, Regular Session, 2014
203. By Sen. Unger, Cann, Yost and Williams - **Requiring State Police be compensated when on standby; housing stipend** (original similar to H. B. No. 2133 and H. B. No. 2226) - Introduced 1/8/14 - To Government Organization then Finance
- *204. By Sen. Unger and Kessler (Mr. President) - **Relating to crime victims compensation awards** - Introduced 1/8/14 - To Judiciary then Finance - Com. sub. reported 2/20/14 - On 2nd reading to Finance 2/20/14 - Com. sub. for com. sub. reported 2/24/14 - Amended - Passed Senate 2/26/14 - Effective from passage - To House 2/27/14 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 31, Acts, Regular Session, 2014

205. By Sen. Kirkendoll - **Granting county commissions advice and consent authority in discharge of county employees** - Introduced 1/8/14 - To Government Organization then Judiciary
206. By Sen. Plymale - **Redistributing certain net terminal income from racetrack video lottery** - Introduced 1/8/14 - To Government Organization then Finance
207. By Sen. Plymale and Laird - **Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts** - Introduced 1/8/14 - To Education then Government Organization
208. By Sen. Plymale - **Relating to Rural Health Initiative Act** (original similar to H. B. No. 4532) - Introduced 1/8/14 - To Education then Finance - 2nd reference dispensed - Passed Senate with amended title 1/28/14 - To House 1/29/14 - To Health and Human Resources then Education - To House Education - To House Finance 3/4/14
209. By Sen. Beach, Miller, Cookman, Walters and Fitzsimmons - **Allowing special needs students to participate in graduation ceremonies** - Introduced 1/8/14 - To Education - Passed Senate 1/28/14 - Effective from passage - To House 1/29/14 - To Education - Amended - Passed House 3/5/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/6/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 55, Acts, Regular Session, 2014
210. By Sen. Beach - **Increasing membership of Board of Examiners for Registered Professional Nurses** - Introduced 1/8/14 - To Government Organization
211. By Sen. Beach - **Relating to alternative nicotine products** (original similar to H. B. No. 4138 and H. B. No. 4237) - Introduced 1/8/14 - To Health and Human Resources then Judiciary
212. By Sen. Beach, Fitzsimmons and Williams - **Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives** (original similar to H. B. No. 4342) - Introduced 1/8/14 - To Health and Human Resources then Government Organization
213. By Sen. Miller and Laird - **Relating to residential solar energy tax credit** (original similar to H. B. No. 2875) - Introduced 1/8/14 - To Economic Development then Finance
214. By Sen. Miller - **Creating Citizens Elected County Officials Compensation Commission** - Introduced 1/8/14 - To Government Organization then Judiciary - On 2nd reading to Judiciary 2/18/14

215. By Sen. M. Hall, Carmichael and Cole - **Creating Intermediate Court of Appeals** - Introduced 1/8/14 - To Judiciary then Finance
216. By Sen. Nohe - **Providing exemption allowing removal or burning of certain litter by county and municipal governments** - Introduced 1/8/14 - To Natural Resources then Judiciary
217. By Sen. Blair, Jenkins, Carmichael and Nohe - **Prohibiting public officials and employees from using public funds for self promotion** - Introduced 1/8/14 - To Government Organization then Judiciary
218. By Sen. Blair - **Requiring bartenders have alcohol server permits** - Introduced 1/8/14 - To Judiciary then Finance
219. By Sen. Barnes - **Establishing public competitive learning academies** - Introduced 1/8/14 - To Education then Finance
220. By Sen. Barnes and D. Hall - **Allowing local option election permitting Sunday hunting on private property** - Introduced 1/8/14 - To Natural Resources then Judiciary
221. By Sen. Barnes, D. Hall, Jenkins, Nohe and M. Hall - **Absolving landowner from civil liability for hunting injuries** - Introduced 1/8/14 - To Natural Resources then Judiciary
222. By Sen. Barnes, Jenkins and M. Hall - **Exempting certain motor vehicles from personal property tax; requiring antique licenses** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
223. By Sen. Barnes and M. Hall - **Requiring all available fetal medical care following abortion** (original similar to H. B. No. 2083) - Introduced 1/8/14 - To Health and Human Resources then Judiciary
224. By Sen. Kirkendoll - **Relating to service credit transfers from PERS to EMS Retirement System** - Introduced 1/8/14 - To Pensions then Finance
225. By Sen. Kirkendoll - **Relating to certain civil action filing fees** - Introduced 1/8/14 - To Judiciary then Finance
226. By Sen. Kirkendoll and D. Hall - **Providing elected county officials receive raise based on Consumer Price Index** (original similar to H. B. No. 2887) - Introduced 1/8/14 - To Government Organization then Finance

227. By Sen. Jenkins - **Creating Higher Education Community School Law** - Introduced 1/8/14 - To Education then Finance
228. By Sen. Jenkins and M. Hall - **Exempting all military retirement income from state income tax** (original same as H. B. No. 4545 - similar to S. B. No. 236 and S. B. No. 237) - Introduced 1/8/14 - To Military then Finance
229. By Sen. Jenkins - **Providing tax credit for fees paid for recycling residential household waste** - Introduced 1/8/14 - To Natural Resources then Finance
230. By Sen. Jenkins - **Permitting Boards of Medicine, Dentistry and Osteopathy initiate disciplinary proceedings in certain circumstances** - Introduced 1/8/14 - To Government Organization then Judiciary
231. By Sen. Jenkins - **Mandating additional punishment for using minor in commission of crime** - Introduced 1/8/14 - To Select Committee on Children and Poverty then Judiciary
232. By Sen. Jenkins, Carmichael and Cole - **Providing for nonpartisan election of Supreme Court justices** (original similar to H. B. No. 2027, H. B. No. 2479 and H. B. No. 3012) - Introduced 1/8/14 - To Government Organization then Judiciary
233. By Sen. Jenkins and Plymale - **Extending civil liability immunity to operators of parks and recreation districts** - Introduced 1/8/14 - To Natural Resources then Judiciary
234. By Sen. Jenkins and Miller - **Requiring court conduct hearing at sentencing to determine defendant's ability to pay incarceration costs** - Introduced 1/8/14 - To Judiciary then Finance
235. By Sen. Jenkins - **Expanding counties covered by Rt. 2 and I-68 Authority** - Introduced 1/8/14 - To Transportation and Infrastructure then Government Organization
236. By Sen. Yost, D. Hall, Cann and Nohe - **Exempting all military, National Guard and reserve income from state income taxes** (original similar to H. B. No. 4545, S. B. No. 228 and S. B. No. 237) - Introduced 1/8/14 - To Military then Finance
237. By Sen. Yost, Jenkins, D. Hall, Cann and Nohe - **Increasing personal income tax exemption on military, National Guard and reserve retirement income** (original similar to H. B. No. 4545, S. B. No. 228 and S. B. No. 236) - Introduced 1/8/14 - To Military then Finance

238. By Sen. Yost - **Lowering threshold requiring low-bid government construction contractors submit subcontractor list** - Introduced 1/8/14 - To Labor then Government Organization
239. By Sen. Yost - **Requiring workers painting state bridges complete SSPC Coating Application Specialist Program** (original similar to H. B. No. 3093) - Introduced 1/8/14 - To Labor then Government Organization
240. By Sen. Yost - **Relating to meeting and conference rights for members of municipal police or fire departments** (original similar to H. B. No. 2001 and H. B. No. 2380) - Introduced 1/8/14 - To Labor then Judiciary
241. By Sen. Yost - **Creating Keep Jobs in West Virginia Act** - Introduced 1/8/14 - To Labor then Government Organization
242. By Sen. Yost - **Creating State Labor Relations Act** - Introduced 1/8/14 - To Labor then Government Organization
243. By Sen. Yost - **Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel** (original similar to H. B. No. 2094 and S. B. No. 245) - Introduced 1/8/14 - To Natural Resources then Finance
244. By Sen. Yost, Cookman and Fitzsimmons - **Facilitating compilation and availability of birth parents' social and medical histories prior to adoption** - Introduced 1/8/14 - To Judiciary
245. By Sen. Yost, Cookman and Fitzsimmons - **Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel** (original same as H. B. No. 2094 - similar to S. B. No. 243) - Introduced 1/8/14 - To Natural Resources then Finance
246. By Sen. Yost - **Allowing real property co-owner become sole owner under certain circumstances** - Introduced 1/8/14 - To Judiciary
247. By Sen. Yost - **Removing statutory salary provision of Executive Director of Women's Commission** (original similar to H. B. No. 2394) - Introduced 1/8/14 - To Government Organization then Finance
248. By Sen. Yost - **Creating Equal Pay Coordinator within Division of Personnel** - Introduced 1/8/14 - To Government Organization then Finance
249. By Sen. Yost, Miller, Cann and Fitzsimmons - **Providing state park campground discounts for National Guard and reserve** - Introduced 1/8/14 - To Natural Resources then Finance

250. By Sen. Palumbo and Jenkins - **Adopting several liability in tortious conduct actions** - Introduced 1/8/14 - To Judiciary
251. By Sen. Palumbo, Cann and Cookman - **Implementing terms of Uniform Arbitration Act** - Introduced 1/8/14 - To Interstate Cooperation then Judiciary - To Judiciary 1/21/14 - Passed Senate 1/28/14 - Effective July 1, 2014 - To House 1/29/14 - To Judiciary
- *252. By Sen. Palumbo and Nohe - **Allowing certain expelled students to return to school through Juvenile Drug Court** - Introduced 1/8/14 - To Education then Judiciary - Com. sub. reported 2/5/14 - To Judiciary 2/5/14 - Com. sub. for com. sub. reported 2/18/14 - Amended - Passed Senate 2/21/14 - To House 2/21/14 - To Education then Judiciary - To House Judiciary - Amended - Passed House 3/7/14 - Title amended - Amended - Passed House 3/8/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 100, Acts, Regular Session, 2014
- *253. By Sen. Palumbo and Laird - **Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth** - Introduced 1/8/14 - To Select Committee on Children and Poverty then Education - Com. sub. reported 2/19/14 - On 2nd reading to Education 2/19/14 - Amended - Passed Senate 2/24/14 - To House 2/25/14 - To Education - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 58, Acts, Regular Session, 2014
- *254. By Sen. Unger - **Regulating equine boarding facilities** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 2/4/14 - To Judiciary 2/4/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Agriculture and Natural Resources then Judiciary
- *255. By Sen. Plymale and Tucker - **Increasing fire and casualty insurance policies surcharge to benefit fire departments** (original similar to H. B. No. 4559) - Introduced 1/8/14 - To Banking and Insurance then Finance - Com. sub. reported 2/18/14 - To Finance 2/18/14
256. By Sen. Tucker - **Providing expiration date on lien instrument securing obligation payable on demand** - Introduced 1/8/14 - To Judiciary
257. By Sen. Palumbo and Cann - **Relating to real property possessor's liability for harm to trespassers** - Introduced 1/8/14 - To Judiciary - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Judiciary

258. By Sen. Palumbo, Jenkins, Beach, Cookman, Tucker and Fitzsimmons - **Prohibiting juveniles from manufacturing, possessing and distributing nude images of minors** - Introduced 1/8/14 - To Judiciary
259. By Sen. Chafin - **Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance** - Introduced 1/8/14 - To Education then Finance - To Economic Development 1/15/14
- *260. By Sen. Chafin - **Relating to residential community waivers for salvage yard establishments** - Introduced 1/8/14 - To Government Organization then Judiciary - Com. sub. reported 2/19/14 - To Judiciary 2/19/14
261. By Sen. Chafin, Jenkins, D. Hall, Cole and M. Hall - **Transferring portion of Parkways Authority revenues to Turnpike counties** (original same as S. B. No. 311) - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
262. By Sen. Cookman, Miller and Fitzsimmons - **Prohibiting certain purchases by SNAP recipients** (original similar to H. B. No. 2599) - Introduced 1/8/14 - To Health and Human Resources then Judiciary
263. By Sen. Chafin - **Clarifying continuous inactivity of demand, savings or time deposits under Uniform Unclaimed Property Act** - Introduced 1/8/14 - To Banking and Insurance then Government Organization - To Government Organization 2/11/14
264. By Sen. Chafin and Jenkins - **Authorizing issuance of ten-year Bronze Star Medal license plates** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
265. By Sen. Jenkins and Plymale - **Creating misdemeanor offense of possession of burglar's tools** - Introduced 1/8/14 - To Judiciary
266. By Sen. Jenkins and Plymale - **Criminalizing graffiti on real and personal property** (original similar to H. B. No. 2156) - Introduced 1/8/14 - To Judiciary
- *267. By Sen. Palumbo, Kessler (Mr. President), Cookman and Fitzsimmons - **Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use** - Introduced 1/8/14 - To Government Organization then Judiciary - To Judiciary 1/23/14 - Com. sub. reported 1/29/14 - Amended on 3rd reading - Passed Senate with amended title 2/3/14 - To House 2/4/14 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 89, Acts, Regular Session, 2014

268. By Sen. Jenkins and M. Hall - **Providing appraisal method for affordable multifamily rental housing property** - Introduced 1/8/14 - To Judiciary then Finance
269. By Sen. Jenkins - **Authorizing issuance of special license plates** - Introduced 1/8/14 - To Transportation and Infrastructure then Finance
270. By Sen. Jenkins, Carmichael, Cole and M. Hall - **Creating Jobs Impact Statement Act** (original similar to H. B. No. 4576 and S. B. No. 543) - Introduced 1/8/14 - To Education then Finance - To Economic Development 1/15/14
271. By Sen. Cann - **Allowing CPRB set employer contribution rate for PERS and SPRS without legislative approval** - Introduced 1/8/14 - To Pensions then Finance
272. By Sen. Cann and D. Hall - **Limiting health insurance coverage for elective abortions to supplemental policies** (original same as H. B. No. 3081 - similar to H. B. No. 4471 and S. B. No. 496) - Introduced 1/8/14 - To Banking and Insurance then Judiciary
273. By Sen. Cann - **Prohibiting increases in certain real property assessments** - Introduced 1/8/14 - To Government Organization then Finance
274. By Sen. Cann - **Providing for college graduate tax credit** - Introduced 1/8/14 - To Education then Finance
275. By Sen. Cann - **Expanding qualified military service credit for PERS benefit purposes** (original similar to H. B. No. 2339) - Introduced 1/8/14 - To Pensions then Finance
276. By Sen. Cann and Beach - **Providing salary increases for certain public school teachers and reading specialists** (original similar to H. B. No. 2746 and S. B. No. 303) - Introduced 1/8/14 - To Education then Finance
277. By Sen. Yost - **Relating to temporary reassignment of injured or ill school service personnel** - Introduced 1/8/14 - To Education then Finance
- *278. By Sen. Palumbo - **Redefining “scrap metal”** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 1/15/14 - Passed Senate 1/20/14 - Effective from passage - To House 1/21/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage
279. By Sen. Cann and Cookman - **Relating to abortions performed on unemancipated minors** - Introduced 1/8/14 - To Judiciary then Finance

280. By Sen. Barnes - **Expanding Military Incentive Program to all economically disadvantaged veterans** - Introduced 1/8/14 - To Military then Finance - To Finance 1/28/14
281. By Sen. Palumbo, Miller, Cookman, Tucker and Fitzsimmons - **Creating felony offense of DUI causing injury or death** (original similar to H. B. No. 2500, H. B. No. 3074 and S. B. No. 95) - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary
282. By Sen. Barnes - **Decreasing number of jurors in municipal criminal matters** - Introduced 1/8/14 - To Judiciary
283. By Sen. Wells - **Prohibiting certain noncompetition clauses in broadcast industry employee contracts** - Introduced 1/8/14 - To Labor then Judiciary
284. By Sen. Wells - **Relating to county board of education employee personal leave accrual** - Introduced 1/8/14 - To Education then Finance
285. By Sen. Wells - **Providing campsite rental discount to youth groups undertaking certain community service projects** - Introduced 1/8/14 - To Natural Resources then Finance
286. By Sen. Carmichael - **Relating to used motor vehicle warranties** - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary
287. By Sen. Carmichael - **Relating to requirement of professional engineer serving on sanitary board** - Introduced 1/8/14 - To Government Organization then Judiciary
288. By Sen. Carmichael - **Clarifying individual is disqualified from unemployment benefits while on strike** - Introduced 1/8/14 - To Labor then Judiciary
289. By Sen. Carmichael, Jenkins and M. Hall - **Establishing comparative fault standard** (original similar to H. B. No. 4438) - Introduced 1/8/14 - To Judiciary
290. By Sen. Carmichael - **Relating to Municipal Home Rule Pilot Program** - Introduced 1/8/14 - To Government Organization then Judiciary
291. By Sen. Carmichael - **Increasing threshold of defendant's liability in tort action involving multiple defendants** - Introduced 1/8/14 - To Judiciary
292. By Sen. Carmichael - **Requiring prevailing hourly rates in public improvements construction** (original same as H. B. No. 2753) - Introduced 1/8/14 - To Labor then Judiciary

293. By Sen. Carmichael and Jenkins - **Limiting punitive damages awarded in personal injury or wrongful death cases** - Introduced 1/8/14 - To Judiciary
294. By Sen. Carmichael, Jenkins and M. Hall - **Relating to reduction in compensatory damages for collateral source payments** - Introduced 1/8/14 - To Judiciary
295. By Sen. Carmichael and Cole - **Extending time period for wage payments after termination** (original similar to H. B. No. 2839) - Introduced 1/8/14 - To Labor then Judiciary
296. By Sen. Cann - **Relating to health insurance; benefits and services** (original similar to H. B. No. 2918) - Introduced 1/8/14 - To Banking and Insurance then Judiciary
- *297. By Sen. Wells - **Permitting certain state employees receive higher salary as appointive state officer** - Introduced 1/8/14 - To Government Organization then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14
- *298. By Sen. Unger, D. Hall, Cookman, Tucker, Fitzsimmons, Williams and Cann - **Clarifying distinction between hunters and shooters in the field** (original similar to H. B. No. 4431) - Introduced 1/8/14 - To Natural Resources then Judiciary - Com. sub. reported 2/13/14 - To Judiciary 2/13/14
299. By Sen. Carmichael and M. Hall - **Creating loser-pays civil justice system** - Introduced 1/8/14 - To Judiciary
300. By Sen. Carmichael and Cole - **Creating Intermediate Court of Appeals** (original similar to H. B. No. 4462) - Introduced 1/8/14 - To Judiciary then Finance
301. By Sen. Carmichael, Jenkins, D. Hall and Nohe - **Relating to drug testing of legislators and public assistance recipients** (original similar to H. B. No. 2527, H. B. No. 3146 and S. B. No. 301) - Introduced 1/8/14 - To Health and Human Resources then Judiciary then Finance
302. By Sen. Carmichael - **Creating Tax Revenue Act** - Introduced 1/8/14 - To Finance
303. By Sen. Unger, D. Hall, Jenkins, Miller and Cann - **Providing salary increase for teachers** (original similar to H. B. No. 2746, H. B. No. 4144, S. B. No. 276 and S. B. No. 391) - Introduced 1/8/14 - To Education then Finance
304. By Sen. Palumbo - **Limiting annual property reappraisal increase; exception** (original similar to H. B. No. 2041, H. B. No. 2077, H. B. No. 2444 and H. B. No. 2486) - Introduced 1/8/14 - To Judiciary then Finance

305. By Sen. Beach - **Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery** - Introduced 1/8/14 - To Natural Resources then Judiciary
- *306. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Budget Bill** (original same as H. B. No. 4015) - Introduced 1/8/14 - To Finance 1/8/14 - Com. sub. reported 3/4/14 - Passed Senate 3/6/14 - Effective July 1, 2014 - To House 3/6/14 - Reference dispensed - Amended - Passed House 3/8/14 - Effective July 1, 2014 - Senate refused to concur in House amendment 3/8/14 - House refused to recede and requested conference 3/8/14 - To conference 3/10/14 - Senate adopted conference report and passed bill 3/14/14 - Effective from passage - House adopted conference report and passed bill 3/14/14 - Effective from passage - To Governor 3/19/14 - Approved by Governor with deletions and reductions 3/19/14 - Chapter 13, Acts, Regular Session, 2014
- *307. By Sen. Cann, Williams, Cookman and Palumbo - **Relating to pretrial management of persons charged with committing crimes** - Introduced 1/9/14 - To Government Organization then Judiciary - To Judiciary 2/6/14 - Com. sub. reported 2/11/14 - Passed Senate 2/14/14 - To House 2/17/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate amended House amendment and passed 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/14/14 - Vetoed by Governor 3/14/14 - Senate amended, repassed to meet objections of Governor 3/14/14 - House concurred in Senate amendment 3/14/14 - Repassed House to meet the objections of the Governor 3/14/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 38, Acts, Regular Session, 2014
308. By Sen. Cann, Plymale, Williams, McCabe, Stollings and Fitzsimmons - **Creating Shale Research, Education, Policy and Economic Development Center at WVU** - Introduced 1/9/14 - To Education then Finance
309. By Sen. Cann - **Redefining “eligible institutions” to receive PROMISE scholarship funds** - Introduced 1/9/14 - To Education then Finance
- *310. By Sen. Palumbo and Cookman - **Adjusting penalties for willful failure to pay child support** (original same as H. B. No. 4554) - Introduced 1/9/14 - To Judiciary - Com. sub. reported 1/21/14 - Passed Senate 1/28/14 - To House 1/29/14 - To Judiciary
311. By Sen. Chafin, M. Hall, Jenkins, Miller, Laird and D. Hall - **Transferring portion of Parkways Authority revenues to Turnpike counties** (original same as S. B. No. 261) - Introduced 1/9/14 - To Transportation and Infrastructure then Finance

- *312. By Sen. Cann, Williams, Wells, McCabe, Stollings and Palumbo - **Creating Project Launchpad Act** (original same as H. B. No. 4343) - Introduced 1/9/14 - To Economic Development then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14
- *313. By Sen. Snyder, McCabe and Miller - **Requiring gubernatorial appointment of PSC Consumer Advocate Director to mirror Governor's term of office** - Introduced 1/9/14 - To Government Organization then Judiciary - Com. sub. reported 1/23/14 - To Judiciary 1/23/14
314. By Sen. Williams and Sypolt - **Appropriating hotel occupancy tax proceeds to counties with no more than one hospital** (original similar to H. B. No. 4249) - Introduced 1/10/14 - To Government Organization then Finance - 2nd reference dispensed - Passed Senate 2/4/14 - To House 2/5/14 - To Finance - Amended - Passed House 3/4/14 - Title amended - Senate concurred in House amendments and passed bill 3/5/14 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 86, Acts, Regular Session, 2014
- *315. By Sen. Wells - **Clarifying use of certain funds under Military Authority Act** - Introduced 1/10/14 - To Military then Finance - Com. sub. reported 1/22/14 - To Finance 1/22/14 - Passed Senate 2/19/14 - To House 2/20/14 - To Finance - Passed House 3/8/14 - Effective from passage - Senate concurred in House changed effective date 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 119, Acts, Regular Session, 2014
- *316. By Sen. Palumbo - **Relating to tolling with regard to civil actions** - Introduced 1/10/14 - To Judiciary - Com. sub. reported 1/22/14 - Amended on 3rd reading - Passed Senate 1/30/14 - Effective from passage - To House 1/31/14 - To Industry and Labor then Judiciary
- *317. By Sen. Unger, Nohe, Kessler (Mr. President), D. Hall, Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird, Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder - **Relating to municipal firearm laws** (original similar to H. B. No. 2760 and H. B. No. 4288) - Introduced 1/10/14 - To Government Organization then Judiciary - Com. sub. reported 2/13/14 - To Judiciary 2/13/14 - Com. sub. for com. sub. reported 2/19/14 - Amended - Passed Senate with amended title 2/25/14 - Effective from passage - To House 2/26/14 - To Judiciary - Passed House 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/25/14 - Chapter 129, Acts, Regular Session, 2014
- *318. By Sen. Stollings - **Setting fees for manufacture, distribution, dispensing and research of controlled substances** - Introduced 1/10/14 - To Health and Human Resources then Finance - Com. sub. reported 1/22/14 - To Finance 1/22/14 - Passed

- Senate 2/21/14 - To House 2/21/14 - To Health and Human Resources then Finance
- To House Finance 2/28/14
319. By Sen. McCabe - **Increasing membership of State Fire Commission** -
Introduced 1/10/14 - To Government Organization then Finance
320. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
Relating to "state of preparedness" (original same as H. B. No. 4147) -
Introduced 1/10/14 - To Government Organization then Judiciary
321. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
Allowing Board of Public Works be represented by designees; proxy voting
(original same as H. B. No. 4149) - Introduced 1/10/14 - To Government
Organization then Judiciary
- *322. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
**Providing state compensate officials, officers and employees every two weeks
with certain exceptions** (original same as H. B. No. 4150) - Introduced 1/10/14 -
To Government Organization then Finance - To Finance 1/23/14 - Com. sub.
reported 2/12/14 - Passed Senate 2/17/14 - Effective July 1, 2014 - To House
2/18/14 - To Finance - Passed House 3/5/14 - Effective July 1, 2014 - To Governor
3/13/14 - Approved by Governor 3/14/14 - Chapter 146, Acts, Regular Session,
2014
323. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
Relating to professional board licensure requirements for military and spouses
(original same as H. B. No. 4151) - Introduced 1/10/14 - To Military then
Government Organization - To Government Organization 1/22/14
324. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
Requiring underground facilities operators participate in one-call system
(original same as H. B. No. 4152) - Introduced 1/10/14 - To Energy, Industry and
Mining then Judiciary
325. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] -
Providing State Fire Marshal serve at will and pleasure of Fire Commission
(original same as H. B. No. 4153) - Introduced 1/10/14 - To Government
Organization - Passed Senate 2/4/14 - To House 2/5/14 - To Government
Organization then Judiciary - To House Judiciary - Amended - Passed House
3/8/14 - Title amended - Senate concurred in House amendments and passed bill
3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 68, Acts,
Regular Session, 2014

326. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Fixing technical error relating to motor fuel excise tax** (original same as H. B. No. 4154) - Introduced 1/10/14 - To Finance
327. 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. 4174) - Introduced 1/10/14 - To Finance - Passed Senate 2/14/14 - Effective from passage - To House 2/17/14 - To Finance - Passed House 3/4/14 - Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 174, Acts, Regular Session, 2014
328. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Terminating Strategic Research and Development Tax Credit** (original same as H. B. No. 4148) - Introduced 1/10/14 - To Economic Development then Finance - To Finance 1/30/14 - Passed Senate 2/19/14 - To House 2/20/14 - To Finance - Passed House 3/4/14 - Effective from passage - Senate concurred in House changed effective date 3/5/14 - Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 169, Acts, Regular Session, 2014
329. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Extending cessation period for deposits into Special Railroad and Intermodal Enhancement Fund** (original same as H. B. No. 4157) - Introduced 1/10/14 - To Transportation and Infrastructure then Finance
330. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating Safe and Efficient Parkways Act** (original same as H. B. No. 4156) - Introduced 1/10/14 - To Transportation and Infrastructure then Judiciary
331. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes** (original same as H. B. No. 4158) - Introduced 1/10/14 - To Finance - Passed Senate 2/18/14 - Effective from passage - To House 2/19/14 - To Finance - Amended - Passed House 3/4/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/5/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 171, Acts, Regular Session, 2014
332. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Reducing certain allowances in computation of local share** (original same as H. B. No. 4160) - Introduced 1/10/14 - To Education then Finance
333. 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. 4159) - Introduced 1/10/14 - To Finance

334. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Suspending certain refundable consumer sales and service tax exemptions to State Road Fund** (original same as H. B. No. 4155) - Introduced 1/10/14 - To Transportation and Infrastructure then Finance
335. By Sen. Fitzsimmons, Yost, Blair, D. Hall, Kessler (Mr. President), Unger and Miller - **Requiring certain items purchased by state be manufactured in United States** (original same as H. B. No. 4168) - Introduced 1/10/14 - To Government Organization
- *336. By Sen. Stollings, Laird, Boley, Cole, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins and Cookman - **Relating to possession and administration of opioid antagonist** (original same as H. B. No. 4161 and S. B. No. 17) - Introduced 1/13/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/31/14 - To Judiciary 1/31/14 - Com. sub. for com. sub. reported 2/4/14 - Passed Senate 2/7/14 - To House 2/10/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/20/14
337. By Sen. Yost and Fitzsimmons - **Authorizing DOH increase gross weight limitations on certain Brooke County roads** - Introduced 1/13/14 - To Transportation and Infrastructure then Judiciary
338. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to Tourism Development Act** (original same as H. B. No. 4184) - Introduced 1/14/14 - To Economic Development then Finance
339. By Sen. Palumbo, Stollings and Jenkins - **Adding tramadol and related salts and isomers to Schedule IV controlled substances** - Introduced 1/14/14 - To Health and Human Resources then Judiciary
- *340. By Sen. Snyder - **Creating EMT-industrial certification** - Introduced 1/14/14 - To Health and Human Resources then Government Organization - Com. sub. reported 1/31/14 - To Government Organization 1/31/14
341. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services** (original same as H. B. No. 4176) - Introduced 1/14/14 - To Finance - Passed Senate 1/28/14 - Effective from passage - To House 1/29/14 - To Finance - Passed House 2/5/14 - Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 15, Acts, Regular Session, 2014

342. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of unappropriated moneys to DHHR, MAPS and Department of Veterans' Assistance** (original same as H. B. No. 4177) - Introduced 1/14/14 - To Finance
343. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Commerce, Workforce Investment Act** (original same as H. B. No. 4178) - Introduced 1/14/14 - To Finance
- *344. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies** (original same as H. B. No. 4179) - Introduced 1/14/14 - To Finance - Com. sub. reported 2/27/14 - Passed Senate 3/3/14 - Effective from passage - To House 3/4/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate amended House amendment and passed 3/8/14 - Effective from passage
- *345. 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 MAPS** (original same as H. B. No. 4180) - Introduced 1/14/14 - To Finance - Com. sub. reported 2/27/14 - Passed Senate 3/3/14 - Effective from passage - To House 3/4/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/8/14
346. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services** (original same as H. B. No. 4181) - Introduced 1/14/14 - To Finance - Passed Senate 1/22/14 - Effective from passage - To House 1/23/14 - To Finance - Passed House 1/29/14 - Effective from passage - To Governor 2/4/14 - Approved by Governor 2/4/14 - Chapter 14, Acts, Regular Session, 2014
347. 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. 4182) - Introduced 1/14/14 - To Finance
348. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH** (original same as H. B. No. 4183) - Introduced 1/14/14 - To Finance
349. By Sen. Tucker, Palumbo, Cookman, Fitzsimmons, D. Hall, Snyder, Walters, Plymale and Miller - **Prohibiting nonrenewal or cancellation of certain property**

- insurance coverage policies** (original same as H. B. No. 4204) - Introduced 1/14/14 - To Banking and Insurance then Judiciary - To Judiciary 1/28/14
350. By Sen. Miller, Stollings, Snyder, Plymale, Laird, D. Hall, Unger and Beach - **Relating to Rural Rehabilitation Loan Program** - Introduced 1/14/14 - To Agriculture and Rural Development - Amended - Passed Senate 1/24/14 - Effective from passage - To House 1/27/14 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/8/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 1, Acts, Regular Session, 2014
351. By Sen. Stollings - **Requiring thoroughbred licensees pay portion of purse to Horsemen's Benevolent and Protective Association** - Introduced 1/15/14 - To Judiciary then Finance
352. By Sen. Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Stollings, Sypolt, Cann, D. Hall, Plymale, Tucker and Blair - **Promoting development of corporate sponsorships for state parks and recreation areas** (original same as H. B. No. 4197) - Introduced 1/15/14 - To Natural Resources then Finance
- *353. By Sen. Williams, Beach, D. Hall, Miller, Sypolt, Stollings, Tucker and Plymale - **Relating to timber theft from state forests** (original same as H. B. No. 4202) - Introduced 1/15/14 - To Natural Resources then Judiciary - Com. sub. reported 1/30/14 - To Judiciary 1/30/14 - Com. sub. for com. sub. reported 2/3/14 - Amended - Passed Senate with amended title 2/6/14 - To House 2/7/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Passed House 3/8/14 - Title amended - Senate concurred in House title amendment 3/8/14 - Passed Senate 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 69, Acts, Regular Session, 2014
354. By Sen. Yost, Walters, Kessler (Mr. President) and Unger - **Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs** (original same as H. B. No. 4196) - Introduced 1/15/14 - To Labor then Government Organization - To Government Organization 1/22/14
355. By Sen. Unger, Miller, Laird, Walters, Stollings, Beach, Kessler (Mr. President), Cann, Plymale and Edgell - **Amending Water Resources Protection and Management Act** (original same as H. B. No. 4255 - similar to S. B. No. 373) - Introduced 1/15/14 - To Natural Resources then Judiciary
- *356. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to purchasing reform** (original same as H. B. No. 4185) - Introduced 1/15/14 - To Government Organization then Judiciary - Com. sub. reported 1/30/14

- To Judiciary 1/30/14 - Com. sub. for com. sub. reported 2/11/14 - Passed Senate 2/14/14 - To House 2/17/14 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/7/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 151, Acts, Regular Session, 2014
- *357. By Sen. Williams, Beach, D. Hall, Miller, Sypolt, Plymale and Tucker - **Relating to Logging Sediment Control Act civil and criminal penalties** (original same as H. B. No. 4201) - Introduced 1/15/14 - To Natural Resources then Judiciary - To Judiciary 1/30/14 - Com. sub. reported 1/31/14 - Passed Senate 2/5/14 - To House 2/6/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Passed House 3/7/14 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 70, Acts, Regular Session, 2014
358. By Sen. Walters, Blair, Cole, D. Hall, Nohe, Palumbo, Snyder, Sypolt and Wells - **Requiring Purchasing Director approve certain change orders** - Introduced 1/16/14 - To Government Organization
359. By Sen. Beach, Palumbo, Cann, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Carmichael, Nohe, Walters, Plymale, Stollings and Snyder - **Reducing number of precincts for manual count in post-election canvass** (original same as H. B. No. 4198) - Introduced 1/16/14 - To Judiciary - Passed Senate 1/28/14 - Effective from passage - To House 1/29/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 60, Acts, Regular Session, 2014
360. By Sen. Cole, Barnes, Blair, Carmichael, Walters and Jenkins - **Repealing article relating to wages for construction of public improvements** (original similar to H. B. No. 2576) - Introduced 1/16/14 - To Labor then Government Organization then Finance
361. By Sen. Snyder - **Relating to Office of Emergency Medical Services** - Introduced 1/16/14 - To Government Organization then Judiciary
362. By Sen. Beach - **Relating to time restaurants, private clubs and wineries can sell alcoholic beverages on Sundays** - Introduced 1/16/14 - To Judiciary
363. By Sen. Beach - **Repealing article allowing placement of roadside memorial markers** - Introduced 1/16/14 - To Transportation and Infrastructure then Judiciary
364. By Sen. Beach - **Permitting candidate signs on road or highway rights-of-way** - Introduced 1/16/14 - To Transportation and Infrastructure then Judiciary

- *365. By Sen. Miller, Snyder and Williams - **Relating to administration of Conservation Agency programs** - Introduced 1/16/14 - To Government Organization then Judiciary - Com. sub. reported 1/22/14 - To Judiciary 1/22/14 - Rereferred to Judiciary on 2nd reading 2/24/14 - Amended - Passed Senate with amended title 2/26/14 - Effective from passage - To House 2/27/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 4, Acts, Regular Session, 2014
366. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Transferring CHIP from Department of Administration to DHHR** (original same as H. B. No. 4213) - Introduced 1/16/14 - To Health and Human Resources then Judiciary - On 2nd reading to Judiciary 2/18/14 - Passed Senate 2/24/14 - Effective July 1, 2014 - To House 2/25/14 - To Health and Human Resources then Finance
367. By Sen. Palumbo, Kessler (Mr. President), Plymale, Fitzsimmons and Wells - **Correcting internal code reference regarding judges and prosecutors carrying firearms** (original similar to S. B. No. 435) - Introduced 1/16/14 - To Judiciary
368. By Sen. Snyder, Blair, Unger, Kessler (Mr. President) and Cookman - **Repealing article relating to unfair trade practices** - Introduced 1/16/14 - To Judiciary
369. By Sen. Snyder, Blair, Boley, Cann, Cookman, Green, Yost, Unger, Kessler (Mr. President), Palumbo and Stollings - **Requiring state procurement by competitive bidding** (original same as H. B. No. 4317) - Introduced 1/16/14 - To Government Organization then Judiciary
370. By Sen. Palumbo - **Relating to sentencing and parole of juveniles treated as adults** (original similar to H. B. No. 4210) - Introduced 1/16/14 - To Judiciary
371. By Sen. Beach, Kessler (Mr. President), Fitzsimmons and Stollings - **Prohibiting possession of wild and exotic animals** - Introduced 1/16/14 - To Natural Resources then Judiciary
372. By Sen. Beach - **Permitting certain auxiliary lighting on motorcycles** (original similar to H. B. No. 2477) - Introduced 1/16/14 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/22/14
- *373. By Sen. Unger, Kessler (Mr. President), Palumbo, Plymale, Laird, Yost, Miller, Prezioso, Fitzsimmons, Wells, Cann, Chafin, Tucker, Stollings, Cookman and Snyder - **Relating to water resources protection** (original similar to H. B. No.

- 4255, H. B. No. 4285 and S. B. No. 355) - Introduced 1/16/14 - To Natural Resources then Judiciary - Com. sub. reported 1/23/14 - To Judiciary 1/23/14 - Com. sub. for com. sub. reported 1/24/14 - Amended - Passed Senate 1/28/14 - To House 1/29/14 - To Health and Human Resources then Judiciary then Finance - To House Judiciary - To House Finance 3/3/14 - Read 1st to Finance 3/3/14 - Amended - Passed House 3/5/14 - Title amended - Senate amended House amendment and passed 3/7/14 - Senate requests return of bill from House - Senate reconsidered passage of bill - Amended - Senate concurred in House amendment as amended and passed bill 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/17/14 - Approved by Governor 4/1/14 - Chapter 187, Acts, Regular Session, 2014
374. By Sen. McCabe, Barnes, Beach, Cann, Green, D. Hall, Laird, Miller, Palumbo, Walters and Wells - **Prohibiting special election by local levying body 180 days prior to scheduled election** (original similar to H. B. No. 4399) - Introduced 1/17/14 - To Government Organization then Judiciary
375. By Sen. Cann and Snyder - **Excluding certain real and personal property from TIF assessment** - Introduced 1/17/14 - To Economic Development then Finance - To Finance 2/13/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/27/14 - Chapter 162, Acts, Regular Session, 2014
- *376. By Sen. Yost, Fitzsimmons, Kessler (Mr. President) and Wells - **Requiring certain construction workers complete OSHA safety program** (original similar to H. B. No. 4353) - Introduced 1/17/14 - To Labor then Judiciary - To Judiciary 1/22/14 - Com. sub. reported 2/14/14 - Passed Senate 2/19/14 - Effective July 1, 2014 - To House 2/20/14 - To Judiciary - Amended - Passed House 3/6/14 - Effective July 1, 2014 - Senate concurred in House amendments and passed bill 3/8/14 - Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 103, Acts, Regular Session, 2014
377. By Sen. Jenkins - **Creating Native American Tribes Unique Recognition, Authentication and Listing Act** (original similar to H. B. No. 2779 and S. B. No. 406) - Introduced 1/17/14 - To Government Organization then Judiciary
- *378. By Sen. Cookman - **Relating to special speed limitations as to waste service vehicles** - Introduced 1/17/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14 - Com. sub. for com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary - Passed House 3/5/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 178, Acts, Regular Session, 2014

- *379. By Sen. Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and Plymale - **Reclassifying counties** (original same as H. B. No. 4239) - Introduced 1/17/14 - To Government Organization then Finance - Com. sub. reported 2/12/14 - To Finance 2/12/14 - Com. sub. for com. sub. reported 2/21/14 - Amended - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/8/14
380. By Sen. Beach and Stollings - **Redefining “all-terrain and utility terrain vehicles”** - Introduced 1/20/14 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/29/14 - Passed Senate 2/4/14 - To House 2/5/14 - To Judiciary - Passed House 3/8/14 - Title amended - Senate concurred in House title amendment 3/8/14 - Passed Senate 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 125, Acts, Regular Session, 2014
- *381. By Sen. Stollings, Plymale and Unger - **Requiring CPR and care for conscious choking instruction in public schools** - Introduced 1/20/14 - To Health and Human Resources then Education - Com. sub. reported 1/22/14 - To Education 1/22/14 - Com. sub. for com. sub. reported 1/29/14 - Amended - Passed Senate with amended title 2/3/14 - To House 2/4/14 - To Health and Human Resources then Education - To House Education 2/28/14
382. By Sen. Blair and Cookman - **Exempting certain veterans' and active duty military organizations from indoor smoking regulations** - Introduced 1/20/14 - To Military then Health and Human Resources
- *383. By Sen. Tucker, Barnes, D. Hall and Snyder - **Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages** (original same as H. B. No. 4116) - Introduced 1/20/14 - To Banking and Insurance then Judiciary - Com. sub. reported 2/7/14 - To Judiciary 2/7/14 - Passed Senate 2/21/14 - Effective July 1, 2014 - To House 2/21/14 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/7/14 - Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 25, Acts, Regular Session, 2014
- *384. By Sen. Tucker, Stollings and Barnes - **Prohibiting certain insurers require policyholders use mail-order pharmacy** - Introduced 1/20/14 - To Banking and Insurance then Judiciary - Com. sub. reported 2/7/14 - To Judiciary 2/7/14 - Passed Senate 2/17/14 - To House 2/18/14 - To Banking and Insurance then Judiciary
385. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Reducing and redirecting lottery revenue distributions** (original same as H. B. No. 4266 and H. B. No. 4333) - Introduced 1/20/14 - To Judiciary then Finance

386. By Sen. Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Barnes - **Revising laws relating to DHHR and Bureau of Medical Services** (original same as H. B. No. 4280) - Introduced 1/20/14 - To Health and Human Resources then Government Organization - To Government Organization 1/22/14
- *387. By Sen. Cole, Blair, Carmichael, D. Hall, M. Hall, Jenkins, McCabe, Walters, Williams and Nohe - **Clarifying duly authorized officers have legal custody of their prisoners while in WV** - Introduced 1/21/14 - To Judiciary then Finance - Com. sub. reported 1/31/14 - 2nd reference dispensed - Passed Senate 2/5/14 - To House 2/6/14 - To Judiciary - Passed House 3/6/14 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 149, Acts, Regular Session, 2014
388. By Sen. Prezioso, Blair, Walters, Carmichael and Cole - **Creating Pain-Capable Unborn Child Protection Act** (original similar to H. B. No. 2364 and H. B. No. 4588) - Introduced 1/21/14 - To Judiciary then Finance
389. By Sen. Yost, Kirkendoll, Wells, Snyder, Beach and D. Hall - **Regulating and legalizing sale of fireworks and imposing fee to benefit Veterans Program Fund** (original same as H. B. No. 4267) - Introduced 1/21/14 - To Judiciary then Finance
390. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating criminal penalties for disseminating false information through automated phone calls during state of emergency** (original same as H. B. No. 4257) - Introduced 1/21/14 - To Judiciary then Finance
- *391. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing salary increase for teachers and school service personnel** (original same as H. B. No. 4261 - similar to S. B. No. 303) - Introduced 1/21/14 - To Education then Finance - Com. sub. reported 2/14/14 - To Finance 2/14/14 - Com. sub. for com. sub. reported 2/21/14 - Amended on 3rd reading - Passed Senate 2/26/14 - Effective July 1, 2014 - To House 2/27/14 - To Education then Finance - To House Finance - Amended - Passed House 3/8/14 - Title amended - Effective July 1, 2014 - Senate concurred in House amendments and passed bill 3/8/14 - Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 158, Acts, Regular Session, 2014
392. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing salary increase for members of State Police** (original same as H. B. No. 4256 - similar to H. B. No. 2075 and S. B. No. 201) - Introduced 1/21/14 - To Government Organization then Finance
- *393. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Providing Governor may borrow revenue shortfall reserve funds prior to**

- April 1, 2014** (original same as H. B. No. 4282) - Introduced 1/21/14 - To Government Organization then Finance - Com. sub. reported 1/30/14 - To Finance 1/30/14 - Com. sub. for com. sub. reported 2/24/14 - Passed Senate 2/26/14 - Effective from passage - To House 2/27/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 156, Acts, Regular Session, 2014
394. By Sen. Laird, Stollings, Plymale, Wells, Beach, Chafin, Tucker, Boley, Carmichael and Jenkins - **Redesignating Health Sciences Scholarship Program as Health Sciences Service Program** (original same as H. B. No. 4296) - Introduced 1/21/14 - To Education then Finance - 2nd reference dispensed - Passed Senate 1/30/14 - To House 1/31/14 - To Finance - Passed House 3/6/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 84, Acts, Regular Session, 2014
- *395. By Sen. Palumbo - **Relating to operation and oversight of certain human services benefit programs** (original same as H. B. No. 4297) - Introduced 1/21/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/29/14 - To Judiciary 1/29/14 - Com. sub. for com. sub. reported 1/31/14 - Amended - Passed Senate with amended title 2/5/14 - To House 2/6/14 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 3/8/14 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 188, Acts, Regular Session, 2014
396. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Eliminating certain unnecessary boards, councils, task forces and committees** (original same as H. B. No. 4260) - Introduced 1/21/14 - To Government Organization
- *397. By Sen. Williams, Laird, Unger, Tucker, Plymale, Palumbo and Stollings - **Expanding scope of activities considered financial exploitation of elderly** - Introduced 1/21/14 - To Judiciary - Com. sub. reported 2/4/14 - Passed Senate 2/7/14 - To House 2/10/14 - To Senior Citizen Issues then Judiciary - To House Judiciary - Amended - Passed House 3/6/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 33, Acts, Regular Session, 2014
398. By Sen. Cookman - **Providing certain state public schools obtain impounded dogs and cats for curriculum furtherance** - Introduced 1/21/14 - To Education then Finance
399. By Sen. Cookman (By Request) - **Providing mental hygiene commissioners are employees under PERS** (original same as H. B. No. 4428) - Introduced 1/21/14 - To Pensions then Finance

400. By Sen. Laird, Miller and Unger - **Relating to air-ambulance service fees under PEIA** - Introduced 1/21/14 - To Health and Human Resources then Finance
401. By Sen. Cookman and Plymale - **Relating to “out-of-home” child placement system** - Introduced 1/22/14 - To Health and Human Resources then Judiciary
402. By Sen. Prezioso, Edgell and Plymale - **Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment** (original same as H. B. No. 4397) - Introduced 1/22/14 - To Banking and Insurance then Finance - To Finance 1/28/14 - Passed Senate 2/17/14 - To House 2/18/14 - Reference dispensed - Passed House 2/20/14 - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 166, Acts, Regular Session, 2014
403. By Sen. Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Miller and Beach - **Regulating importation and possession of certain injurious aquatic species** (original same as H. B. No. 4293) - Introduced 1/22/14 - To Natural Resources - Passed Senate 2/11/14 - To House 2/12/14 - To Judiciary - Passed House 3/7/14 - To Governor 3/17/14 - Approved by Governor 3/18/14 - Chapter 189, Acts, Regular Session, 2014
404. By Sen. Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Yost, Miller, Plymale, Beach and Wells - **Allowing reciprocal use of hunting and fishing licenses with Kentucky on Big Sandy and Tug Fork rivers** (original same as H. B. No. 4301) - Introduced 1/22/14 - To Natural Resources then Judiciary - To Judiciary 2/6/14
- *405. By Sen. Cookman, Miller and Plymale - **Allowing presiding judge to release juror qualification forms after trial's conclusion** - Introduced 1/22/14 - To Judiciary - Com. sub. reported 1/29/14 - Passed Senate 2/3/14 - Effective from passage - To House 2/4/14 - To Judiciary - Amended - Passed House 3/4/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/5/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 97, Acts, Regular Session, 2014
406. By Sen. Plymale and Jenkins - **Creating Native American Tribes Unique Recognition, Authentication and Listing Act** (original similar to H. B. No. 2779 and S. B. No. 377) - Introduced 1/22/14 - To Judiciary
407. By Sen. Tucker - **Providing renewal of lapsed managing general insurance agent licenses** (original similar to H. B. No. 4359) - Introduced 1/22/14 - To Banking and Insurance then Government Organization - Recommitted to Government Organization on 2nd reading 2/24/14

- *408. By Sen. Plymale - **Relating to parole** (original same as H. B. No. 4313) - Introduced 1/22/14 - To Judiciary - Com. sub. reported 1/30/14 - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Judiciary - Passed House 3/5/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 136, Acts, Regular Session, 2014
- *409. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to education reform** (original same as H. B. No. 4281) - Introduced 1/22/14 - To Education - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - Effective July 1, 2014 - To House 2/26/14 - To Education - Amended - Passed House 3/8/14 - Title amended - Effective July 1, 2014
410. By Sen. Unger, Miller, Beach and McCabe - **Requiring public school screening for dyslexia** - Introduced 1/22/14 - To Health and Human Resources then Education
411. By Sen. Yost, Miller, Cookman, Kessler (Mr. President), Beach and Cann - **Raising minimum wage** (original similar to H. B. No. 2953, H. B. No. 3102 and H. B. No. 4283) - Introduced 1/22/14 - To Labor then Finance - To Finance 2/5/14
412. By Sen. Unger, Yost, Miller and McCabe - **Defining “dyslexia” for education purposes** (original similar to H. B. No. 4608) - Introduced 1/22/14 - To Health and Human Resources then Education - To Education 2/12/14
413. By Sen. Unger, Miller and McCabe - **Requiring Department of Education provide professional development opportunities regarding dyslexia** - Introduced 1/22/14 - To Education
- *414. By Sen. Prezioso, Edgell and Plymale - **Redirecting nonprobate appraisal filings** (original same as H. B. No. 4398) - Introduced 1/22/14 - To Judiciary - Com. sub. reported 1/23/14 - Referred to Finance 1/23/14 - Com. sub. for com. sub. reported 2/18/14 - Passed Senate 2/21/14 - Effective July 1, 2014 - To House 2/24/14 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/7/14 - Title amended - Effective July 1, 2014 - Senate concurred in House amendments and passed bill 3/8/14 - Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 167, Acts, Regular Session, 2014
415. By Sen. Wells, McCabe and Palumbo - **Changing due date of certain county commission tax reports** - Introduced 1/22/14 - To Government Organization - Passed Senate 2/4/14 - To House 2/5/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/28/14
- *416. By Sen. Prezioso and Edgell - **Relating to tentative appraisals of natural resources property** (original same as H. B. No. 4470) - Introduced 1/22/14 - To

Government Organization then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14 - Passed Senate 2/18/14 - To House 2/19/14 - To Finance - Passed House 3/4/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 165, Acts, Regular Session, 2014

417. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating Source Water Protection Act** (original same as H. B. No. 4258) - Introduced 1/22/14 - To Natural Resources then Judiciary
- *418. By Sen. Stollings - **Relating to medical and podiatry corporations** - Introduced 1/23/14 - To Government Organization then Judiciary - Com. sub. reported 2/6/14 - To Judiciary 2/6/14
- *419. By Sen. Stollings, Laird, Boley, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins, Cookman, Barnes and Fitzsimmons - **Creating Overdose Prevention Act** (original same as H. B. No. 4189) - Introduced 1/23/14 - To Health and Human Resources then Judiciary - On 2nd reading to Judiciary 2/18/14 - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate refused to concur in House amendment 3/8/14
- *420. By Sen. Plymale, Kessler (Mr. President), Beach, Cann, Chafin, Cookman, Facemire, Edgell, Kirkendoll, Laird, McCabe, Miller, Palumbo, Prezioso, Snyder, Stollings, Tucker, Williams, Wells and Barnes - **Relating to data sharing in P-20W Longitudinal Data System** - Introduced 1/23/14 - To Education then Finance - Com. sub. reported 1/29/14 - To Finance 1/29/14 - Com. sub. for com. sub. reported 2/12/14 - Amended - Passed Senate 2/17/14 - Effective July 1, 2014 - To House 2/18/14 - To Judiciary then Finance - Read 1st to Finance 3/6/14
421. By Sen. Snyder, Blair, Beach and Barnes - **Removing certain discounts from motor fuel excise tax** - Introduced 1/23/14 - To Transportation and Infrastructure then Finance
- *422. By Sen. Plymale, Kessler (Mr. President), Kirkendoll, Stollings and Cookman - **Expanding state aid for students of certain health professions** - Introduced 1/23/14 - To Education then Finance - To Finance 1/31/14 - Com. sub. reported 2/12/14 - Amended - Rejected by Senate 2/17/14
423. By Sen. Cookman, Miller and Edgell - **Relating to expungement of certain felony convictions** (original similar to H. B. No. 3154) - Introduced 1/23/14 - To Judiciary then Finance

- *424. By Sen. Stollings and Kirkendoll - **Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area** - Introduced 1/23/14 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/18/14 - On 2nd reading to Government Organization 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Political Subdivisions then Judiciary - To House Judiciary 3/3/14
- *425. By Sen. Stollings and Edgell - **Relating to licensure, supervision and regulation of physician assistants** (original similar to H. B. No. 4289) - Introduced 1/23/14 - To Health and Human Resources then Government Organization - Com. sub. reported 2/12/14 - To Government Organization 2/12/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/24/14 - Chapter 142, Acts, Regular Session, 2014
426. By Sen. Plymale - **Relating to appointments to certain higher education commissions, councils and boards** - Introduced 1/23/14 - To Education - Passed Senate 2/10/14 - Effective from passage - To House 2/11/14 - To Education - Amended - Passed House 3/8/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Vetoed by Governor 3/31/14
- *427. By Sen. Beach - **Relating to motor vehicle insurance** (original similar to H. B. No. 2990) - Introduced 1/24/14 - To Banking and Insurance then Judiciary - To Judiciary 2/11/14 - Com. sub. reported 2/14/14 - Passed Senate 2/19/14 - To House 2/20/14 - To Judiciary - Amended - Passed House 3/6/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 128, Acts, Regular Session, 2014
428. By Sen. Beach and Laird - **Creating Dangerous Wild Animals Act** (original similar to H. B. No. 4393) - Introduced 1/24/14 - To Natural Resources then Finance
429. By Sen. Boley, Nohe, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Sypolt and Walters - **Relating to public school curricular standards and assessments** (original same as H. B. No. 4383) - Introduced 1/24/14 - To Education then Finance
- *430. By Sen. Edgell, Green, Kirkendoll, Laird, McCabe, Snyder, Tucker, Unger, Yost and Stollings - **Relating to receipting of state moneys** - Introduced 1/24/14 - To Government Organization then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14 - Passed Senate 2/24/14 - Effective July 1, 2014 - To House 2/25/14 - To Finance - Amended - Passed House 3/8/14 - Effective July 1, 2014

- *431. By Sen. Beach - **Relating to issuance and renewal of certain driver's licenses and federal ID cards** - Introduced 1/24/14 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/5/14 - To Finance 2/5/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary then Finance - To House Finance - Passed House 3/7/14 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 44, Acts, Regular Session, 2014
- *432. By Sen. Plymale, Kessler (Mr. President), Kirkendoll, Prezioso, Stollings, Edgell, Beach, Fitzsimmons, D. Hall, Williams, Yost and Wells - **Relating to calculating local share** (original similar to H. B. No. 4002 and S. B. No. 93) - Introduced 1/27/14 - To Education then Finance - Com. sub. reported 1/29/14 - To Finance 1/29/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Finance - Amended - Tabled on 3rd reading, Daily Calendar 3/8/14
433. By Sen. Nohe and Tucker - **Exempting certain precious metal sales from consumers sales tax** (original similar to H. B. No. 4272) - Introduced 1/27/14 - To Finance
- *434. By Sen. Beach - **Eliminating revocation period for certain DUI offenders** (original similar to H. B. No. 4377) - Introduced 1/27/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/5/14 - To Judiciary 2/5/14 - Passed Senate 2/17/14 - To House 2/18/14 - To Judiciary - Amended - Passed House 3/7/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/28/14 - Chapter 126, Acts, Regular Session, 2014
435. By Sen. Palumbo, Kessler (Mr. President) and Beach - **Correcting code reference relating to handgun safety training for certain court personnel** (original similar to S. B. No. 367) - Introduced 1/27/14 - To Judiciary - Passed Senate 2/3/14 - Effective from passage - To House 2/4/14 - To Judiciary
436. By Sen. Laird, M. Hall, Miller, Plymale and Stollings - **Providing Prosecuting Attorneys Institute executive council establish salary of director** - Introduced 1/27/14 - To Judiciary then Finance
437. By Sen. Tucker, McCabe, Palumbo and Plymale - **Requiring mortgage brokers file certain reports with Division of Financial Institutions** (original same as H. B. No. 4372) - Introduced 1/27/14 - To Banking and Insurance then Judiciary - Recommended to Judiciary on 2nd reading 2/24/14
438. By Sen. Tucker, McCabe, Palumbo and Plymale - **Revising regulatory structure of money transmitters** - Introduced 1/27/14 - To Banking and Insurance then Government Organization

- *439. By Sen. Fitzsimmons, Kessler (Mr. President), Beach, Edgell and Yost - **Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District** (original same as H. B. No. 4247) - Introduced 1/27/14 - To Government Organization then Finance - To Finance 2/6/14 - Com. sub. reported 2/21/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House title amendment 3/8/14 - Passed Senate 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 27, Acts, Regular Session, 2014
440. By Sen. Palumbo, Cookman, Laird, Barnes, Unger, Kessler (Mr. President), Stollings, Wells, M. Hall and Chafin - **Creating O. C. Spaulding Electronic Recording Act** - Introduced 1/28/14 - To Judiciary
441. By Sen. Beach - **Increasing limit on size of voting precincts** (original same as H. B. No. 4473) - Introduced 1/28/14 - To Government Organization then Judiciary
442. By Sen. Beach, Kessler (Mr. President), Fitzsimmons and Williams - **Permitting certain firearms in motor vehicles on Capitol Complex grounds** (original similar to H. B. No. 2135 and H. B. No. 4309) - Introduced 1/28/14 - To Government Organization then Judiciary
443. By Sen. Kirkendoll, Cann, Edgell and Carmichael - **Relating to SPRS** (original same as H. B. No. 4345) - Introduced 1/28/14 - To Pensions then Finance - To Finance 2/3/14 - Passed Senate 2/14/14 - To House 2/17/14 - Reference dispensed - Passed House 2/19/14 - Effective from passage - Senate concurred in House changed effective date 2/20/14 - Effective from passage - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 155, Acts, Regular Session, 2014
444. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to PERS** (original same as H. B. No. 4364) - Introduced 1/28/14 - To Pensions then Finance - To Finance 2/3/14 - Passed Senate 2/14/14 - To House 2/17/14 - Reference dispensed - Passed House 2/19/14 - Effective from passage - Senate concurred in House changed effective date 2/20/14 - Effective from passage - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 153, Acts, Regular Session, 2014
445. By Sen. Beach, Kessler (Mr. President), Fitzsimmons, Williams and Cann - **Clarifying when person engaged in outdoor recreation may possess certain firearms** (original similar to H. B. No. 2572 and H. B. No. 3019) - Introduced 1/28/14 - To Natural Resources then Judiciary

446. By Sen. Miller, Cann and Laird - **Relating to public employee grievance procedure** (original same as H. B. No. 4203) - Introduced 1/29/14 - To Labor then Government Organization
447. By Sen. Chafin, Cole, Kirkendoll and Stollings - **Authorizing additional circuit court judge** (original same as H. B. No. 4140 - similar to H. B. No. 2310, H. B. No. 4205, H. B. No. 4509, S. B. No. 475 and S. B. No. 557) - Introduced 1/29/14 - To Judiciary then Finance
448. By Sen. Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, D. Hall, M. Hall, Nohe, Sypolt, Tucker, Williams, Snyder, Stollings, Wells and Jenkins - **Providing one-time supplement for certain PERS and STRS retirees** - Introduced 1/29/14 - To Pensions then Finance
- *449. By Sen. Wells, Yost, Jenkins and Fitzsimmons - **Relating to power and authority of Secretary of Department of Veterans' Assistance** (original same as H. B. No. 4268) - Introduced 1/29/14 - To Military then Government Organization - Com. sub. reported 2/12/14 - To Government Organization 2/12/14
- *450. By Sen. Walters, Blair, Carmichael, McCabe, Palumbo and Wells - **Relating to sale and consumption of alcoholic beverages in certain outdoor settings** (original similar to H. B. No. 4436) - Introduced 1/30/14 - To Judiciary - Com. sub. reported 2/5/14 - Passed Senate 2/11/14 - Effective from passage - To House 2/12/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/27/14 - Chapter 6, Acts, Regular Session, 2014
451. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to distribution of certain retirement benefits of deceased uniformed service officers under qualified domestic relations order** (original same as H. B. No. 4349) - Introduced 1/30/14 - To Pensions then Judiciary - To Judiciary 2/3/14
452. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to TRS annuity calculation of member with reciprocal service credit** (original same as H. B. No. 4366) - Introduced 1/30/14 - To Pensions then Finance - To Finance 2/3/14 - Passed Senate 2/14/14 - To House 2/17/14 - Reference dispensed - Passed House 2/19/14 - To Governor 3/3/14 - Approved by Governor 3/7/14 - Chapter 154, Acts, Regular Session, 2014
453. By Sen. Kirkendoll, Cann, Edgell, Carmichael and Plymale - **Relating to TRS** - Introduced 1/30/14 - To Pensions then Finance - Recommitted to Finance on 3rd reading 2/14/14

454. By Sen. Miller, Cookman, D. Hall, Laird, Tucker, Williams and Snyder - **Defining dam "owner"** - Introduced 1/30/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/4/14 - Passed Senate 2/11/14 - To House 2/12/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/7/14 - Senate amended House amendment and passed 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/21/14 - Approved by Governor 3/26/14 - Chapter 64, Acts, Regular Session, 2014
- *455. By Sen. Unger, Stollings, Kessler (Mr. President), Yost, Edgell, Laird, Kirkendoll, Cann, Miller, Beach and Fitzsimmons - **Creating Move to Improve Act** (original similar to H. B. No. 4582) - Introduced 1/30/14 - To Health and Human Resources then Education - To Health and Human Resources 1/30/14 - To Education 1/31/14 - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Health and Human Resources then Education - To House Education 2/28/14
456. By Sen. Stollings - **Extending expiration date for health care provider tax on eligible acute care hospitals** - Introduced 1/31/14 - To Health and Human Resources then Finance - To Finance 2/7/14 - Amended - Passed Senate 2/21/14 - Effective from passage - To House 2/21/14 - To Finance - Passed House 3/6/14 - Effective from passage - To Governor 3/13/14 - Approved by Governor 3/19/14 - Chapter 175, Acts, Regular Session, 2014
457. By Sen. Cookman, Miller, Laird, Plymale, Kessler (Mr. President), Tucker and Snyder - **Requiring programs for temporarily detained inmates in regional jails** (original similar to H. B. No. 4338) - Introduced 1/31/14 - To Judiciary then Finance - To Finance 2/5/14 - Passed Senate 2/19/14 - To House 2/20/14 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/5/14 - Senate concurred in House amendments and passed bill 3/6/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 26, Acts, Regular Session, 2014
- *458. By Sen. Kessler (Mr. President), Barnes, Fitzsimmons, Kirkendoll, Walters, Laird, Yost, Cookman and Stollings - **Dedicating certain circuit court fees to fund low-income persons' civil legal services** (original same as H. B. No. 4348 - similar to H. B. No. 4125) - Introduced 1/31/14 - To Judiciary then Finance - Com. sub. reported 2/7/14 - 2nd reference dispensed - Passed Senate 2/12/14 - Effective July 1, 2014 - To House 2/13/14 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/8/14 - Title amended - Effective July 1, 2014 - Senate concurred in House amendments and passed bill 3/8/14 - Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 28, Acts, Regular Session, 2014
459. By Sen. Tucker, Williams, Cookman and Jenkins - **Removing severance tax on timber** (original same as H. B. No. 4320) - Introduced 1/31/14 - To Natural Resources then Finance

460. By Sen. Miller, Laird, Unger, Beach, Snyder, Stollings and Jenkins - **Permitting School of Osteopathic Medicine invest certain moneys in its foundation** (original same as H. B. No. 4435) - Introduced 1/31/14 - To Education then Finance - On 2nd reading to Finance 2/20/14 - Passed Senate 2/26/14 - To House 2/27/14 - Reference dispensed - Amended - Passed House 3/3/14 - Senate concurred in House amendments and passed bill 3/4/14 - To Governor 3/7/14 - Approved by Governor 3/7/14 - Chapter 147, Acts, Regular Session, 2014
- *461. By Sen. Kessler (Mr. President), Williams, Tucker, Plymale, Stollings, Snyder, Cookman, Palumbo, Fitzsimmons, Beach, Yost, Miller, D. Hall, Jenkins, McCabe, Wells, Edgell, Barnes, Blair, Boley, Cann, Chafin, Kirkendoll, Laird, Nohe, Prezioso, Sypolt, Unger, Walters, Green and M. Hall - **Creating Future Fund** - Introduced 1/31/14 - To Economic Development then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/8/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 71, Acts, Regular Session, 2014
462. By Sen. D. Hall - **Providing surety relief of acting collateral upon securing bailpiece** - Introduced 1/31/14 - To Judiciary
463. By Sen. D. Hall and Kessler (Mr. President) - **Requiring certain percentage of insurance claims be performed by resident adjuster** - Introduced 1/31/14 - To Banking and Insurance then Judiciary
464. By Sen. D. Hall and Green - **Prohibiting law-enforcement officers or immediate family members from taking bonds for persons in custody** - Introduced 2/3/14 - To Judiciary
465. By Sen. Laird, Plymale, McCabe, Yost, Wells, Carmichael, Fitzsimmons and Edgell - **Permitting counties to impose levy for public library funding** (original similar to H. B. No. 2006) - Introduced 2/3/14 - To Judiciary
466. By Sen. D. Hall, Tucker, Barnes, Green, Cann, Carmichael, Nohe, Stollings, Williams, Beach and Kessler (Mr. President) - **Creating Storm Scammer Consumer Protection Act** - Introduced 2/3/14 - To Banking and Insurance then Judiciary
- *467. By Sen. Barnes and Sypolt - **Updating code section relating to expungement of criminal convictions** (original same as H. B. No. 4443) - Introduced 2/3/14 - To Judiciary - Com. sub. reported 2/24/14 - Passed Senate 2/26/14 - Effective from passage - To House 2/27/14 - To Judiciary

468. By Sen. Miller, Yost, Prezioso, Wells, Carmichael, Snyder, Fitzsimmons, Nohe, Jenkins, D. Hall and Edgell - **Providing for Veterans Medal and Service Cross** (original same as H. B. No. 4350) - Introduced 2/3/14 - To Military then Government Organization - Recommitted to Government Organization on 3rd reading 2/25/14
- *469. By Sen. Miller, Yost, Wells, Carmichael, Snyder, Nohe, Williams, Jenkins, D. Hall, Edgell, Stollings, Laird and Sypolt - **Creating Veterans and Warriors to Agriculture Program** (original same as H. B. No. 4439) - Introduced 2/3/14 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/11/14 - To Finance 2/11/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Finance - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/27/14 - Chapter 2, Acts, Regular Session, 2014
470. By Sen. Cookman, Miller, Snyder, Fitzsimmons, Williams, D. Hall and Stollings - **Providing completed grand jury questionnaires are confidential** - Introduced 2/3/14 - To Judiciary - Passed Senate 2/10/14 - To House 2/11/14 - To Judiciary - Passed House 3/4/14 - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 98, Acts, Regular Session, 2014
471. By Sen. Miller, Kessler (Mr. President), Cann, Edgell, Kirkendoll, Snyder, Unger, Walters, Williams, Yost, Wells, Cookman and Stollings - **Relating to alternative and renewable energy portfolio standards** (original similar to H. B. No. 3080) - Introduced 2/3/14 - To Energy, Industry and Mining then Finance
472. By Sen. Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons and Cookman - **Prohibiting discrimination in housing or employment based on age or sexual orientation** (original similar to H. B. No. 2856) - Introduced 2/3/14 - To Judiciary
- *473. By Sen. Sypolt, Blair, Cookman, Williams, Plymale, McCabe, Nohe and Stollings - **Providing undesirable highway property be offered for public utility use** (original same as H. B. No. 4129) - Introduced 2/3/14 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/24/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/26/14 - To House 2/27/14 - To Political Subdivisions then Judiciary - To House Judiciary 3/3/14
474. By Sen. Cann and D. Hall - **Allowing disposal of drill cuttings from well sites in commercial solid waste facilities** (original same as H. B. No. 4411) - Introduced 2/3/14 - To Government Organization then Judiciary

475. By Sen. M. Hall and Carmichael - **Authorizing additional circuit court judge** (original similar to H. B. No. 2310, H. B. No. 4140, H. B. No. 4205, H. B. No. 4509, S. B. No. 447 and S. B. No. 557) - Introduced 2/3/14 - To Judiciary then Finance
476. By Sen. Plymale and Chafin - **Providing standards for conversion and retrofits of alternative-fuel motor vehicles** - Introduced 2/3/14 - To Transportation and Infrastructure then Judiciary - On 2nd reading to Judiciary 2/18/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
- *477. By Sen. Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings - **Providing teachers determine use of time during planning period** - Introduced 2/3/14 - To Education - Com. sub. reported 2/18/14 - Amended - Passed Senate 2/21/14 - To House 2/21/14 - To Education - Amended - Passed House 3/7/14 - Title amended - Senate refused to concur in House amendment 3/7/14 - House refused to recede and requested conference 3/8/14 - To conference 3/8/14 - Senate adopted conference report and passed bill 3/8/14 - House adopted conference report and passed bill 3/8/14 - To Governor 3/27/14 - Vetoed by Governor 4/1/14
478. By Sen. D. Hall, Williams and Sypolt - **Permitting sale of raw milk** (original same as H. B. No. 4274) - Introduced 2/3/14 - To Agriculture and Rural Development then Health and Human Resources
479. By Sen. Unger, Kessler (Mr. President), Stollings, Cookman, Yost, Fitzsimmons, Wells and Cann - **Providing vocational certification, licensure or college credit for military training and experience** - Introduced 2/4/14 - To Education then Finance
480. By Sen. Tucker, Edgell, Palumbo, Cann, Fitzsimmons, Plymale and Chafin - **Expanding period during which certain motor vehicle liens are valid** (original same as H. B. No. 4417) - Introduced 2/4/14 - To Banking and Insurance then Judiciary - To Judiciary 2/11/14 - Passed Senate 2/19/14 - Effective from passage - To House 2/20/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage
481. By Sen. Wells, D. Hall, Tucker, Stollings, Cookman and Chafin - **Requiring DOT place signs honoring fallen veterans and Gold Star Families** - Introduced 2/4/14 - To Transportation and Infrastructure then Finance
482. By Sen. Williams - **Requiring food handler examinations and cards** - Introduced 2/4/14 - To Health and Human Resources then Government Organization

483. By Sen. Laird, Plymale, Miller and Stollings - **Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology** (original same as H. B. No. 4420) - Introduced 2/4/14 - To Education - Passed Senate 2/12/14 - Effective from passage - To House 2/13/14 - To Education - Amended - Passed House 3/5/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/6/14 - Effective from passage - To Governor 3/13/14 - Approved by Governor 3/14/14 - Chapter 81, Acts, Regular Session, 2014
484. By Sen. Palumbo, Williams, Cann, Kirkendoll, Tucker, Snyder and Barnes - **Changing experience requirements of members of Ethics Commission** (original same as H. B. No. 4298) - Introduced 2/4/14 - To Government Organization then Judiciary
485. By Sen. Kirkendoll, Beach, D. Hall, Miller, Snyder, Barnes, Stollings and Plymale - **Exempting DOH from certain permitting requirements of Natural Streams Preservation Act** - Introduced 2/4/14 - To Natural Resources then Judiciary - To Judiciary 2/13/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 132, Acts, Regular Session, 2014
- *486. By Sen. Snyder, Unger, Kessler (Mr. President), Williams, Wells, Miller, D. Hall, Jenkins, Green and Barnes - **Establishing certain salary increases for State Police civilian and forensic lab employees** (original same as H. B. No. 4408 - similar to S. B. No. 63) - Introduced 2/5/14 - To Government Organization then Finance - Com. sub. reported 2/12/14 - To Finance 2/12/14 - Com. sub. for com. sub. reported 2/24/14 - Passed Senate 2/26/14 - To House 2/27/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 160, Acts, Regular Session, 2014
- *487. By Sen. Snyder and Miller - **Authorizing municipal sales tax** - Introduced 2/5/14 - To Government Organization then Finance - Com. sub. reported 2/18/14 - 2nd reference dispensed - Passed Senate 2/21/14 - To House 2/21/14 - To Political Subdivisions then Finance - To House Finance 3/3/14
488. By Sen. Edgell, Prezioso, Unger, Kirkendoll, Beach, D. Hall, Miller, Snyder, Wells, Yost, Stollings, Williams and Barnes - **Establishing WV Voluntary Employee Retirement Accounts Program** (original similar to H. B. No. 4375) - Introduced 2/5/14 - To Pensions then Finance
489. By Sen. D. Hall and Green - **Providing county employees may run for vacant office without resigning** (original same as H. B. No. 4547) - Introduced 2/5/14 - To Government Organization then Judiciary

- *490. By Sen. Tucker, D. Hall, Green and Barnes - **Relating to noncovered insurance discounts by health care providers** - Introduced 2/5/14 - To Banking and Insurance then Judiciary - Com. sub. reported 2/25/14 - On 2nd reading to Judiciary 2/25/14
491. By Sen. Snyder, Kessler (Mr. President), Blair, Cookman, Unger, Plymale and Barnes - **Exempting sales of motor fuel from unfair trade practices** (original same as H. B. No. 4389) - Introduced 2/5/14 - To Judiciary
- *492. By Sen. Stollings, Laird, Miller, Cookman, Snyder and Prezioso - **Requiring State Board of Pharmacy develop specialty drugs list** - Introduced 2/5/14 - To Health and Human Resources then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14
493. By Sen. Palumbo, Tucker and Barnes - **Excluding suspension days in determining student truancy** - Introduced 2/5/14 - To Education then Judiciary - To Judiciary 2/14/14 - Passed Senate with amended title 2/24/14 - To House 2/25/14 - To Education then Judiciary
494. By Sen. Edgell, Facemire, Snyder, Fitzsimmons, Yost and Miller - **Authorizing additional methods of payment for lottery prizes** (original same as H. B. No. 4421) - Introduced 2/5/14 - To Judiciary
- *495. By Sen. Edgell - **Increasing collections into Land Division special revenue account** (original same as H. B. No. 4405) - Introduced 2/5/14 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/18/14 - To Finance 2/18/14 - Passed Senate 2/26/14 - To House 2/27/14 - To Finance - Amended - Passed House 3/8/14 - Title amended
496. By Sen. Cann, D. Hall, Prezioso, Carmichael, Cookman, Jenkins, Green and Barnes - **Limiting health insurance coverage for elective abortions to supplemental policies; exceptions** (original same as H. B. No. 4471 - similar to H. B. No. 3081 and S. B. No. 272) - Introduced 2/5/14 - To Banking and Insurance then Judiciary
497. By Sen. Edgell, Facemire, Snyder, Yost and D. Hall - **Removing restrictions where certain lottery games may be played** (original same as H. B. No. 4481) - Introduced 2/5/14 - To Judiciary then Finance
498. By Sen. Unger, Carmichael, Cookman, Beach, Fitzsimmons, D. Hall, Tucker, Williams, Green, Cole, Stollings, Plymale, Jenkins, Kessler (Mr. President), Blair, Laird, Nohe and Prezioso - **Permitting persons to possess certain firearms in vehicle without concealed deadly weapons permit** (original same as H. B. No. 4271) - Introduced 2/6/14 - To Judiciary

- *499. By Sen. Kirkendoll, McCabe, Edgell, Cann, M. Hall, Carmichael, Plymale, Palumbo and Nohe - **Making Prudent Investor Act primary standard of care for Investment Management Board** (original same as H. B. No. 4492) - Introduced 2/6/14 - To Government Organization then Finance - Com. sub. reported 2/13/14 - To Finance 2/13/14 - Com. sub. for com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - Reference dispensed - Amended - Passed House 2/28/14 - Title amended - Senate concurred in House amendments and passed bill 3/3/14 - To Governor 3/7/14 - Approved by Governor 3/13/14 - Chapter 148, Acts, Regular Session, 2014
500. By Sen. Walters and D. Hall - **Requiring public buildings have at least one ADA-compliant restroom** - Introduced 2/6/14 - To Government Organization then Finance
501. By Sen. Barnes, Yost and Blair - **Relating to auctioneers and apprentice auctioneers** (original same as H. B. No. 4410) - Introduced 2/6/14 - To Agriculture and Rural Development then Government Organization
502. By Sen. Snyder - **Updating Uniform Common Interest Ownership Act** (original similar to H. B. No. 3101 and H. B. No. 4499) - Introduced 2/6/14 - To Interstate Cooperation then Judiciary
503. By Sen. Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Nohe - **Revising Child Welfare Act** (original same as H. B. No. 4446) - Introduced 2/6/14 - To Health and Human Resources then Judiciary - To Judiciary 2/12/14
- *504. By Sen. Edgell, Barnes, Facemire and Yost - **Authorizing Auditor establish Debt Resolution Services Division** - Introduced 2/6/14 - To Government Organization then Finance - Com. sub. reported 2/13/14 - To Finance 2/13/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/8/14
505. By Sen. Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes - **Requiring Office of Administrative Hearings receive appeal petitions** (original same as H. B. No. 4427) - Introduced 2/6/14 - To Government Organization then Judiciary
506. By Sen. Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes - **Clarifying term "agency" in code section relating to administrative hearings** (original same as H. B. No. 4426) - Introduced 2/6/14 - To Government Organization then Judiciary
- *507. By Sen. Snyder and Plymale - **Relating to Board of Barbers and Cosmetologists** - Introduced 2/6/14 - To Government Organization then Judiciary - To Judiciary 2/13/14 - Com. sub. reported 2/18/14 - Passed Senate 2/21/14 - Effective July 1,

- 2014 - To House 2/21/14 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/7/14 - Effective July 1, 2014 - Senate refused to concur in House amendment 3/7/14 - House receded and passed 3/8/14 - Effective July 1, 2014 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 144, Acts, Regular Session, 2014
508. By Sen. Unger, Jenkins and Kessler (Mr. President) - **Establishing Volunteer Departments Loan Fund within Treasurer's Office** - Introduced 2/7/14 - To Government Organization then Finance
509. By Sen. Stollings, Laird and Miller - **Regulating pharmacy benefits managers** - Introduced 2/7/14 - To Banking and Insurance then Judiciary
- *510. By Sen. Plymale, Stollings, D. Hall, Wells and McCabe - **Including state land grant institutions in Research Trust Fund** - Introduced 2/7/14 - To Education then Finance - Com. sub. reported 2/14/14 - To Finance 2/14/14
511. By Sen. M. Hall, Barnes, Blair, Carmichael, Cole, Jenkins, Nohe, Sypolt and Walters - **Specifying Legislative Auditor's performance reviews and audits include Board of Public Works and Legislature** (original same as H. B. No. 4466) - Introduced 2/7/14 - To Judiciary then Finance
512. By Sen. Carmichael, M. Hall, Plymale, D. Hall and Nohe - **Providing for personal income tax checkoff for Cedar Lakes Foundation** - Introduced 2/7/14 - To Finance
- *513. By Sen. Cookman, Plymale, Wells, Edgell, Stollings, Beach and D. Hall - **Relating to cost reimbursement of servicing high-cost/high-acuity special needs students** (original same as H. B. No. 4137) - Introduced 2/7/14 - To Education then Finance - Com. sub. reported 2/14/14 - To Finance 2/14/14
514. By Sen. Carmichael and Cole - **Eliminating expense of Meth lab cleanup from Crime Victims Compensation Act** - Introduced 2/7/14 - To Judiciary then Finance
515. By Sen. Plymale (Originating in Senate Education) - **Repealing section relating to state aid for students of veterinary medicine** - Introduced 2/7/14 - Referred to Finance on 2nd reading 2/10/14
516. By Sen. Yost - **Modifying guidelines for medical treatment to injured workers** (original same as H. B. No. 4579) - Introduced 2/10/14 - To Labor then Judiciary
517. By Sen. Yost - **Providing liberal weighing of evidence for workers's compensation claims** (original same as H. B. No. 4605) - Introduced 2/10/14 - To Banking and Insurance then Judiciary

518. By Sen. Yost and Fitzsimmons - **Relating to workers' compensation benefits for firefighters; other provisions** - Introduced 2/10/14 - To Judiciary
519. By Sen. Yost - **Relating to workers' compensation benefits for occupational pneumoconiosis** (original same as H. B. No. 4607) - Introduced 2/10/14 - To Judiciary
520. By Sen. Yost - **Declaring remedial component of workers' compensation laws receive liberal construction** (original same as H. B. No. 4606) - Introduced 2/10/14 - To Judiciary then Finance
521. By Sen. Yost - **Relating to classification and criteria for disability benefits** (original same as H. B. No. 4578) - Introduced 2/10/14 - To Judiciary then Finance
522. By Sen. Yost - **Relating to delivery of medical benefits to injured workers** (original similar to H. B. No. 4600) - Introduced 2/10/14 - To Judiciary
- *523. By Sen. Green, D. Hall, Facemire, Laird, McCabe, Miller, Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and Stollings - **Providing for additional state veterans skilled nursing facility in Beckley** - Introduced 2/10/14 - To Military then Finance - Com. sub. reported 2/12/14 - To Finance 2/12/14 - Com. sub. for com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Veterans' Affairs and Homeland Security then Finance - 2nd reference dispensed - Amended - Passed House 3/7/14 - Title amended - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 184, Acts, Regular Session, 2014
524. By Sen. Yost - **Requiring prompt payment of workers' compensation benefits** (original same as H. B. No. 4599) - Introduced 2/10/14 - To Banking and Insurance then Judiciary
525. By Sen. Barnes, Blair, Boley, Carmichael, Green, M. Hall, Jenkins, Williams, Plymale, D. Hall, Cookman and Nohe - **Exempting PERS and TRS pensions and annuities from state income tax** (original similar to H. B. No. 2202) - Introduced 2/10/14 - To Pensions then Finance
526. By Sen. Chafin, Fitzsimmons, Yost and Cookman - **Giving railroad employees right to review and copy respective personnel files** (original same as H. B. No. 2128) - Introduced 2/10/14 - To Labor then Judiciary
527. By Sen. Wells, Kessler (Mr. President), Edgell, Fitzsimmons, Green, Laird, Miller, Snyder, Unger, Yost, D. Hall, Cookman, Nohe, Beach and Stollings - **Prohibiting beer and wine sales at self-scan registers** (original similar to H. B. No. 2356) - Introduced 2/10/14 - To Judiciary

528. By Sen. Laird - **Requiring promulgation of legislative rule establishing level of capital project for certain higher education institutions** (original similar to H. B. No. 4475) - Introduced 2/10/14 - To Education then Finance
529. By Sen. Cole, Barnes, Blair, Carmichael, M. Hall, Nohe and Walters - **Redefining “recreational purposes” as to limiting landowners' liability** (original similar to H. B. No. 4216) - Introduced 2/10/14 - To Natural Resources then Judiciary
530. By Sen. Cann, D. Hall, Kirkendoll, Yost, Tucker, Green, Plymale and Jenkins - **Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units** (original similar to H. B. No. 4346) - Introduced 2/10/14 - To Energy, Industry and Mining then Judiciary
531. By Sen. Stollings - **Relating to licensing of funeral directors** (original similar to H. B. No. 4540 and H. B. No. 4541) - Introduced 2/10/14 - To Government Organization then Judiciary
532. By Sen. Unger and Stollings - **Allowing certain military firefighters to become civilian firefighters** - Introduced 2/10/14 - To Government Organization then Finance
533. By Sen. Miller and Williams - **Updating commercial feed laws; setting fees by rule** - Introduced 2/10/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/18/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Effective from passage
534. By Sen. Plymale, Prezioso, Kessler (Mr. President) and McCabe - **Increasing excise tax on cigarettes and other tobacco products** (original similar to H. B. No. 4191) - Introduced 2/11/14 - To Finance
- *535. By Sen. Tucker, Laird, D. Hall and Miller - **Clarifying definition of “ginseng”** - Introduced 2/11/14 - To Natural Resources - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 72, Acts, Regular Session, 2014
536. By Sen. Stollings, Plymale, Unger, Yost, Kessler (Mr. President), Tucker, Cookman, Carmichael and Nohe - **Granting in-state tuition to honorably discharged and injured veterans** - Introduced 2/11/14 - To Education then Finance
537. By Sen. Edgell, Snyder and Kessler (Mr. President) - **Providing state institutions may apply for alternative fee and tuition schedule** - Introduced 2/11/14 - To Education

- *538. By Sen. Snyder, Unger, Barnes, Cole and Carmichael - **Adopting federal definition of “disabled veteran” for civil service and state contract bidding** - Introduced 2/11/14 - To Government Organization then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14
- *539. By Sen. Green, Stollings, D. Hall, Cookman, Barnes, Carmichael and Nohe - **Providing certain law-enforcement officers employed as school security be allowed to carry firearms** (original same as H. B. No. 4501) - Introduced 2/11/14 - To Education then Judiciary - On 2nd reading to Judiciary 2/20/14 - Com. sub. reported 2/24/14 - Passed Senate 2/26/14 - To House 2/27/14 - To Judiciary
- *540. By Sen. Plymale, D. Hall, Green, Stollings and Jenkins - **Requiring SSAC promulgate rules allowing college preparatory team recognition** - Introduced 2/11/14 - To Education then Judiciary - Com. sub. reported 2/14/14 - 2nd reference dispensed - Passed Senate 2/19/14 - To House 2/20/14 - To Education
541. By Sen. McCabe, Beach and Palumbo - **Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property** - Introduced 2/12/14 - To Judiciary - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary
542. By Sen. Wells, Unger, Jenkins, Plymale, Palumbo and Beach - **Requiring notice to DEP for release of fluids or chemicals into groundwater, surface water or subsurface soils** - Introduced 2/12/14 - To Energy, Industry and Mining then Judiciary
- *543. By Sen. Edgell, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Plymale, Blair, D. Hall, M. Hall, Sypolt, Wells, Walters, Boley, Beach and Nohe - **Creating Jobs Impact Statement Act** (original similar to H. B. No. 4576 and S. B. No. 270) - Introduced 2/12/14 - To Economic Development then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14
- *544. By Sen. Laird and Cookman - **Allowing sharing of juvenile records under certain circumstances with reciprocal states** (original similar to H. B. No. 4504) - Introduced 2/12/14 - To Interstate Cooperation then Judiciary - Com. sub. reported 2/18/14 - Recommitted to Judiciary on 3rd reading 2/26/14
545. By Sen. Laird and Cookman - **Authorizing Division of Juvenile Services establish Juvenile Trustee Fund and Juvenile Benefit Fund** - Introduced 2/12/14 - To Judiciary then Finance
546. By Sen. Wells, Jenkins, Carmichael, Williams and D. Hall - **Granting in-state tuition to military eligible for Post-9/11 GI Bill** - Introduced 2/12/14 - To Education then Finance

547. By Sen. Palumbo, Beach and Nohe - **Relating to number of municipal wards or election districts and council members** - Introduced 2/12/14 - To Government Organization then Judiciary - 2nd reference dispensed - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary - Passed House 3/8/14 - Effective ninety days from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 130, Acts, Regular Session, 2014
548. By Sen. Palumbo, Carmichael, Green, Stollings and Beach - **Creating special one-day charitable event license to sell nonintoxicating beer** (original similar to H. B. No. 4412) - Introduced 2/12/14 - To Judiciary then Finance
549. By Sen. Tucker, Palumbo, Plymale and Sypolt - **Relating to child support obligations and orders** (original same as H. B. No. 4453) - Introduced 2/12/14 - To Judiciary
550. By Sen. Miller, Jenkins, Carmichael, D. Hall, Sypolt and Green - **Providing annual salary increase to Division of Corrections employees** - Introduced 2/12/14 - To Government Organization then Finance
551. By Sen. Laird, Unger and Beach - **Requiring municipal law-enforcement officers wear armored vests** - Introduced 2/12/14 - To Government Organization
- *552. By Sen. Plymale, Tucker, D. Hall and Palumbo - **Increasing penalty related to transporting illegal controlled substances into state** (original similar to H. B. No. 4013) - Introduced 2/12/14 - To Judiciary - Com. sub. reported 2/19/14 - Amended on 3rd reading - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary
- *553. By Sen. Edgell, Fitzsimmons, Cookman, Yost and Beach - **Relating to certificates of nomination for elected office** (original same as H. B. No. 4491) - Introduced 2/12/14 - To Judiciary - Com. sub. reported 2/19/14 - Amended on 3rd reading - Passed Senate with amended title 2/25/14 - To House 2/26/14 - To Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 61, Acts, Regular Session, 2014
554. By Sen. Fitzsimmons and Yost - **Providing for employees' health and safety in dry cutting and grinding of masonry** - Introduced 2/12/14 - To Labor then Judiciary
555. By Sen. Cookman and Plymale - **Relating to appointment of counsel for alleged protected persons** (original same as H. B. No. 4565) - Introduced 2/12/14 - To Judiciary
- *556. By Sen. Cookman and Yost - **Providing complimentary certified veterans' death certificates under certain circumstances** - Introduced 2/12/14 - To Military then

Finance - Com. sub. reported 2/18/14 - Recommitted to Finance on 3rd reading 2/26/14

557. By Sen. Cookman and Unger - **Authorizing additional circuit court judge** (original same as H. B. No. 4509 - similar to H. B. No. 2310, H. B. No. 4140, H. B. No. 4193, H. B. No. 4205, S. B. No. 447 and S. B. No. 475) - Introduced 2/12/14 - To Judiciary then Finance
558. By Sen. Facemire, Edgell and Blair - **Finding and declaring certain claims against state** - Introduced 2/12/14 - To Finance - Amended - Passed Senate 2/21/14 - Effective from passage - To House 2/21/14 - To Finance - Passed House 3/6/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 20, Acts, Regular Session, 2014
559. By Sen. Edgell, Fitzsimmons, Cookman, Wells, Miller, Walters, Plymale and Yost - **Eliminating annual report late fees charged by Secretary of State** (original same as H. B. No. 4525) - Introduced 2/12/14 - To Government Organization - Passed Senate 2/21/14 - Effective July 1, 2014 - To House 2/21/14 - To Finance
560. By Sen. Palumbo, Wells, D. Hall, Green, Stollings, Walters and McCabe - **Including WYSU in Research Trust Fund; other provisions** (original same as H. B. No. 4496) - Introduced 2/13/14 - To Education then Finance
561. By Sen. Beach - **Clarifying authority and discretion of Dealer Recovery Board to hear claims** (original same as H. B. No. 4391) - Introduced 2/13/14 - To Government Organization then Judiciary
- *562. By Sen. Chafin and Yost - **Relating to training and compensation of county board of education members serving on RESAs** (original same as H. B. No. 4597) - Introduced 2/13/14 - To Education then Finance - Com. sub. reported 2/20/14 - On 2nd reading to Finance 2/20/14
563. By Sen. Chafin, Plymale, Fitzsimmons, Yost, D. Hall, Nohe, McCabe and Jenkins - **Authorizing issuance of Autism Awareness license plates** - Introduced 2/13/14 - To Transportation and Infrastructure then Finance
564. By Sen. Jenkins, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Miller, Sypolt, Walters and Nohe - **Providing consumer identity theft protection under Obamacare** (original similar to H. B. No. 4563 and H. B. No. 4564) - Introduced 2/13/14 - To Banking and Insurance then Health and Human Resources then Judiciary

565. By Sen. Plymale, Tucker and Barnes - **Ensuring SWA Closure Cost Assistance Funds facilitate closure of certain county landfills** (original similar to H. B. No. 4339) - Introduced 2/13/14 - To Government Organization then Judiciary
- *566. By Sen. Barnes, Beach, Laird, Snyder, Tucker, Walters, Nohe and Sypolt - **Relating to domestic violence victims' eligibility for unemployment compensation benefits** (original similar to H. B. No. 4209) - Introduced 2/13/14 - To Judiciary then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14
567. By Sen. Cookman - **Redesignating Division of Corrections as Department of Corrections** - Introduced 2/13/14 - To Government Organization then Finance
568. By Sen. Fitzsimmons, Unger, Yost and Kessler (Mr. President) - **Providing affirmative defense against mechanic's liens related to residential construction** (original similar to H. B. No. 4347) - Introduced 2/13/14 - To Judiciary
569. By Sen. Fitzsimmons, Cookman, Wells, Miller and Walters - **Eliminating notarization of articles of incorporation for cooperative associations** - Introduced 2/13/14 - To Judiciary
- *570. By Sen. Edgell, Fitzsimmons, Cookman, Wells, Miller and Walters - **Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement** (original same as H. B. No. 4512) - Introduced 2/13/14 - To Judiciary - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Small Business, Entrepreneurship and Economic Development then Judiciary
- *571. By Sen. Stollings and Snyder - **Distributing portion of Greyhound Breeder Development Fund previously dedicated to training facility construction** (original same as H. B. No. 4511) - Introduced 2/13/14 - To Judiciary then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14
572. By Sen. Tucker, Fitzsimmons and Edgell - **Relating to financing statements covering as-extracted collateral or timber to be cut** (original same as H. B. No. 4521) - Introduced 2/13/14 - To Natural Resources then Judiciary - On 2nd reading to Judiciary 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 180, Acts, Regular Session, 2014
573. By Sen. Yost, Edgell, D. Hall, Kirkendoll, Stollings, Tucker, Fitzsimmons and Cookman - **Establishing cook-meal ratios for full-day and half-day school cooks** - Introduced 2/13/14 - To Education then Finance

- *574. By Sen. Tucker, Fitzsimmons and Edgell - **Clarifying mobile home permanently attached to real estate is not personal property under certain conditions** (original same as H. B. No. 4517) - Introduced 2/13/14 - To Judiciary - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Judiciary - Amended - Passed House 3/7/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 164, Acts, Regular Session, 2014
575. By Sen. Unger, Kessler (Mr. President), Laird, Kirkendoll, Edgell, Beach, Snyder, Facemire, Chafin, Green, Miller, Yost, D. Hall, Wells, Tucker, Jenkins and Fitzsimmons - **Providing educational incentives and longevity pay for State Troopers** (original same as H. B. No. 4550) - Introduced 2/14/14 - To Government Organization then Finance
576. By Sen. Walters, Beach, Blair, Sypolt, Tucker, Williams, Wells and Miller - **Providing for construction of statewide fiber optic broadband infrastructure network** - Introduced 2/14/14 - To Transportation and Infrastructure then Finance
- *577. By Sen. Cann, Beach, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Miller, Tucker, Williams, Yost, Plymale and Snyder - **Making Department of Corrections and DHHR subject to OSHA** - Introduced 2/14/14 - To Judiciary then Finance - Com. sub. reported 2/25/14 - To Finance 2/25/14
578. By Sen. Kessler (Mr. President), Palumbo, Snyder, Edgell and Green - **Providing for unitization of interests in horizontal oil and gas wells** (original similar to H. B. No. 4558) - Introduced 2/14/14 - To Energy, Industry and Mining then Judiciary
- *579. By Sen. Unger, Cookman, Edgell, Laird, Miller, Palumbo, Snyder, Stollings and Kessler (Mr. President) - **Creating Land Reuse Agency Authorization Act** - Introduced 2/14/14 - To Judiciary - Com. sub. reported 2/20/14 - Amended - Passed Senate with amended title 2/25/14 - To House 2/26/14 - To Judiciary - Amended - Passed House 3/6/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/27/14 - Approved by Governor 4/1/14 - Chapter 88, Acts, Regular Session, 2014
580. By Sen. Beach, Williams, Kessler (Mr. President), Cann, Cookman, Edgell, Facemire, Green, D. Hall, Laird, Stollings, Sypolt, Tucker, Walters, Wells, Yost and Plymale - **Permitting wine sales at certain college and university sports stadiums** - Introduced 2/14/14 - To Judiciary then Finance - On 2nd reading to Finance 2/19/14
581. By Sen. Palumbo, M. Hall, Sypolt, Tucker and Williams - **Relating to equipment movement in underground coal mines** (original same as H. B. No. 4429) - Introduced 2/14/14 - To Energy, Industry and Mining then Judiciary

582. By Sen. Beach and McCabe - **Providing for closure and sale of Clements State Tree Nursery** - Introduced 2/14/14 - To Natural Resources then Government Organization
583. By Sen. Miller, Snyder, Fitzsimmons, D. Hall and Yost - **Permitting emergency rule-making authority to implement Spay Neuter Assistance Program** - Introduced 2/14/14 - To Judiciary - Passed Senate 2/21/14 - Effective from passage - To House 2/21/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Effective from passage
- *584. By Sen. Snyder - **Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates** (original similar to H. B. No. 4574) - Introduced 2/14/14 - To Government Organization - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary - Amended - Passed House 3/8/14
585. By Sen. Palumbo - **Removing unconstitutional language regarding access to rail lines** - Introduced 2/14/14 - To Judiciary - Passed Senate 2/21/14 - To House 2/21/14 - To Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 152, Acts, Regular Session, 2014
586. By Sen. Palumbo - **Removing unconstitutional language regarding jurors and verdicts in certain civil litigation** - Introduced 2/14/14 - To Judiciary - Passed Senate 2/21/14 - To House 2/21/14 - To Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 99, Acts, Regular Session, 2014
587. By Sen. D. Hall and Tucker - **Requiring licensing of athletic trainers by Board of Physical Therapy** (original same as H. B. No. 4413) - Introduced 2/14/14 - To Government Organization
588. By Sen. Palumbo and Plymale - **Allowing law enforcement obtain DNA samples from certain arrestees** (original similar to H. B. No. 4415) - Introduced 2/14/14 - To Judiciary
589. By Sen. Tucker, D. Hall, Fitzsimmons, Wells, Jenkins, Yost, Cann and Cookman - **Authorizing issuance of Family of Fallen Hero license plates** (original same as H. B. No. 4379) - Introduced 2/14/14 - To Transportation and Infrastructure then Finance
590. By Sen. Stollings and Palumbo - **Creating Clearance for Access: Registry and Employment Screening Act** (original similar to H. B. No. 4537) - Introduced 2/14/14 - To Judiciary then Finance

591. By Sen. Unger, Kessler (Mr. President), Beach and Edgell - **Updating obsolete definitions of “solid waste” in DEP and solid waste management statutes** - Introduced 2/14/14 - To Judiciary
592. By Sen. Yost, Beach, Fitzsimmons and Cann - **Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury** - Introduced 2/14/14 - To Transportation and Infrastructure then Judiciary - On 2nd reading to Judiciary 2/24/14
593. By Sen. Tucker and D. Hall - **Authorizing issuance of limited lines travel insurance producer license** (original same as H. B. No. 4487) - Introduced 2/14/14 - To Banking and Insurance then Judiciary - On 2nd reading to Judiciary 2/19/14 - Passed Senate 2/24/14 - Effective from passage - To House 2/25/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage
594. By Sen. Kessler (Mr. President), Unger and Cann - **Allowing disposal of drill cuttings from well sites in commercial solid waste facilities** - Introduced 2/14/14 - To Judiciary
595. By Sen. Green, Chafin, Facemire, D. Hall, Kirkendoll, Stollings and Tucker - **Including waste management facilities and timber operations in facilities with protection against property crimes** - Introduced 2/14/14 - To Judiciary
596. By Sen. Tucker - **Modifying statute of limitations on demand note collections** - Introduced 2/14/14 - To Banking and Insurance then Judiciary - To Judiciary 2/18/14 - Recommitted to Banking and Insurance on 3rd reading 2/26/14
597. By Sen. Palumbo, Tucker, Snyder, D. Hall and Walters - **Clarifying regulation of nonintoxicating beer brewers and distributors** (original same as H. B. No. 4549) - Introduced 2/14/14 - To Judiciary
598. By Sen. Snyder, Unger, Fitzsimmons, Kessler (Mr. President), Wells and Yost - **Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund** - Introduced 2/14/14 - To Finance
- *599. By Sen. Stollings and Kirkendoll - **Providing exemption from skilled nursing bed moratorium for speciality skilled nursing beds** - Introduced 2/14/14 - To Health and Human Resources then Judiciary - Com. sub. reported 2/18/14 - 2nd reference dispensed - Referred to Finance on 2nd reading 2/18/14
- *600. By Sen. Yost, Snyder, Miller, Laird, Edgell and Fitzsimmons - **Relating to municipal ordinance compliance regarding dwellings unfit for habitation and**

- vacant buildings and properties** (original similar to H. B. No. 4583) - Introduced 2/14/14 - To Government Organization - Com. sub. reported 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Judiciary - Passed House 3/6/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 131, Acts, Regular Session, 2014
601. By Sen. Palumbo - **Relating to property assessment appeals** - Introduced 2/14/14 - To Judiciary - Passed Senate 2/21/14 - To House 2/21/14 - To Judiciary - Passed House 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 163, Acts, Regular Session, 2014
- *602. By Sen. Stollings, Beach, Jenkins and Laird - **Requiring health care providers wear ID badges** - Introduced 2/14/14 - To Health and Human Resources - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Health and Human Resources - Passed House 3/6/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 74, Acts, Regular Session, 2014
- *603. By Sen. Kirkendoll, Stollings, Miller, Facemire, Cann, Edgell, Green, D. Hall, McCabe, Unger, Kessler (Mr. President), Plymale and Jenkins - **Relating to testing for presence of methane in underground mines** (original similar to H. B. No. 4551) - Introduced 2/17/14 - To Energy, Industry and Mining - Com. sub. reported 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - Reference dispensed - Amended on 3rd reading - Passed House 3/5/14 - Title amended - Senate concurred in House amendments and passed bill 3/6/14 - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 122, Acts, Regular Session, 2014
604. By Sen. Kirkendoll, Green, Miller, Facemire, Cann, Edgell, D. Hall, Stollings, Unger, Plymale and Jenkins - **Creating Coal Employment Enhancement Act** (original similar to H. B. No. 3072) - Introduced 2/17/14 - To Economic Development then Finance - On 2nd reading to Finance 2/19/14
605. By Sen. Walters, McCabe, Palumbo and Wells - **Creating Water Sustainability Institute** (original similar to S. B. No. 622) - Introduced 2/17/14 - To Education then Finance
606. By Sen. Barnes, Tucker, Beach, Cann, Cookman, Edgell, Green, Laird, Miller, Palumbo, Sypolt, Plymale and Jenkins - **Implementing exotic entertainment facility license surcharge** - Introduced 2/17/14 - To Government Organization then Finance
607. By Sen. Barnes, Cann, Carmichael, Edgell, Green, Jenkins, Laird, Palumbo, Sypolt, Tucker, Plymale, Fitzsimmons, Yost, M. Hall, Cookman, D. Hall and Wells - **Providing act of domestic violence or sexual offense by strangling is**

- aggravated felony** (original same as H. B. No. 4337) - Introduced 2/17/14 - To Judiciary
608. By Sen. Beach, Walters, Edgell, Unger, D. Hall and Wells - **Relating to bicycle safety on roadways** (original same as H. B. No. 4304) - Introduced 2/17/14 - To Transportation and Infrastructure then Judiciary
609. By Sen. Fitzsimmons, Edgell, Yost, Kessler (Mr. President) and Jenkins - **Requiring court-appointed special advocate program** (original similar to H. B. No. 4401) - Introduced 2/17/14 - To Judiciary then Finance
610. By Sen. D. Hall - **Requiring health insurance coverage for certain nonnarcotic pain relief systems** - Introduced 2/17/14 - To Banking and Insurance then Finance - On 2nd reading to Finance 2/19/14
611. By Sen. D. Hall - **Increasing county solid waste assessment fee; exemption** - Introduced 2/17/14 - To Judiciary then Finance
612. By Sen. D. Hall, Williams and Stollings - **Discontinuing moratorium on commercial rafting licenses on portion of New River** (original similar to H. B. No. 4306) - Introduced 2/17/14 - To Natural Resources
613. By Sen. Kirkendoll, Stollings, Kessler (Mr. President), Plymale and Jenkins - **Expanding definition of “eligible safety property” in Innovative Mine Safety Technology Tax Credit Act** - Introduced 2/17/14 - To Economic Development then Finance - On 2nd reading to Finance 2/19/14
614. By Sen. Barnes, D. Hall, Laird, Tucker, Stollings, Cookman and Wells - **Providing standard for determining when grandparent has standing for child custody** - Introduced 2/17/14 - To Judiciary
615. By Sen. Fitzsimmons, Edgell, Yost and Kessler (Mr. President) - **Creating flood zone homestead property tax exemption** - Introduced 2/17/14 - To Judiciary then Finance
616. By Sen. Unger - **Allowing receipt of gifts, donations and contributions by Division of Energy** - Introduced 2/17/14 - To Finance - Passed Senate 2/25/14 - To House 2/26/14 - To Energy then Finance
617. By Sen. Stollings - **Terminating Medical Imaging and Radiation Therapy Technology Board of Examiners** - Introduced 2/17/14 - To Government Organization

618. By Sen. Wells - **Creating special class of taxicabs** - Introduced 2/17/14 - To Transportation and Infrastructure then Government Organization
- *619. By Sen. Tucker - **Exempting certain critical access hospitals from certificate of need requirement** - Introduced 2/17/14 - To Health and Human Resources - Com. sub. reported 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Health and Human Resources then Finance - To House Finance - Amended - Passed House 3/8/14 - Senate concurred in House amendments and passed bill 3/8/14 - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 76, Acts, Regular Session, 2014
620. By Sen. Palumbo, Williams and D. Hall - **Authorizing State Police Superintendent to hire additional staff** - Introduced 2/17/14 - To Government Organization then Finance
- *621. By Sen. Fitzsimmons, Kessler (Mr. President), Edgell, Yost and Cookman - **Authorizing insurers offer flood insurance** - Introduced 2/17/14 - To Banking and Insurance - Com. sub. reported 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/7/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 96, Acts, Regular Session, 2014
622. By Sen. Wells, Palumbo, Walters and McCabe - **Creating Water Sustainability Institute** (original similar to S. B. No. 605) - Introduced 2/17/14 - To Education then Finance
- *623. By Sen. Palumbo, Tucker and Snyder - **Requiring notification of certain substance abuse screening of mine personnel** - Introduced 2/17/14 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/18/14 - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Industry and Labor then Judiciary - To House Judiciary - Amended - Passed House 3/7/14 - Effective from passage - Senate amended House amendment and passed 3/8/14 - Effective from passage - House concurred in Senate amendment and passed 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 121, Acts, Regular Session, 2014
624. By Sen. Yost - **Establishing substance abuse screening circumstances requiring miner certification suspension or revocation** - Introduced 2/17/14 - To Energy, Industry and Mining then Judiciary
625. By Sen. Beach - **Amending code relating to practice of psychology** (original same as H. B. No. 4477) - Introduced 2/17/14 - To Health and Human Resources then Government Organization

626. By Sen. Unger and Wells - **Creating Elk River Spill Victims' Compensation Act of 2014** - Introduced 2/17/14 - To Natural Resources then Finance
627. By Sen. Miller - **Creating Toxic Catastrophe Prevention Act** (original same as H. B. No. 4515) - Introduced 2/17/14 - To Government Organization then Finance
- *628. By Sen. Unger, Yost and Stollings - **Creating Healthy Children and Healthy Communities Act** - Introduced 2/17/14 - To Select Committee on Children and Poverty then Health and Human Resources - Com. sub. reported 2/19/14 - On 2nd reading to Health and Human Resources 2/19/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Health and Human Resources then Finance - To House Finance 2/28/14
629. By Sen. Chafin and Plymale - **Creating misdemeanor offense for assault upon ABCC employee** - Introduced 2/17/14 - To Judiciary
630. By Sen. Tucker and Plymale - **Updating code relating to motor vehicle dealers, distributors, wholesalers and manufacturers** (original same as H. B. No. 4611) - Introduced 2/17/14 - To Transportation and Infrastructure then Judiciary
631. By Sen. Snyder (Originating in Senate Government Organization) - **Extending time for Fayetteville City Council to meet as levying body** - Introduced 2/21/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Political Subdivisions then Finance - To House Finance - Passed House 3/8/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/28/14 - Chapter 192, Acts, Regular Session, 2014

SENATE JOINT RESOLUTIONS OFFERED

1. By Sen. Sypolt and Boley - **Proposing constitutional amendment designated Initiative, Referendum and Recall Amendment** (original similar to H. J. R. No. 27) - Introduced 1/8/14 - To Judiciary then Finance
2. By Sen. Sypolt and Miller - **Proposing constitutional amendment designated Veto Session Amendment** (original similar to SJR 8) - Introduced 1/8/14 - To Judiciary then Finance
3. By Sen. Sypolt, Jenkins and M. Hall - **Proposing constitutional amendment designated Homestead Exemption Increase Amendment** (original similar to H. J. R. No. 107, 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 and H. J. R. No. 9) - Introduced 1/8/14 - To Judiciary then Finance

4. By Sen. Snyder, Unger and Jenkins - **Proposing constitutional amendment designated Homestead Exemption Calculation Amendment** (original similar to H. J. R. No. 101 and H. J. R. No. 22) - Introduced 1/8/14 - To Judiciary then Finance
5. 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 1/8/14 - To Judiciary then Finance
6. By Sen. Barnes, Nohe and Jenkins - **Proposing constitutional amendment designated Religious Freedom Guaranteed Amendment** - Introduced 1/8/14 - To Judiciary then Finance
7. By Sen. Wells and Carmichael - **Proposing constitutional amendment designated Organization of Houses of Legislature Amendment** - Introduced 1/8/14 - To Judiciary then Finance
8. By Sen. Wells - **Proposing constitutional amendment designated Veto Session Amendment** (original similar to SJR 2) - Introduced 1/9/14 - To Judiciary then Finance
9. By Sen. Barnes, Blair, Cann, Carmichael, Cole, Facemire, Green, D. Hall, M. Hall, Kirkendoll, Laird, Plymale, Sypolt, Tucker, Walters, Wells, Williams, Yost, Prezioso, Nohe, Miller, Jenkins, Edgell and Stollings - **Proposing constitutional amendment designated Right to Hunt and Fish in WV Amendment** (original similar to H. J. R. No. 103 and SJR 10) - Introduced 2/3/14 - To Judiciary then Finance
- *10. By Sen. Unger, Kessler (Mr. President), Jenkins, D. Hall, Tucker, Stollings, Cookman, Yost, Fitzsimmons, M. Hall, Beach, Prezioso, Miller, Laird, Cann and Williams - **Proposing constitutional amendment designated Right to Hunt, Fish, Harvest Wildlife in WV Amendment** (original similar to H. J. R. No. 103 and SJR 9) - Introduced 2/4/14 - To Judiciary then Finance - Com. sub. reported 2/14/14 - To Finance 2/14/14 - Rereferred to Finance on 2nd reading 2/21/14 - Com. sub. for com. sub. reported 2/24/14 - Amended - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary
11. By Sen. Wells and Plymale - **Proposing constitutional amendment designated More Accessible Legislature Amendment** - Introduced 2/5/14 - To Judiciary then Finance
- *12. By Sen. Unger, Beach, Cann, Cookman, Fitzsimmons, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Wells, Yost, Chafin, Carmichael, Stollings,

- Kessler (Mr. President) and Green - **Proposing constitutional amendment designated Protecting and Conserving West Virginia's Water Resources for the Use and Benefit of its Citizens Amendment** - Introduced 2/12/14 - To Judiciary then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14 - Amended on 3rd reading - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary - Rejected 3/8/14
13. By Sen. Boley, Blair, Cole, Jenkins, Nohe, Sypolt and Walters - **Proposing constitutional amendment designated School Board Election Amendment** (original same as H. J. R. No. 106) - Introduced 2/13/14 - To Judiciary then Finance
- *14. By Sen. Kessler (Mr. President), Wells, Fitzsimmons, Beach, Plymale, D. Hall, Snyder, Yost, Cann, Cookman, Laird, Jenkins and Miller - **Proposing constitutional amendment designated Future Fund Amendment** - Introduced 2/14/14 - To Judiciary then Finance - Com. sub. reported 2/20/14 - On 2nd reading to Finance 2/20/14 - Amended - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary then Finance - To House Finance - Amended - Rejected 3/8/14

SENATE CONCURRENT RESOLUTIONS OFFERED

- *1. By Sen. Barnes and Tucker - **Requesting DOH name Becky's Creek Bridge, Randolph County, "U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge"** - Introduced 1/8/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Amended - Adopted by House 2/27/14 - Senate concurred in House amendment 2/28/14 - Adopted by Senate 2/28/14
- *2. By Sen. Cann and Yost - **Requesting DOH name bridge in Harrison County "U. S. Navy Petty Officer First Class Kevin S. Rux Memorial Bridge"** - Introduced 1/10/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14
- *3. By Sen. Cann and Yost - **Requesting DOH name bridge in Gypsy, Harrison County, "U. S. Navy Seaman First Class Sam Lopez Bridge"** - Introduced 1/10/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14
4. By Sen. Cann and Yost - **Requesting DOH name new bridge crossing West Fork of Monongahela River at Shinnston "Veterans Memorial Bridge"** - Introduced

- 1/10/14 - To Transportation and Infrastructure - Adopted by Senate 1/22/14 - To House 1/23/14 - To Rules - To House Rules 1/23/14 - Adopted by House 2/24/14
5. By Sen. Wells, McCabe, Palumbo, Walters, Yost and Stollings - **Requesting DOH name bridge in Kanawha County “Army PFC William Floyd Harrison Memorial Bridge”** - Introduced 1/10/14 - To Transportation and Infrastructure - Adopted by Senate 1/22/14 - To House 1/23/14 - To Rules - To House Rules 1/23/14 - Adopted by House 2/24/14
 6. By Sen. Wells, Yost, Boley, Edgell, Fitzsimmons, Jenkins, Stollings, Plymale, Snyder, Laird, Miller and Cookman - **Requesting Joint Committee on Government and Finance study veterans, active duty and National Guard members' issues** - Introduced 1/14/14 - To Military then Rules - To Rules 3/4/14
 7. By Sen. Beach, Unger, Kessler (Mr. President), Miller, Williams, Jenkins, Prezioso, Wells, D. Hall, Stollings and Cann - **Requesting Star City interchange on I-79 in Morgantown be named “Michael A. Oliverio, Sr., Interchange”** - Introduced 1/16/14 - To Transportation and Infrastructure - Adopted by Senate 1/21/14 - To House 1/22/14 - Reference dispensed - Adopted by House 1/22/14
 - *8. By Sen. Cann, Stollings, Plymale and Wells - **Requesting DOH name bridge in West Milford, Harrison County, “USMC Cpl. Gene William Somers, Jr., Memorial Bridge”** - Introduced 1/17/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14
 - *9. By Sen. Cookman, Stollings, Plymale, Wells and Jenkins - **Requesting DOH name portion of U. S. Rt. 522 “Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway”** - Introduced 1/17/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14
 - *10. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name bridge in Switzer, Logan County, “U. S. Army Cpl. James Melvin 'Pete' Spradlin Memorial Bridge”** - Introduced 1/21/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14
 - *11. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name bridge in Logan “U. S. Army Major Thomas McElwain Memorial Bridge”** - Introduced 1/21/14 - To Transportation and Infrastructure - Com. sub. reported 1/29/14 - Adopted by Senate 1/29/14 - To House 1/30/14 - To Rules - To House Rules 1/30/14 - Adopted by House 2/24/14

12. By Sen. Laird, Kessler (Mr. President), Palumbo, Unger and Plymale - **Requesting Joint Committee on Government and Finance study funding sources for law-enforcement training and certification programs** - Introduced 1/22/14 - To Finance then Rules - To Rules 2/19/14
- *13. By Sen. Cann, Prezioso and Beach - **Requesting DOH name bridge on Rt. 58 in Anmoore “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”** - Introduced 1/22/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14
- *14. By Sen. Kirkendoll, Stollings, Beach, Jenkins, Edgell and Plymale - **Requesting DOH name bridge crossing Madison Creek, Logan County, “U. S. Army Sergeant Bernard C. Maynard Memorial Bridge”** - Introduced 1/23/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14
- *15. By Sen. Plymale, Beach, Stollings, Jenkins and Edgell - **Requesting DOH name bridge on Rt. 2, Cabell County, “U. S. Army PFC Homer 'Clyde' Farley and U. S. Army PFC Max O. Farley Memorial Bridge”** - Introduced 1/23/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14 - Adopted by House 3/6/14
16. By Sen. Edgell, Kessler (Mr. President), Unger, Plymale, Stollings, D. Hall, Jenkins and Fitzsimmons - **Urging Congress revise Biggert-Waters Flood Insurance Reform Act of 2012** - Introduced 1/24/14 - To Banking and Insurance 1/27/14
- *17. By Sen. Laird, Miller, Unger, Plymale, Stollings, Cole and Jenkins - **Requesting DOH name bridge in Greenbrier County “U. S. Army Sgt. James Lee Holcomb Memorial Bridge”** - Introduced 1/24/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14 - Adopted by House 3/6/14
18. By Sen. Prezioso, Plymale, Edgell, Unger, Stollings, Laird, Kessler (Mr. President), Snyder, Jenkins, McCabe, Beach, Fitzsimmons and D. Hall - **Recognizing additional higher education funding cuts to be detrimental** - Introduced 1/27/14 - To Education - Referred to Rules 2/7/14
- *19. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name bridge in Lincoln County “U. S. Army Sergeant Paul Norman Chapman Memorial Bridge”** - Introduced 1/28/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14 - Adopted by House 3/6/14

20. By Sen. Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sybolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall - **Recognizing value and importance of state's innovation industry** - Introduced 1/28/14 - To Economic Development - Adopted by Senate 2/13/14 - To House 2/14/14 - To Rules - To House Rules 2/14/14 - Adopted by House 3/6/14
- *21. By Sen. Green, Stollings, Cole, D. Hall and Jenkins - **Requesting DOH name bridge in Raleigh County "U. S. Army PFC Shelby Dean Stover Memorial Bridge"** - Introduced 1/29/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14 - Adopted by House 3/6/14
22. By Sen. Cookman, Plymale and Blair - **Requesting DOH name section of Rt. 901 "Deputy John L. Burkett III Memorial Highway"** - Introduced 1/30/14 - To Transportation and Infrastructure - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14 - Amended - Adopted by House 3/3/14 - Title amended - Senate concurred in House amendment and adopted resolution 3/4/14
- *23. By Sen. Stollings, Kirkendoll, Cole, Chafin, Jenkins and Wells - **Requesting DOH name bridge in Boone County "USMC PFC Marshall Lee King Memorial Bridge"** - Introduced 2/3/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
24. By Sen. D. Hall, Green, Jenkins, Tucker, Yost, Cole and Laird - **Designating Raleigh County Veterans Museum as WV Veterans Museum** - Introduced 2/4/14 - To Military then Government Organization - To Military 2/5/14
- *25. By Sen. Plymale, Unger, Stollings, Cole and Jenkins - **Requesting DOH name portion of State Rt. 37 "U. S. Army SP4 Darrell W. Sanders Memorial Highway"** - Introduced 2/5/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
26. By Sen. Plymale, Unger, Stollings, Cole and Jenkins - **Requesting DOH rename County Rt. 35/3 in Wayne County "Stonewall Veterans Memorial Highway"** - Introduced 2/5/14 - To Transportation and Infrastructure - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
27. By Sen. Unger, Kessler (Mr. President), Stollings, Plymale, Laird, McCabe, Prezioso, Yost, Wells, Miller, Cookman, Palumbo and Jenkins - **Urging President**

- and Congress establish provisions to prevent and respond to chemical spills in state and national waters** - Introduced 2/5/14 - To Health and Human Resources - Adopted by Senate 2/12/14 - To House 2/13/14 - To Rules - To House Rules 2/13/14 - Adopted by House 3/6/14
- *28. By Sen. Kirkendoll, Stollings, Unger and Jenkins - **Requesting DOH name road in Logan County “Joshua Walls Memorial Highway”** - Introduced 2/7/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14 - Amended - Adopted by House 3/6/14 - Senate concurred in House amendment and adopted resolution 3/8/14
- *29. By Sen. D. Hall, Green, Jenkins, Beach, Stollings and Cole - **Requesting DOH erect sign in Raleigh County “Home of Bill Withers”** - Introduced 2/10/14 - To Transportation and Infrastructure - Com. sub. reported 2/24/14 - Adopted by Senate 2/24/14 - To House 2/25/14 - To Rules - To House Rules 2/25/14
30. By Sen. Williams, Unger, D. Hall, Sypolt and Edgell - **Requesting DOH name bridge crossing Middle Fork River “Army Sergeant John A. Charnoplosky Memorial Bridge”** - Introduced 2/12/14 - To Transportation and Infrastructure 2/13/14
31. By Sen. Tucker, Barnes, Plymale, Stollings, Unger, Jenkins, Williams, D. Hall, Palumbo, McCabe, Beach and Fitzsimmons - **Recognizing National Radio Astronomy Observatory's Center for STEM Education** - Introduced 2/12/14 - To Education - Adopted by Senate 2/19/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
32. By Sen. Beach, Unger, Kessler (Mr. President), Stollings and Plymale - **Requesting DOH name bridge in Calhoun County “U. S. Army Sergeant Robert Odell Orders Memorial Bridge”** - Introduced 2/13/14 - To Transportation and Infrastructure - Adopted by Senate 2/18/14 - To House 2/19/14 - Reference dispensed - Adopted by House 2/19/14
33. By Sen. Chafin, Stollings, Cole, Plymale and Jenkins - **Requesting DOH name County Rt. 15 in Mercer County “River Road Music Heritage Trail”** - Introduced 2/13/14 - To Transportation and Infrastructure 2/14/14
- *34. By Sen. Edgell, Unger, Kessler (Mr. President), Stollings and Plymale - **Requesting DOH name bridge in Tyler County “U. S. Army Staff Sgt. Jesse A. Ault Memorial Bridge”** - Introduced 2/13/14 - To Transportation and Infrastructure - Com. sub. reported 2/24/14 - Adopted by Senate 2/24/14 - To House 2/25/14 - To Rules - To House Rules 2/25/14

35. By Sen. Stollings, Kirkendoll, Plymale, Unger and Jenkins - **Requesting DOH name portion of Rt. 17 in Boone County “Army Specialist 4 Larry E. Nunnery, Sr., Memorial Highway”** - Introduced 2/14/14 - To Transportation and Infrastructure 2/17/14
- *36. By Sen. Palumbo, McCabe, Walters, Wells, Unger and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County “U. S. Army Sgt. James Lawrence Taylor Memorial Road”** - Introduced 2/17/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14
- *37. By Sen. Kirkendoll, Stollings, Unger, Jenkins and Cole - **Requesting DOH name Rt. 10 in Logan County “USMC Lance Corporal Larry G. Williamson Memorial Highway”** - Introduced 2/17/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14
38. By Sen. Plymale, Unger, Stollings, Prezioso, D. Hall and Wells - **Requesting Joint Committee on Government and Finance study development of comprehensive early childhood program** - Introduced 2/17/14 - To Education then Rules - To Rules 2/20/14
- *39. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name road in Boone County “U. S. Army Sgt. Andy Messer Memorial Highway”** - Introduced 2/18/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- *40. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name Joe's Creek Road in Lincoln County “U. S. Army PFC John E. Runyan Memorial Road”** - Introduced 2/18/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14
- *41. By Sen. Chafin, Stollings, Jenkins, D. Hall and Cole - **Requesting DOH name portion of Rt. 83 in McDowell County “U. S. Army MSGT Joe C. Alderman Memorial Road”** - Introduced 2/18/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14 - Amended - Adopted by House 3/6/14 - Senate concurred in House amendment and adopted resolution 3/8/14
42. By Sen. Miller, Williams, Laird, Cookman, Beach, Tucker, Sypolt and Nohe (Originating in Senate Agriculture and Rural Development) - **Requesting Joint**

Committee on Government and Finance study farmers market vendors - Introduced 2/18/14 - Referred to Rules 2/18/14

- *43. By Sen. M. Hall, Carmichael and Stollings - **Requesting DOH name bridge in Putnam County “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”** - Introduced 2/19/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- *44. By Sen. Prezioso, Stollings, Kessler (Mr. President), Cann, Beach and Edgell - **Requesting DOH name bridge in Marion County “Sheriff Junior Slaughter Memorial Bridge”** - Introduced 2/19/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14 - Adopted by House 3/6/14
- *45. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name Smoke House Fork Crawley Creek Road in Logan County “U. S. Army Colonel Anna M. Butcher Road”** - Introduced 2/21/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- 46. By Sen. D. Hall, Stollings, Plymale, Tucker, Jenkins and Green - **Requesting DOH renovate Toney's Fork Road for use as state road into Beckley** - Introduced 2/21/14 - To Transportation and Infrastructure 2/24/14
- 47. By Sen. Laird, Stollings, Plymale and Jenkins - **Requesting DOH rename Mill Road/Garden Ground Mountain Road “Jack Furst Drive”** - Introduced 2/21/14 - To Transportation and Infrastructure 2/24/14
- 48. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name portion of Rt. 10 in Man, “U. S. Army SP4 Terry Robert Albright Memorial Road”** - Introduced 2/21/14 - To Transportation and Infrastructure - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- 49. By Sen. Stollings, Laird, Kirkendoll, Plymale, Tucker, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study responsibilities for child protection and care** - Introduced 2/21/14 - Referred to Rules 2/21/14
- *50. By Sen. Miller, Laird, Plymale, Jenkins, Green, Cole, Unger and Wells - **Requesting DOH name portion of State Rt. 20, Hinton, Summers County, “USMC Sgt. Mecot E. Camara Memorial Highway”** - Introduced 2/24/14 - To Transportation and Infrastructure - Com. sub. reported 3/5/14 - Adopted by Senate

3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14 - Adopted by House 3/8/14

51. By Sen. Chafin, Plymale, Jenkins, Green and Cole - **Requesting DOH name bridge in Wayne County “Wilburn George 'Button' Meredith Memorial Bridge”** - Introduced 2/24/14 - To Transportation and Infrastructure 2/25/14
- *52. By Sen. Wells, Kessler (Mr. President), Plymale, Jenkins, D. Hall, Green, Edgell, Cookman, Yost and Unger - **Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families** - Introduced 2/24/14 - To Transportation and Infrastructure - Com. sub. reported 3/5/14 - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14 - Adopted by House 3/8/14
53. By Sen. Laird, Miller, Plymale, Jenkins, Green and Unger - **Requesting DOH name portions of County Rt. 82, Fayette County, “Deputy Roger Lee Treadway Memorial Road”** - Introduced 2/24/14 - To Transportation and Infrastructure 2/25/14
54. By Sen. D. Hall, Stollings, Plymale, Unger, Wells, Cole, Green and Jenkins - **Requesting DOH name U. S. Rt. 54/6 in Wyoming County “Virginia & U. S. Army Major Woodrow Cook Memorial Road”** - Introduced 2/25/14 - To Transportation and Infrastructure - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14
55. By Sen. Laird, Miller, Stollings, Unger, Green and Jenkins - **Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans Bridge”** - Introduced 2/25/14 - To Transportation and Infrastructure - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14
56. By Sen. Tucker and Fitzsimmons (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study consumer protection for residential roof storm damage** - Introduced 2/25/14 - Referred to Rules 2/25/14
57. By Sen. Tucker, Fitzsimmons, Barnes, Green, D. Hall, McCabe, Palumbo, M. Hall, 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 companies** - Introduced 2/25/14 - Referred to Rules 2/25/14
58. By Sen. Chafin, Cole, Stollings, Jenkins and Green - **Requesting DOH name portion of Rt. 8 in Mingo County “Valentine 'Wall' Hatfield Road”** - Introduced 2/26/14 - To Transportation and Infrastructure 2/27/14

- *59. By Sen. Cann, Prezioso, Beach, Edgell, Plymale, Stollings, Unger and Green - **Requesting DOH name bridge on I-79 in Harrison County south “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and north “U. S. Army SSGT Benjamin T. Portaro Memorial Bridge”** - Introduced 2/26/14 - To Transportation and Infrastructure - Com. sub. reported 3/5/14 - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14
60. By Sen. Prezioso, Edgell, Plymale, Stollings, Unger and Green - **Requesting DOH name section of Rt. 1 in Marion County “USAF Sergeant Jerome E. Kiger Memorial Road”** - Introduced 2/26/14 - To Transportation and Infrastructure - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14 - Adopted by House 3/8/14
61. By Sen. Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study broadband middle mile** - Introduced 2/26/14 - Referred to Rules 2/26/14
62. By Sen. Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study naming transportation structures by resolution** - Introduced 2/26/14 - Referred to Rules 2/26/14
63. By Sen. Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study discounts and credits to motor vehicle fuel suppliers** - Introduced 2/26/14 - Referred to Rules 2/26/14
64. By Sen. Snyder and Miller (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study elimination of extraneous boards, commissions, etc.** - Introduced 2/26/14 - Referred to Rules 2/26/14
65. By Sen. Snyder and Miller (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study organization of DHHR** - Introduced 2/26/14 - Referred to Rules 2/26/14
66. By Sen. Stollings, Snyder and D. Hall - **Requesting Joint Committee on Government and Finance study expansion of pari-mutuel wagering** - Introduced 2/27/14 - To Judiciary then Rules - To Judiciary 2/28/14
67. By Sen. McCabe, Barnes, Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Laird, Palumbo, Plymale, Prezioso, Stollings,

- Tucker, Walters, Wells, Williams, Yost and D. Hall - **Requesting Joint Committee on Government and Finance study probate process** - Introduced 2/27/14 - To Judiciary then Rules - To Judiciary 2/28/14
68. By Sen. Unger, Palumbo, Plymale, Snyder, Stollings, McCabe, Wells, Jenkins, D. Hall and Laird - **Requesting Joint Committee on Government and Finance study housing quality and affordability** - Introduced 2/27/14 - To Judiciary then Rules - To Judiciary 2/28/14
69. By Sen. Stollings, Plymale, Unger, Wells, Jenkins, D. Hall and Laird - **Requesting Joint Committee on Government and Finance study nurse staffing in health care facilities** - Introduced 2/27/14 - To Health and Human Resources then Rules - To Health and Human Resources 2/28/14
70. By Sen. Stollings, Unger, Wells, D. Hall and Laird - **Requesting Joint Committee on Government and Finance study certified professional midwives' licensing** - Introduced 2/27/14 - To Government Organization then Rules - To Government Organization 2/28/14
71. By Sen. Snyder and Miller (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study State Building Code enforcement** - Introduced 2/27/14 - Referred to Rules 2/27/14
- *72. By Sen. Chafin, Cole, Stollings, Jenkins, D. Hall, Green and Plymale - **Requesting DOH name bridge on Rt. 16, War, McDowell County, "U. S. Army SFC Anthony Barton Memorial Bridge"** - Introduced 2/28/14 - To Transportation and Infrastructure - Com. sub. reported 3/6/14 - Adopted by Senate 3/6/14 - To House 3/7/14 - To Rules - To House Rules 3/7/14
- *73. By Sen. Green and Jenkins - **Requesting DOH name bridge in Raleigh County "U. S. Army PFC Arland W. Hatcher Memorial Bridge"** - Introduced 3/3/14 - To Transportation and Infrastructure - Com. sub. reported 3/6/14 - Adopted by Senate 3/6/14 - To House 3/7/14 - To Rules - To House Rules 3/7/14
74. By Sen. Cookman and Kirkendoll (Originating in Senate Pensions) - **Requesting Joint Committee on Government and Finance study mental hygiene commissioners' inclusion in PERS** - Introduced 3/3/14 - Referred to Rules 3/3/14
75. By Sen. Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study county participation in transportation infrastructure construction** - Introduced 3/3/14 - Referred to Rules 3/3/14

76. By Sen. Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study special class of taxicabs** - Introduced 3/3/14 - Referred to Rules 3/3/14
77. By Sen. Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study land uses within airport runway protection zones** - Introduced 3/3/14 - Referred to Rules 3/3/14
78. By Sen. Tucker and McCabe (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study bank borrowing terms to insurance companies** - Introduced 3/3/14 - Referred to Rules 3/3/14
79. By Sen. Miller, Williams, Laird, Cookman, Beach, D. Hall, Nohe and Sypolt (Originating in Senate Agriculture and Rural Development) - **Requesting Joint Committee on Government and Finance study cottage food industries and small farms** - Introduced 3/3/14 - Referred to Rules 3/3/14
80. By Sen. Cann, Barnes, Boley, Facemire, Kirkendoll, Nohe, Snyder, Stollings and Sypolt (Originating in Senate Energy, Industry and Mining) - **Requesting Joint Committee on Government and Finance study electric power production** - Introduced 3/4/14 - Referred to Rules 3/4/14
81. By Sen. Williams, Barnes, Beach, Blair, Cann, Cookman, McCabe, Sypolt and Wells (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study craft beer business** - Introduced 3/4/14 - Referred to Rules 3/4/14
82. By Sen. Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study restructuring correctional agencies under MAPS** - Introduced 3/4/14 - Referred to Rules 3/4/14
83. By Sen. Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study Purchasing Division's oversight of state contract change orders** - Introduced 3/4/14 - Referred to Rules 3/4/14
84. By Sen. Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate

- Government Organization) - **Requesting Joint Committee on Government and Finance study implementation of advertising program to promote tourism** - Introduced 3/4/14 - Referred to Rules 3/4/14
85. By Sen. Unger, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Facemire, Green, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Plymale, Snyder, Stollings, Walters, Wells, Williams, Yost and D. Hall - **Requesting Joint Legislative Oversight Commission on State Water Resources study water infrastructure** - Introduced 3/6/14 - To Natural Resources then Rules - To Natural Resources 3/7/14
86. By Sen. Blair, Kessler (Mr. President), Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings and Prezioso - **Requesting School Building Authority waive matching requirements and fund needed improvements for School for Deaf and Blind** - Introduced 3/6/14 - To Education then Rules - To Education 3/7/14
87. By Sen. Palumbo, Yost, Unger, D. Hall, Green and McCabe - **Requesting Joint Committee on Government and Finance study behavioral health spending on community-based support services** - Introduced 3/6/14 - To Health and Human Resources then Rules - To Health and Human Resources 3/7/14
88. By Sen. Laird, McCabe, Cookman, Facemire and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study financial aspects of state parks' and forests' amenities** - Introduced 3/6/14 - Referred to Rules 3/6/14
89. By Sen. Laird, McCabe, Cookman, Facemire and Walters (Originating in Senate Natural Resources) - **Requesting Joint Committee on Government and Finance study reassignment of five wildlife management areas to DNR Wildlife Resources Section** - Introduced 3/6/14 - Referred to Rules 3/6/14
90. By Sen. Snyder, Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization) - **Requesting Joint Committee on Government and Finance study moving Forensic Lab to Supreme Court** - Introduced 3/6/14 - Referred to Rules 3/6/14
91. By Sen. Prezioso, Facemire, Edgell, Plymale, McCabe, Wells, Chafin, Yost, Unger, Stollings, Laird, M. Hall, Blair, Barnes, Boley and Sypolt (Originating in Senate Finance) - **Requesting Joint Committee on Government and Finance study**

- group government-managed retirement savings plan** - Introduced 3/6/14 - Referred to Rules 3/6/14
92. By Sen. Stollings, Yost and D. Hall - **Requesting Joint Committee on Government and Finance study reimbursement rates for mental health therapy services** - Introduced 3/7/14 - To Rules 3/8/14
93. By Sen. Stollings and Yost - **Requesting Joint Committee on Government and Finance study effects of tanning beds use and cancer** - Introduced 3/7/14 - To Rules 3/8/14
94. By Sen. Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters - **Requesting Joint Committee on Government and Finance study Common Core Standards** - Introduced 3/7/14 - To Rules 3/8/14
95. By Sen. Stollings, Laird, Kirkendoll, Miller, Palumbo, Plymale, Tucker, Yost, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study long-term care planning** - Introduced 3/7/14 - Referred to Rules 3/7/14
96. By Sen. Stollings, Laird, Kirkendoll, Miller, Palumbo, Plymale, Tucker, Yost, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources) - **Requesting Joint Committee on Government and Finance study air-ambulance companies** - Introduced 3/7/14 - Referred to Rules 3/7/14
97. By Sen. Plymale (Originating in Senate Education) - **Requesting Joint Committee on Government and Finance study SSAC** - Introduced 3/7/14 - Referred to Rules 3/7/14
98. By Sen. Unger, Kessler (Mr. President), Beach, Carmichael, Cole, Edgell, Facemire, Fitzsimmons, D. Hall, Laird, Miller, Palumbo, Sypolt, Wells, Yost and Tucker - **Requesting Joint Committee on Government and Finance study investigation report on Bayer CropScience explosion** - Introduced 3/8/14 - Referred to Rules 3/8/14
99. By Sen. Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Fitzsimmons, D. Hall, M. Hall, Jenkins, McCabe, Nohe, Palumbo, Snyder, Sypolt, Williams, Tucker and Yost - **Requesting Joint Standing Committee on Education study student-administrator ratio** - Introduced 3/8/14 - Referred to Rules 3/8/14
100. By Sen. Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Cookman, Fitzsimmons, M. Hall, Nohe, Sypolt and Tucker - **Requesting Joint Standing Committee on Judiciary study summary jury trials** - Introduced 3/8/14 - Referred to Rules 3/8/14

101. By Sen. Unger - **Requesting Joint Committee on Government and Finance study increasing physical activity required in schools** - Introduced 3/8/14 - Referred to Rules 3/8/14

SENATE RESOLUTIONS OFFERED

1. By Sen. Unger - **Raising committee to notify House Senate has assembled** - Introduced 1/8/14 - Committee reference dispensed - Adopted 1/8/14
2. By Sen. Unger - **Raising committee to notify Governor Legislature has assembled** - Introduced 1/8/14 - Committee reference dispensed - Adopted 1/8/14
3. By Sen. Williams, Sypolt, Cookman, Blair, Plymale, Prezioso, Yost, Beach, Jenkins, Green, Miller, Laird, McCabe, Stollings, D. Hall and Fitzsimmons - **Honoring Harley Orrin Stagers, Sr.** - Introduced 1/9/14 - Committee reference dispensed - Adopted 1/9/14
4. By Sen. Beach, Plymale, Prezioso, Yost, Williams, Green, Stollings, D. Hall and Palumbo - **Celebrating Monongalia County** - Introduced 1/9/14 - Committee reference dispensed - Adopted 1/9/14
5. By Sen. Prezioso - **Authorizing appointment of 2014 session employees** - Introduced 1/10/14 - Committee reference dispensed - Adopted 1/10/14
6. By Sen. Edgell, Kessler (Mr. President), Unger, Stollings, Yost, Williams, Beach, Sypolt, Cann, Jenkins, Laird, D. Hall, Plymale, Wells and Fitzsimmons - **Designating Crime Victims Day at Legislature** - Introduced 1/15/14 - Committee reference dispensed - Adopted 1/15/14
7. By Sen. Palumbo, Kessler (Mr. President), Unger, Plymale, Stollings, Jenkins, Walters, Cole, Barnes and Carmichael - **Designating Generation West Virginia Day** - Introduced 1/20/14 - Committee reference dispensed - Adopted 1/20/14
8. By Sen. Fitzsimmons, Kessler (Mr. President), Unger, Cookman, Stollings, Yost, Miller, Plymale, Jenkins, Prezioso, Beach, Cann and McCabe - **Designating West Virginia Kids at Risk Day** - Introduced 1/22/14 - Committee reference dispensed - Adopted 1/22/14
9. By Sen. Green, D. Hall, Laird, Miller, Tucker, Yost, Wells, Stollings, Jenkins and Carmichael - **Urging construction of state veterans' nursing home in Beckley** - Introduced 1/27/14 - To Military 1/28/14

10. By Sen. Unger, Kessler (Mr. President), Plymale, Snyder, Stollings, Beach and Williams - **Recognizing Leadership Berkeley** - Introduced 1/27/14 - Committee reference dispensed - Adopted 1/27/14
11. By Sen. Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall - **Recognizing value and importance of state's innovation industry** - Introduced 1/29/14 - Committee reference dispensed - Adopted 1/29/14
12. By Sen. Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, Nohe and Sypolt - **Amending Senate Rule No. 28 relating to setting committee agendas** - Introduced 2/3/14 - Rejected 2/10/14
13. By Sen. Barnes, Tucker, Plymale, Yost, Wells, D. Hall, Stollings, Williams, Miller and Sypolt - **Designating Randolph County Day** - Introduced 2/3/14 - Committee reference dispensed - Adopted 2/3/14
14. By Sen. Unger, Plymale, Snyder, Yost, Prezioso, Wells, McCabe, Stollings, Williams and Miller - **Recognizing Leadership Jefferson** - Introduced 2/3/14 - Committee reference dispensed - Adopted 2/3/14
15. By Sen. Stollings, Unger, Plymale, Kessler (Mr. President), Yost, McCabe, Wells, Miller, Laird, Snyder, Beach, D. Hall, Jenkins, Green and Barnes - **Recognizing social workers in WV** - Introduced 2/5/14 - Committee reference dispensed - Adopted 2/5/14
16. By Sen. Sypolt, Unger, Stollings, Plymale, Kessler (Mr. President), Yost, Williams, Miller, Beach and Barnes - **Designating Preston County Day** - Introduced 2/5/14 - Committee reference dispensed - Adopted 2/5/14
17. By Sen. Green, D. Hall, Unger, Stollings, Kessler (Mr. President), Cole, Wells, Miller, Jenkins and Barnes - **Recognizing Pinnacle Blue Mine Rescue Team** - Introduced 2/5/14 - Committee reference dispensed - Adopted 2/5/14
18. By Sen. Unger, Stollings, Plymale, Laird, D. Hall, Miller and Fitzsimmons - **Recognizing Community Development Hub's Communities of Achievement Program** - Introduced 2/6/14 - Committee reference dispensed - Adopted 2/6/14
19. By Sen. Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), Laird and Fitzsimmons - **Recognizing organ procurement organizations** - Introduced 2/6/14 - Committee reference dispensed - Adopted 2/6/14

20. By Sen. Miller, Laird, Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), D. Hall, Prezioso, Beach, Green, McCabe and Fitzsimmons - **Recognizing School of Osteopathic Medicine** - Introduced 2/6/14 - Committee reference dispensed - Adopted 2/6/14
21. By Sen. Plymale, Kirkendoll, Kessler (Mr. President), Wells, Stollings, Jenkins and Yost - **Urging Supervalu, Inc., reconsider closing Milton warehouse** - Introduced 2/7/14 - To Economic Development 2/10/14
22. By Sen. Stollings, Laird, Miller, Palumbo and Plymale (Originating in Senate Health and Human Resources) - **Urging Congress amend Food and Nutrition Act of 2008** - Introduced 2/7/14 - Referred to Rules 2/7/14
23. By Sen. Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons, Cookman, Yost and Beach - **Designating Fairness West Virginia Day** - Introduced 2/10/14 - Committee reference dispensed - Adopted 2/10/14
24. By Sen. Green, D. Hall, Plymale, Unger, Stollings, Kessler (Mr. President), Jenkins, Williams, Tucker, Laird and Miller - **Recognizing Steve Antoline, 2014 Outstanding Tree Farmer** - Introduced 2/11/14 - Committee reference dispensed - Adopted 2/11/14
25. By Sen. Kessler (Mr. President), Stollings, Unger, Jenkins, Williams, Plymale, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe, Beach and Fitzsimmons - **Recognizing Women's Commission on Women's Day** - Introduced 2/12/14 - Committee reference dispensed - Adopted 2/12/14
26. By Sen. Plymale, Stollings, Unger, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Tucker, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe and Fitzsimmons - **Designating Marshall University Day** - Introduced 2/12/14 - Committee reference dispensed - Adopted 2/12/14
27. By Sen. Fitzsimmons, Beach, Cann, Chafin, Cookman, Edgell, Facemire, Kirkendoll, Williams, Yost, Snyder and Green - **Amending Rules of Senate relating to witnesses before committees** - Introduced 2/12/14 - Referred to Judiciary 2/19/14
28. By Sen. Chafin - **Honoring Senator Jack Yost** - Introduced 2/12/14 - Committee reference dispensed - Adopted 2/12/14
29. By Sen. Stollings, Laird, Plymale, Kessler (Mr. President), Unger, Snyder, Yost and Jenkins - **Recognizing Doc for a Day Program** - Introduced 2/13/14 - Committee reference dispensed - Adopted 2/13/14

30. By Sen. Laird, Stollings, Unger, Jenkins, Wells, D. Hall, Snyder, McCabe, Green, Beach, Kessler (Mr. President), Edgell, Fitzsimmons, Yost, Prezioso, Cookman and Miller - **Designating Corrections Day** - Introduced 2/14/14 - Committee reference dispensed - Adopted 2/14/14
31. By Sen. Wells, Kessler (Mr. President), Plymale, Fitzsimmons, Snyder, Unger, Williams, Yost, Stollings, Prezioso, Jenkins, D. Hall and McCabe - **Designating Veterans Visibility Day** - Introduced 2/17/14 - Committee reference dispensed - Adopted 2/17/14
32. By Sen. McCabe, Wells, Palumbo, Walters, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Chafin, Cookman, Edgell, Green, M. Hall, Plymale, Sypolt, Unger, Williams, Snyder, Stollings, Fitzsimmons, Yost, Jenkins, Cole, D. Hall and Prezioso - **Designating WV State University Day** - Introduced 2/18/14 - Committee reference dispensed - Adopted 2/18/14
33. By Sen. Walters, Stollings, Fitzsimmons, Yost, Plymale and D. Hall - **Recognizing Linsly School** - Introduced 2/18/14 - Committee reference dispensed - Adopted 2/18/14
34. By Sen. Miller, Snyder, Stollings, D. Hall, Jenkins, Laird, Cole, Fitzsimmons and Green - **Recognizing Greenbrier Valley Polar Bear Plunge Club** - Introduced 2/19/14 - Committee reference dispensed - Adopted 2/19/14
35. By Sen. Stollings, Snyder, Plymale, Kessler (Mr. President), Yost, D. Hall, Jenkins, Laird, Prezioso, Carmichael, Cole, Beach, Fitzsimmons, Edgell and Green - **Designating Disability Advocacy Day** - Introduced 2/19/14 - Committee reference dispensed - Adopted 2/19/14
36. By Sen. Plymale, Wells, Kessler (Mr. President), Stollings, Williams, Tucker, Snyder, Cole, Jenkins, D. Hall, Green, McCabe and Prezioso - **Designating Higher Education Day** - Introduced 2/21/14 - Committee reference dispensed - Adopted 2/21/14
37. By Sen. Wells, McCabe, Palumbo, Walters, Stollings, Plymale, Unger, Fitzsimmons, Green, Kessler (Mr. President), D. Hall and Jenkins - **Recognizing Clay Center for the Arts and Sciences** - Introduced 2/25/14 - Committee reference dispensed - Adopted 2/25/14
38. By Sen. Beach, Stollings, Fitzsimmons, Miller, McCabe, Wells, Edgell, Plymale, Cann, Unger, Yost, Prezioso, Kessler (Mr. President), Snyder, D. Hall, Jenkins, Green and Williams - **Designating Nurses Unity Day** - Introduced 2/26/14 - Committee reference dispensed - Adopted 2/26/14

39. By Sen. Kessler (Mr. President), Plymale, Snyder, Stollings, Yost, Unger, Beach, McCabe, Wells, Fitzsimmons, D. Hall, Jenkins and Laird - **Recognizing Community Action Agencies** - Introduced 2/27/14 - Committee reference dispensed - Adopted 2/27/14
40. By Sen. Stollings, Kirkendoll, Plymale, Unger, D. Hall, Jenkins and Kessler (Mr. President) - **Recognizing Lincoln Public Service District** - Introduced 2/27/14 - Committee reference dispensed - Adopted 2/27/14
41. By Sen. Unger, Palumbo, Plymale, Snyder, Stollings, Yost, Beach, Kessler (Mr. President), McCabe, Wells, Fitzsimmons, Jenkins, D. Hall and Laird - **Designating Housing Day** - Introduced 2/27/14 - Committee reference dispensed - Adopted 2/27/14
42. By Sen. Wells, Stollings, Yost, Jenkins, D. Hall, Unger, Green, Plymale, Kessler (Mr. President) and Fitzsimmons - **Memorializing life of Lance Corporal Adam Johnson Crumpler** - Introduced 2/28/14 - Committee reference dispensed - Adopted 2/28/14
43. By Sen. Chafin, Cole, Williams, Plymale, Kessler (Mr. President), McCabe, Wells, Yost, Jenkins, Barnes, Beach, Blair, Boley, Cann, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger and Walters - **Memorializing life and public service of James Howard "Buck" Harless** - Introduced 3/3/14 - Committee reference dispensed - Adopted 3/7/14
44. By Sen. Laird, Miller, Unger, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Plymale, Green, D. Hall and Jenkins - **Memorializing life of Honorable Robert K. "Bob" Holliday** - Introduced 3/4/14 - Committee reference dispensed - Adopted 3/4/14
45. By Sen. Plymale, Stollings, Yost, Wells, McCabe, Kessler (Mr. President), Unger, D. Hall and Jenkins - **Recognizing Paul Wesley Ambrose Health Policy Fellows Program** - Introduced 3/4/14 - Committee reference dispensed - Adopted 3/6/14
46. By Sen. Williams, Beach, Prezioso, Sypolt, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Unger, Plymale, Cookman, Green, Fitzsimmons, D. Hall, Jenkins and Laird - **Designating WVU and WVU Extension Day** - Introduced 3/4/14 - Committee reference dispensed - Adopted 3/4/14
47. By Sen. Palumbo, Cole, Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Tucker, Prezioso and Fitzsimmons - **Designating March as American Red Cross Month** - Introduced 3/5/14 - Committee reference dispensed - Adopted 3/5/14

48. By Sen. Kessler (Mr. President), Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, D. Hall, Green, McCabe, Wells and Prezioso - **Recognizing sister-state relationship of WV with Republic of China** - Introduced 3/5/14 - Committee reference dispensed - Adopted 3/5/14
49. By Sen. Plymale, Yost, Stollings, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Prezioso and Fitzsimmons - **Recognizing MU Forensic Science Center DNA Lab** - Introduced 3/5/14 - Committee reference dispensed - Adopted 3/5/14
50. By Sen. Stollings, Wells, Yost, Plymale, Snyder, Kessler (Mr. President), Unger, Carmichael, Prezioso, Laird, McCabe, Jenkins, D. Hall and Green - **Designating Multiple Sclerosis Awareness Week** - Introduced 3/6/14 - Committee reference dispensed - Adopted 3/6/14
51. By Sen. Cann, Boley, Wells, Kessler (Mr. President), Plymale, Stollings, Jenkins and D. Hall - **Recognizing Louis A. Johnson VA Medical Center** - Introduced 3/7/14 - Committee reference dispensed - Adopted 3/7/14
52. By Sen. Green, D. Hall, Wells, Kessler (Mr. President), Plymale, Stollings, Yost and Jenkins - **Memorializing life of Jeffrey S. Taylor** - Introduced 3/7/14 - Committee reference dispensed - Adopted 3/8/14
53. By Sen. Cann, Yost, Prezioso, Unger and Kessler (Mr. President) - **Memorializing life of James Dominick LaRosa** - Introduced 3/8/14 - Committee reference dispensed - Adopted 3/8/14
54. By Sen. Walters, Cole, Yost, Unger and Kessler (Mr. President) - **Honoring Dr. Rahul Gupta** - Introduced 3/8/14 - Committee reference dispensed - Adopted 3/8/14
55. By Sen. Unger - **Raising committee to notify House of Delegates Senate is ready to adjourn sine die** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14
56. By Sen. Unger - **Raising committee to notify Governor Legislature is ready to adjourn sine die** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14

SENATE BILLS COMMUNICATED TO HOUSE

- *6. By Sen. Tucker, Kessler (Mr. President), Stollings, Laird and Plymale - **Regulating sale of drug products used in manufacture of methamphetamine** - Introduced

1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 2/5/14 - To Judiciary 2/5/14 - Com. sub. for com. sub. reported 2/13/14 - Amended on 3rd reading - Passed Senate with amended title 2/18/14 - To House 2/19/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate refused to concur in House amendment 3/8/14 - House refused to recede and requested conference 3/8/14 - To conference 3/8/14 - Conference time expired 3/8/14 - House conference committee discharged 3/8/14

- *15. By Sen. Stollings - **Removing certain billing limitations for HIV or STD testing by public health agencies** - Introduced 1/8/14 - To Health and Human Resources then Judiciary - Com. sub. reported 1/31/14 - To Judiciary 1/31/14 - Com. sub. for com. sub. reported 2/13/14 - Passed Senate 2/18/14 - To House 2/19/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/28/14
- *29. By Sen. Green - **Clarifying requirements for certain motor vehicle searches** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 1/17/14 - Passed Senate 1/22/14 - Effective from passage - To House 1/23/14 - To Judiciary
- *30. By Sen. Snyder - **Exempting autocycles from license examination and safety equipment requirements** - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
- *32. By Sen. Snyder - **Authorizing Legislative Auditor to collect sunrise application review fees** - Introduced 1/8/14 - To Government Organization - Com. sub. reported 1/30/14 - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Government Organization then Finance
- *95. By Sen. Miller and Beach - **Creating felony offense for DUI causing serious bodily injury** (original similar to H. B. No. 3074 and S. B. No. 281) - Introduced 1/8/14 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/14 - To Judiciary 2/12/14 - Com. sub. for com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
100. By Sen. Miller and Beach - **Authorizing operation of low-speed vehicles on certain municipal roads** - Introduced 1/8/14 - To Transportation and Infrastructure then Government Organization - To Government Organization 2/5/14 - Passed Senate 2/18/14 - To House 2/19/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/28/14
208. By Sen. Plymale - **Relating to Rural Health Initiative Act** (original similar to H. B. No. 4532) - Introduced 1/8/14 - To Education then Finance - 2nd reference

dispensed - Passed Senate with amended title 1/28/14 - To House 1/29/14 - To Health and Human Resources then Education - To House Education - To House Finance 3/4/14

251. By Sen. Palumbo, Cann and Cookman - **Implementing terms of Uniform Arbitration Act** - Introduced 1/8/14 - To Interstate Cooperation then Judiciary - To Judiciary 1/21/14 - Passed Senate 1/28/14 - Effective July 1, 2014 - To House 1/29/14 - To Judiciary
- *254. By Sen. Unger - **Regulating equine boarding facilities** - Introduced 1/8/14 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 2/4/14 - To Judiciary 2/4/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Agriculture and Natural Resources then Judiciary
257. By Sen. Palumbo and Cann - **Relating to real property possessor's liability for harm to trespassers** - Introduced 1/8/14 - To Judiciary - Passed Senate 2/4/14 - Effective from passage - To House 2/5/14 - To Judiciary
- *278. By Sen. Palumbo - **Redefining "scrap metal"** - Introduced 1/8/14 - To Judiciary - Com. sub. reported 1/15/14 - Passed Senate 1/20/14 - Effective from passage - To House 1/21/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage
- *310. By Sen. Palumbo and Cookman - **Adjusting penalties for willful failure to pay child support** (original same as H. B. No. 4554) - Introduced 1/9/14 - To Judiciary - Com. sub. reported 1/21/14 - Passed Senate 1/28/14 - To House 1/29/14 - To Judiciary
- *316. By Sen. Palumbo - **Relating to tolling with regard to civil actions** - Introduced 1/10/14 - To Judiciary - Com. sub. reported 1/22/14 - Amended on 3rd reading - Passed Senate 1/30/14 - Effective from passage - To House 1/31/14 - To Industry and Labor then Judiciary
- *318. By Sen. Stollings - **Setting fees for manufacture, distribution, dispensing and research of controlled substances** - Introduced 1/10/14 - To Health and Human Resources then Finance - Com. sub. reported 1/22/14 - To Finance 1/22/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Health and Human Resources then Finance - To House Finance 2/28/14
- *336. By Sen. Stollings, Laird, Boley, Cole, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins and Cookman - **Relating to possession and administration of opioid antagonist** (original same as H. B. No. 4161 and S. B. No. 17) - Introduced 1/13/14 - To Health and Human Resources

then Judiciary - Com. sub. reported 1/31/14 - To Judiciary 1/31/14 - Com. sub. for com. sub. reported 2/4/14 - Passed Senate 2/7/14 - To House 2/10/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/20/14

- *344. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies** (original same as H. B. No. 4179) - Introduced 1/14/14 - To Finance - Com. sub. reported 2/27/14 - Passed Senate 3/3/14 - Effective from passage - To House 3/4/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate amended House amendment and passed 3/8/14 - Effective from passage
- *345. 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 MAPS** (original same as H. B. No. 4180) - Introduced 1/14/14 - To Finance - Com. sub. reported 2/27/14 - Passed Senate 3/3/14 - Effective from passage - To House 3/4/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/8/14
366. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Transferring CHIP from Department of Administration to DHHR** (original same as H. B. No. 4213) - Introduced 1/16/14 - To Health and Human Resources then Judiciary - On 2nd reading to Judiciary 2/18/14 - Passed Senate 2/24/14 - Effective July 1, 2014 - To House 2/25/14 - To Health and Human Resources then Finance
- *379. By Sen. Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and Plymale - **Reclassifying counties** (original same as H. B. No. 4239) - Introduced 1/17/14 - To Government Organization then Finance - Com. sub. reported 2/12/14 - To Finance 2/12/14 - Com. sub. for com. sub. reported 2/21/14 - Amended - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Finance - Amended - Passed House 3/8/14 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/8/14
- *381. By Sen. Stollings, Plymale and Unger - **Requiring CPR and care for conscious choking instruction in public schools** - Introduced 1/20/14 - To Health and Human Resources then Education - Com. sub. reported 1/22/14 - To Education 1/22/14 - Com. sub. for com. sub. reported 1/29/14 - Amended - Passed Senate with amended title 2/3/14 - To House 2/4/14 - To Health and Human Resources then Education - To House Education 2/28/14

- *384. By Sen. Tucker, Stollings and Barnes - **Prohibiting certain insurers require policyholders use mail-order pharmacy** - Introduced 1/20/14 - To Banking and Insurance then Judiciary - Com. sub. reported 2/7/14 - To Judiciary 2/7/14 - Passed Senate 2/17/14 - To House 2/18/14 - To Banking and Insurance then Judiciary
- *409. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to education reform** (original same as H. B. No. 4281) - Introduced 1/22/14 - To Education - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - Effective July 1, 2014 - To House 2/26/14 - To Education - Amended - Passed House 3/8/14 - Title amended - Effective July 1, 2014
415. By Sen. Wells, McCabe and Palumbo - **Changing due date of certain county commission tax reports** - Introduced 1/22/14 - To Government Organization - Passed Senate 2/4/14 - To House 2/5/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/28/14
- *419. By Sen. Stollings, Laird, Boley, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins, Cookman, Barnes and Fitzsimmons - **Creating Overdose Prevention Act** (original same as H. B. No. 4189) - Introduced 1/23/14 - To Health and Human Resources then Judiciary - On 2nd reading to Judiciary 2/18/14 - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Senate refused to concur in House amendment 3/8/14
- *420. By Sen. Plymale, Kessler (Mr. President), Beach, Cann, Chafin, Cookman, Facemire, Edgell, Kirkendoll, Laird, McCabe, Miller, Palumbo, Prezioso, Snyder, Stollings, Tucker, Williams, Wells and Barnes - **Relating to data sharing in P-20W Longitudinal Data System** - Introduced 1/23/14 - To Education then Finance - Com. sub. reported 1/29/14 - To Finance 1/29/14 - Com. sub. for com. sub. reported 2/12/14 - Amended - Passed Senate 2/17/14 - Effective July 1, 2014 - To House 2/18/14 - To Judiciary then Finance - Read 1st to Finance 3/6/14
- *424. By Sen. Stollings and Kirkendoll - **Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area** - Introduced 1/23/14 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/18/14 - On 2nd reading to Government Organization 2/18/14 - Passed Senate 2/21/14 - To House 2/21/14 - To Political Subdivisions then Judiciary - To House Judiciary 3/3/14
- *430. By Sen. Edgell, Green, Kirkendoll, Laird, McCabe, Snyder, Tucker, Unger, Yost and Stollings - **Relating to receipting of state moneys** - Introduced 1/24/14 - To Government Organization then Finance - Com. sub. reported 2/6/14 - To Finance 2/6/14 - Passed Senate 2/24/14 - Effective July 1, 2014 - To House 2/25/14 - To Finance - Amended - Passed House 3/8/14 - Effective July 1, 2014

- *432. By Sen. Plymale, Kessler (Mr. President), Kirkendoll, Prezioso, Stollings, Edgell, Beach, Fitzsimmons, D. Hall, Williams, Yost and Wells - **Relating to calculating local share** (original similar to H. B. No. 4002 and S. B. No. 93) - Introduced 1/27/14 - To Education then Finance - Com. sub. reported 1/29/14 - To Finance 1/29/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Finance - Amended - Tabled on 3rd reading, Daily Calendar 3/8/14
435. By Sen. Palumbo, Kessler (Mr. President) and Beach - **Correcting code reference relating to handgun safety training for certain court personnel** (original similar to S. B. No. 367) - Introduced 1/27/14 - To Judiciary - Passed Senate 2/3/14 - Effective from passage - To House 2/4/14 - To Judiciary
- *455. By Sen. Unger, Stollings, Kessler (Mr. President), Yost, Edgell, Laird, Kirkendoll, Cann, Miller, Beach and Fitzsimmons - **Creating Move to Improve Act** (original similar to H. B. No. 4582) - Introduced 1/30/14 - To Health and Human Resources then Education - To Health and Human Resources 1/30/14 - To Education 1/31/14 - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Health and Human Resources then Education - To House Education 2/28/14
- *467. By Sen. Barnes and Sypolt - **Updating code section relating to expungement of criminal convictions** (original same as H. B. No. 4443) - Introduced 2/3/14 - To Judiciary - Com. sub. reported 2/24/14 - Passed Senate 2/26/14 - Effective from passage - To House 2/27/14 - To Judiciary
- *473. By Sen. Sypolt, Blair, Cookman, Williams, Plymale, McCabe, Nohe and Stollings - **Providing undesirable highway property be offered for public utility use** (original same as H. B. No. 4129) - Introduced 2/3/14 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/24/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/26/14 - To House 2/27/14 - To Political Subdivisions then Judiciary - To House Judiciary 3/3/14
476. By Sen. Plymale and Chafin - **Providing standards for conversion and retrofits of alternative-fuel motor vehicles** - Introduced 2/3/14 - To Transportation and Infrastructure then Judiciary - On 2nd reading to Judiciary 2/18/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary
480. By Sen. Tucker, Edgell, Palumbo, Cann, Fitzsimmons, Plymale and Chafin - **Expanding period during which certain motor vehicle liens are valid** (original same as H. B. No. 4417) - Introduced 2/4/14 - To Banking and Insurance then Judiciary - To Judiciary 2/11/14 - Passed Senate 2/19/14 - Effective from passage - To House 2/20/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage

- *487. By Sen. Snyder and Miller - **Authorizing municipal sales tax** - Introduced 2/5/14 - To Government Organization then Finance - Com. sub. reported 2/18/14 - 2nd reference dispensed - Passed Senate 2/21/14 - To House 2/21/14 - To Political Subdivisions then Finance - To House Finance 3/3/14
493. By Sen. Palumbo, Tucker and Barnes - **Excluding suspension days in determining student truancy** - Introduced 2/5/14 - To Education then Judiciary - To Judiciary 2/14/14 - Passed Senate with amended title 2/24/14 - To House 2/25/14 - To Education then Judiciary
- *495. By Sen. Edgell - **Increasing collections into Land Division special revenue account** (original same as H. B. No. 4405) - Introduced 2/5/14 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/18/14 - To Finance 2/18/14 - Passed Senate 2/26/14 - To House 2/27/14 - To Finance - Amended - Passed House 3/8/14 - Title amended
- *504. By Sen. Edgell, Barnes, Facemire and Yost - **Authorizing Auditor establish Debt Resolution Services Division** - Introduced 2/6/14 - To Government Organization then Finance - Com. sub. reported 2/13/14 - To Finance 2/13/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/8/14
533. By Sen. Miller and Williams - **Updating commercial feed laws; setting fees by rule** - Introduced 2/10/14 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/18/14 - Passed Senate 2/25/14 - Effective from passage - To House 2/26/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Effective from passage
- *539. By Sen. Green, Stollings, D. Hall, Cookman, Barnes, Carmichael and Nohe - **Providing certain law-enforcement officers employed as school security be allowed to carry firearms** (original same as H. B. No. 4501) - Introduced 2/11/14 - To Education then Judiciary - On 2nd reading to Judiciary 2/20/14 - Com. sub. reported 2/24/14 - Passed Senate 2/26/14 - To House 2/27/14 - To Judiciary
- *540. By Sen. Plymale, D. Hall, Green, Stollings and Jenkins - **Requiring SSAC promulgate rules allowing college preparatory team recognition** - Introduced 2/11/14 - To Education then Judiciary - Com. sub. reported 2/14/14 - 2nd reference dispensed - Passed Senate 2/19/14 - To House 2/20/14 - To Education
541. By Sen. McCabe, Beach and Palumbo - **Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property** - Introduced 2/12/14 - To Judiciary - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary

- *552. By Sen. Plymale, Tucker, D. Hall and Palumbo - **Increasing penalty related to transporting illegal controlled substances into state** (original similar to H. B. No. 4013) - Introduced 2/12/14 - To Judiciary - Com. sub. reported 2/19/14 - Amended on 3rd reading - Passed Senate 2/25/14 - To House 2/26/14 - To Judiciary
559. By Sen. Edgell, Fitzsimmons, Cookman, Wells, Miller, Walters, Plymale and Yost - **Eliminating annual report late fees charged by Secretary of State** (original same as H. B. No. 4525) - Introduced 2/12/14 - To Government Organization - Passed Senate 2/21/14 - Effective July 1, 2014 - To House 2/21/14 - To Finance
- *570. By Sen. Edgell, Fitzsimmons, Cookman, Wells, Miller and Walters - **Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement** (original same as H. B. No. 4512) - Introduced 2/13/14 - To Judiciary - Com. sub. reported 2/20/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Small Business, Entrepreneurship and Economic Development then Judiciary
583. By Sen. Miller, Snyder, Fitzsimmons, D. Hall and Yost - **Permitting emergency rule-making authority to implement Spay Neuter Assistance Program** - Introduced 2/14/14 - To Judiciary - Passed Senate 2/21/14 - Effective from passage - To House 2/21/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/8/14 - Effective from passage
- *584. By Sen. Snyder - **Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates** (original similar to H. B. No. 4574) - Introduced 2/14/14 - To Government Organization - Com. sub. reported 2/19/14 - Passed Senate 2/24/14 - To House 2/25/14 - To Judiciary - Amended - Passed House 3/8/14
593. By Sen. Tucker and D. Hall - **Authorizing issuance of limited lines travel insurance producer license** (original same as H. B. No. 4487) - Introduced 2/14/14 - To Banking and Insurance then Judiciary - On 2nd reading to Judiciary 2/19/14 - Passed Senate 2/24/14 - Effective from passage - To House 2/25/14 - To Judiciary - Amended - Passed House 3/8/14 - Title amended - Effective from passage
616. By Sen. Unger - **Allowing receipt of gifts, donations and contributions by Division of Energy** - Introduced 2/17/14 - To Finance - Passed Senate 2/25/14 - To House 2/26/14 - To Energy then Finance
- *628. By Sen. Unger, Yost and Stollings - **Creating Healthy Children and Healthy Communities Act** - Introduced 2/17/14 - To Select Committee on Children and Poverty then Health and Human Resources - Com. sub. reported 2/19/14 - On 2nd

reading to Health and Human Resources 2/19/14 - Passed Senate 2/25/14 - To House 2/26/14 - To Health and Human Resources then Finance - To House Finance 2/28/14

SENATE JOINT RESOLUTIONS COMMUNICATED TO HOUSE

- *10. By Sen. Unger, Kessler (Mr. President), Jenkins, D. Hall, Tucker, Stollings, Cookman, Yost, Fitzsimmons, M. Hall, Beach, Prezioso, Miller, Laird, Cann and Williams - **Proposing constitutional amendment designated Right to Hunt, Fish, Harvest Wildlife in WV Amendment** (original similar to H. J. R. No. 103 and SJR 9) - Introduced 2/4/14 - To Judiciary then Finance - Com. sub. reported 2/14/14 - To Finance 2/14/14 - Rereferred to Finance on 2nd reading 2/21/14 - Com. sub. for com. sub. reported 2/24/14 - Amended - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary
- *12. By Sen. Unger, Beach, Cann, Cookman, Fitzsimmons, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Wells, Yost, Chafin, Carmichael, Stollings, Kessler (Mr. President) and Green - **Proposing constitutional amendment designated Protecting and Conserving West Virginia's Water Resources for the Use and Benefit of its Citizens Amendment** - Introduced 2/12/14 - To Judiciary then Finance - Com. sub. reported 2/19/14 - On 2nd reading to Finance 2/19/14 - Amended on 3rd reading - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary - Rejected 3/8/14
- *14. By Sen. Kessler (Mr. President), Wells, Fitzsimmons, Beach, Plymale, D. Hall, Snyder, Yost, Cann, Cookman, Laird, Jenkins and Miller - **Proposing constitutional amendment designated Future Fund Amendment** - Introduced 2/14/14 - To Judiciary then Finance - Com. sub. reported 2/20/14 - On 2nd reading to Finance 2/20/14 - Amended - Adopted by Senate with amended title 2/26/14 - To House 2/27/14 - To Judiciary then Finance - To House Finance - Amended - Rejected 3/8/14

SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

- *13. By Sen. Cann, Prezioso and Beach - **Requesting DOH name bridge on Rt. 58 in Anmoore "U. S. Army PFC Nick A. Cavallaro Memorial Bridge"** - Introduced 1/22/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14

- *14. By Sen. Kirkendoll, Stollings, Beach, Jenkins, Edgell and Plymale - **Requesting DOH name bridge crossing Madison Creek, Logan County, "U. S. Army Sergeant Bernard C. Maynard Memorial Bridge"** - Introduced 1/23/14 - To Transportation and Infrastructure - Com. sub. reported 2/5/14 - Adopted by Senate 2/5/14 - To House 2/6/14 - To Rules - To House Rules 2/6/14
- *23. By Sen. Stollings, Kirkendoll, Cole, Chafin, Jenkins and Wells - **Requesting DOH name bridge in Boone County "USMC PFC Marshall Lee King Memorial Bridge"** - Introduced 2/3/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
- *25. By Sen. Plymale, Unger, Stollings, Cole and Jenkins - **Requesting DOH name portion of State Rt. 37 "U. S. Army SP4 Darrell W. Sanders Memorial Highway"** - Introduced 2/5/14 - To Transportation and Infrastructure - Com. sub. reported 2/18/14 - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
26. By Sen. Plymale, Unger, Stollings, Cole and Jenkins - **Requesting DOH rename County Rt. 35/3 in Wayne County "Stonewall Veterans Memorial Highway"** - Introduced 2/5/14 - To Transportation and Infrastructure - Adopted by Senate 2/18/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
- *29. By Sen. D. Hall, Green, Jenkins, Beach, Stollings and Cole - **Requesting DOH erect sign in Raleigh County "Home of Bill Withers"** - Introduced 2/10/14 - To Transportation and Infrastructure - Com. sub. reported 2/24/14 - Adopted by Senate 2/24/14 - To House 2/25/14 - To Rules - To House Rules 2/25/14
31. By Sen. Tucker, Barnes, Plymale, Stollings, Unger, Jenkins, Williams, D. Hall, Palumbo, McCabe, Beach and Fitzsimmons - **Recognizing National Radio Astronomy Observatory's Center for STEM Education** - Introduced 2/12/14 - To Education - Adopted by Senate 2/19/14 - To House 2/20/14 - To Rules - To House Rules 2/20/14
- *34. By Sen. Edgell, Unger, Kessler (Mr. President), Stollings and Plymale - **Requesting DOH name bridge in Tyler County "U. S. Army Staff Sgt. Jesse A. Ault Memorial Bridge"** - Introduced 2/13/14 - To Transportation and Infrastructure - Com. sub. reported 2/24/14 - Adopted by Senate 2/24/14 - To House 2/25/14 - To Rules - To House Rules 2/25/14
- *36. By Sen. Palumbo, McCabe, Walters, Wells, Unger and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road"** - Introduced 2/17/14 - To Transportation and

Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14

- *37. By Sen. Kirkendoll, Stollings, Unger, Jenkins and Cole - **Requesting DOH name Rt. 10 in Logan County “USMC Lance Corporal Larry G. Williamson Memorial Highway”** - Introduced 2/17/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14
- *39. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name road in Boone County “U. S. Army Sgt. Andy Messer Memorial Highway”** - Introduced 2/18/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- *40. By Sen. Stollings, Kirkendoll, Unger, Plymale and Jenkins - **Requesting DOH name Joe's Creek Road in Lincoln County “U. S. Army PFC John E. Runyan Memorial Road”** - Introduced 2/18/14 - To Transportation and Infrastructure - Com. sub. reported 2/25/14 - Adopted by Senate 2/25/14 - To House 2/26/14 - To Rules - To House Rules 2/26/14
- *43. By Sen. M. Hall, Carmichael and Stollings - **Requesting DOH name bridge in Putnam County “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”** - Introduced 2/19/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- *45. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name Smoke House Fork Crawley Creek Road in Logan County “U. S. Army Colonel Anna M. Butcher Road”** - Introduced 2/21/14 - To Transportation and Infrastructure - Com. sub. reported 3/3/14 - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- 48. By Sen. Kirkendoll, Stollings, Plymale and Jenkins - **Requesting DOH name portion of Rt. 10 in Man, “U. S. Army SP4 Terry Robert Albright Memorial Road”** - Introduced 2/21/14 - To Transportation and Infrastructure - Adopted by Senate 3/3/14 - To House 3/3/14 - To Rules - To House Rules 3/3/14
- 54. By Sen. D. Hall, Stollings, Plymale, Unger, Wells, Cole, Green and Jenkins - **Requesting DOH name U. S. Rt. 54/6 in Wyoming County “Virginia & U. S. Army Major Woodrow Cook Memorial Road”** - Introduced 2/25/14 - To Transportation and Infrastructure - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14

55. By Sen. Laird, Miller, Stollings, Unger, Green and Jenkins - **Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans Bridge”** - Introduced 2/25/14 - To Transportation and Infrastructure - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14
- *59. By Sen. Cann, Prezioso, Beach, Edgell, Plymale, Stollings, Unger and Green - **Requesting DOH name bridge on I-79 in Harrison County south “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and north “U. S. Army SSGT Benjamin T. Portaro Memorial Bridge”** - Introduced 2/26/14 - To Transportation and Infrastructure - Com. sub. reported 3/5/14 - Adopted by Senate 3/5/14 - To House 3/5/14 - To Rules - To House Rules 3/5/14
- *72. By Sen. Chafin, Cole, Stollings, Jenkins, D. Hall, Green and Plymale - **Requesting DOH name bridge on Rt. 16, War, McDowell County, “U. S. Army SFC Anthony Barton Memorial Bridge”** - Introduced 2/28/14 - To Transportation and Infrastructure - Com. sub. reported 3/6/14 - Adopted by Senate 3/6/14 - To House 3/7/14 - To Rules - To House Rules 3/7/14
- *73. By Sen. Green and Jenkins - **Requesting DOH name bridge in Raleigh County “U. S. Army PFC Arland W. Hatcher Memorial Bridge”** - Introduced 3/3/14 - To Transportation and Infrastructure - Com. sub. reported 3/6/14 - Adopted by Senate 3/6/14 - To House 3/7/14 - To Rules - To House Rules 3/7/14

HOUSE BILLS COMMUNICATED TO SENATE

- *2020. By Del. Ellem - **Relating to conditions of bond for defendants in cases of crimes between family or household members** - Introduced 1/9/14 - To Judiciary - Passed House 1/24/14 - To Senate 1/27/14 - To Judiciary 1/27/14
- *2165. By Del. Iaquinta, Longstreth, Fleischauer, Jones, Stephens and Azinger - **Relating to death certificates of military veterans** - Introduced 1/9/14 - To Veterans' Affairs and Homeland Security then Finance - To House Finance 1/30/14 - Passed House 2/17/14 - Effective July 1, 2014 - To Senate 2/18/14 - To Military then Government Organization - To Military 2/18/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/27/14 - Effective July 1, 2014 - House concurred in Senate amend with amend, passed bill 3/3/14 - Effective July 1, 2014 - Senate concurred in House amendments and passed bill 3/4/14 - Effective July 1, 2014 - To Governor 3/17/14 - Vetoed by Governor 3/25/14
- *2387. By Del. Marshall and Moore - **Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals** - Introduced 1/9/14 - To Judiciary - Passed House 1/28/14 - To Senate 1/29/14 - To Judiciary 1/29/14 - Amended - Passed Senate with amended

title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 87, Acts, Regular Session, 2014

- *2446. By Del. Hunt, Craig, Pino and Smith, P. - **Creating the crime of soliciting a minor** - Introduced 1/9/14 - To Judiciary then Finance - To House Finance 2/19/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14
2477. By Del. Overington, Barill and Sobonya - **Permitting certain auxiliary lighting on motorcycles** (original similar to S. B. No. 372) - Introduced 1/9/14 - To Roads and Transportation then Judiciary - To House Judiciary 1/16/14 - Passed House 1/24/14 - To Senate 1/27/14 - To Judiciary 1/27/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 127, Acts, Regular Session, 2014
- *2606. By Del. Hartman, Campbell, Evans, A., Rowan, Boggs and Lynch - **Permitting the State Rail Authority to set the salary of the executive director** - Introduced 1/9/14 - To Government Organization then Finance - To House Finance 2/14/14 - Passed House 2/26/14 - Effective July 1, 2014 - To Senate 2/27/14 - To Government Organization then Finance - To Government Organization 2/27/14 - On 2nd reading to Finance 3/4/14 - Passed Senate 3/8/14 - Effective from passage - House concurred in Senate effective date 3/8/14 - Effective from passage - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 161, Acts, Regular Session, 2014
- *2757. By Del. Sponaugle, Lynch, Evans, A. and Andes - **Private cause of action for the humane destruction of a dog** - Introduced 1/9/14 - To Judiciary - Amended on 3rd reading - Passed House 1/23/14 - Title amended - To Senate 1/24/14 - To Judiciary 1/24/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 41, Acts, Regular Session, 2014
- *2803. By Del. Manchin, Poling, M., Iaquina, Guthrie and Manypenny - **Requiring electric utilities to implement integrated resource plans** - Introduced 1/9/14 - To Government Organization then Judiciary - 2nd reference dispensed - Passed House 2/26/14 - To Senate 2/27/14 - To Government Organization then Judiciary - To Government Organization 2/27/14 - 2nd reference dispensed - Passed Senate 3/7/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 150, Acts, Regular Session, 2014
- *2895. By Del. Fleischauer, Barill, Iaquina, Lynch, Young, Pasdon, Poling, D. and Ferro - **Requiring display of POW/MIA flag on county courthouses and other**

government buildings - Introduced 1/9/14 - To Veterans' Affairs and Homeland Security then Finance - To House Finance 1/16/14 - Passed House 2/17/14 - To Senate 2/18/14 - To Government Organization 2/18/14

- *2954. By Del. Caputo, Tomblin and Phillips, R. - **Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature** - Introduced 1/9/14 - To Government Organization then Finance - To House Finance 1/15/14 - Passed House 1/29/14 - Effective from passage - To Senate 1/30/14 - To Energy, Industry and Mining then Government Organization then Finance - To Energy, Industry and Mining 1/30/14 - 2nd reference dispensed - To Finance 2/18/14 - Passed Senate 3/8/14 - Effective from passage - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 123, Acts, Regular Session, 2014
- *2966. By Del. Skinner, Lawrence, Barrett, Young, Sponaugle, Lynch, Tomblin, Eldridge, Poore and Caputo - **Relating to employment and privacy protection** - Introduced 1/9/14 - To Judiciary - Passed House 1/29/14 - To Senate 1/30/14 - To Labor then Government Organization then Judiciary - To Labor 1/30/14 - 2nd reference dispensed - To Judiciary 2/27/14
2981. By Del. Howell, Paxton, Ashley, Iaquina, Eldridge, Longstreth, Storch, Azinger, Rowan and Manchin - **Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations** - Introduced 1/9/14 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/30/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14
- *3011. By Del. Manypenny, Walker, Swartzmiller, Canterbury and Ambler - **Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed** - Introduced 1/9/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/13/14 - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 3, Acts, Regular Session, 2014
- *3108. By Del. Campbell, Ellington and Perdue - **Relating to criminal background checks on applicants for employment by nursing homes** - Introduced 1/9/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/14/14 - Passed House 2/21/14 - To Senate 2/24/14 - To Judiciary 2/24/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 78, Acts, Regular Session, 2014

- *3156. By Del. Poling, D., Caputo, Manypenny and Walker - **Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee** - Introduced 1/9/14 - To Industry and Labor then Judiciary - To House Judiciary 2/20/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Labor then Judiciary - To Labor 2/27/14 - On 2nd reading to Judiciary 3/5/14 - Amended - Passed Senate 3/8/14 - Title amended - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 145, Acts, Regular Session, 2014
- *4002. By Del. Perry, Lawrence, Marshall, Morgan, Barrett, Barill, Lynch, Fleischauer, Craig, Eldridge and Barker - **Relating to the computation of local share for public school support purposes** (original similar to S. B. No. 432 and S. B. No. 93) - Introduced 1/8/14 - To Education then Finance - To House Finance 1/14/14 - Amended on 3rd reading - Passed House 1/29/14 - Effective from passage - To Senate 1/30/14 - To Education then Finance - To Education 1/30/14 - 2nd reference dispensed - Constitutional rule suspended - Amended - Passed Senate with amended title 3/6/14 - Effective from passage - House refused to concur and requested Senate to recede 3/8/14
- *4003. By Del. Walker, Perry, Paxton, Poling, M. and Pethtel - **Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies** - Introduced 1/8/14 - To Education - Passed House 1/22/14 - To Senate 1/23/14 - To Education then Judiciary - To Education 1/23/14 - To Judiciary 1/31/14 - Passed Senate 3/4/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 54, Acts, Regular Session, 2014
- *4004. By Del. Phillips, L., Rowan, Fleischauer, Border, Lawrence, Guthrie, Smith, P., Marshall and Poore - **Relating to criminal offenses for child abuse** - Introduced 1/8/14 - To Judiciary then Finance - To House Finance 1/20/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14
- *4005. By Del. Phillips, L., Rowan, Fleischauer, Border, Lawrence, Guthrie, Smith, P., Marshall and Poore - **Relating to criminal offenses for child abuse and child neglect** - Introduced 1/8/14 - To Judiciary then Finance - To House Finance 2/7/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 36, Acts, Regular Session, 2014
4006. By Del. Phillips, L., Rowan, Fleischauer, Sobonya, Guthrie, Sumner, Lawrence, Miller, Poore, Border and Arvon - **Relating to the possession and distribution of**

- child pornography** - Introduced 1/8/14 - To Judiciary then Finance - To House Finance 1/16/14 - Passed House 1/27/14 - To Senate 1/28/14 - To Judiciary 1/28/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 35, Acts, Regular Session, 2014
- *4010. By Del. Smith, P., Phillips, R., Ellington, Ferro, Reynolds, Skinner and Storch - **Creating the Uniform Real Property Electronic Recording Act** (original same as S. B. No. 5) - Introduced 1/8/14 - To Political Subdivisions then Judiciary - To House Judiciary 1/15/14 - Passed House 2/7/14 - Title amended - To Senate 2/10/14 - To Judiciary 2/10/14
- *4012. By Del. Smith, P., Phillips, R., Ellington, Ferro, Reynolds, Skinner and Storch - **Relating to the Revised Uniform Law on Notarial Acts** (original same as S. B. No. 4) - Introduced 1/8/14 - To Judiciary - Passed House 2/26/14 - To Senate 2/27/14 - To Interstate Cooperation then Judiciary - To Interstate Cooperation 2/27/14 - 2nd reference dispensed - Amended - Passed Senate 3/6/14 - Effective July 1, 2014 - House concurred in Senate amendment and passed 3/6/14 - Effective July 1, 2014 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 133, Acts, Regular Session, 2014
- *4014. By Del. Phillips, R., Tomblin, Marcum, Ferro, White, Eldridge, Diserio, Iaquina, Barker and Skaff - **Increasing criminal penalties for littering** - Introduced 1/8/14 - To Judiciary - Passed House 1/20/14 - To Senate 1/21/14 - To Judiciary 1/21/14
- *4039. By Del. Poore, Marcum, Eldridge, Fleischauer and Frich - **Authorizing miscellaneous boards and agencies to promulgate legislative rules** - Introduced 1/9/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/16/14 - Amended - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate 3/7/14 - Effective from passage - House concurred in Senate amendment and passed 3/8/14 - Effective from passage - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 113, Acts, Regular Session, 2014
- *4067. By Del. Poore, Marcum, Eldridge, Fleischauer and Frich - **Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules** - Introduced 1/9/14 - To Government Organization then Judiciary - To House Judiciary 2/12/14 - Passed House 2/19/14 - Effective from passage - To Senate 2/20/14 - To Judiciary 2/20/14 - Amended - Passed Senate 3/5/14 - Effective from passage - House concurred in Senate amendment and passed 3/5/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 110, Acts, Regular Session, 2014

4135. By Del. Smith, P., Perry, Pino, Walker, Young, Lynch, Hamilton, Hartman and Kinsey - **Designating the first Thursday in May the West Virginia Day of Prayer** - Introduced 1/14/14 - To Judiciary - Passed House 1/21/14 - To Senate 1/22/14 - To Judiciary 1/22/14 - Passed Senate 3/7/14 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 85, Acts, Regular Session, 2014
- *4137. By Del. Lawrence, Fragale, Ambler, Cooper, Evans, D., Rowan, Perry and Poling, M. - **Relating to more equitable distribution to county boards of reimbursement of the costs of serving certain special needs students** (original same as S. B. No. 513) - Introduced 1/14/14 - To Education then Finance - To House Finance 1/22/14 - Passed House 2/24/14 - Effective July 1, 2014 - To Senate 2/25/14 - To Finance 2/25/14
- *4139. By Del. Guthrie, Phillips, L., Rowan, Fleischauer, Border, Lawrence, Marshall, Staggers, Poore and Smith, P. - **Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse** - Introduced 1/14/14 - To Judiciary - Amended - Passed House 1/29/14 - To Senate 1/30/14 - To Select Committee on Children and Poverty then Judiciary - To Select Committee on Children and Poverty 1/30/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 43, Acts, Regular Session, 2014
- *4141. By Del. Hamilton, Miller, Storch, Ferro, Evans, A., Azinger, Lynch, Ambler, Canterbury, Iaquinta and Marshall - **Relating to licenses to sell paraphernalia for use with controlled substances** - Introduced 1/14/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/14/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/27/14
- *4147. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to emergency preparedness** (original same as S. B. No. 320) - Introduced 1/14/14 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/23/14 - Passed House 2/4/14 - Effective from passage - To Senate 2/5/14 - To Government Organization then Judiciary - To Government Organization 2/5/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/7/14 - Effective from passage - House concurred in Senate amendment and passed 3/8/14 - Effective from passage - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 62, Acts, Regular Session, 2014
- *4149. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Allowing members of the Board of Public Works to be represented by designees and to vote by proxy** (original same as S. B. No. 321) - Introduced

1/14/14 - To Government Organization - Passed House 2/17/14 - To Senate 2/18/14
- To Government Organization then Judiciary - To Government Organization
2/18/14 - On 2nd reading to Judiciary 3/4/14 - Passed Senate 3/7/14 - To Governor
3/20/14 - Approved by Governor 3/21/14 - Chapter 18, Acts, Regular Session, 2014

- *4151. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] -
**Relating to military members and their spouses who obtain licensure through
professional boards** (original same as S. B. No. 323) - Introduced 1/14/14 - To
Government Organization then Judiciary - To House Judiciary 2/7/14 - Passed
House 2/17/14 - To Senate 2/18/14 - To Government Organization 2/18/14 -
Amended - Passed Senate 3/4/14 - House concurred in Senate amendment and
passed 3/4/14 - To Governor 3/17/14 - Approved by Governor 4/1/14 - Chapter
140, Acts, Regular Session, 2014
4154. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] -
Fixing a technical error relating to the motor fuel excise tax (original same as
S. B. No. 326) - Introduced 1/14/14 - To Finance - Passed House 2/13/14 - Title
amended - To Senate 2/14/14 - To Finance 2/14/14 - Passed Senate 3/5/14 -
Effective from passage - House concurred in Senate effective date 3/6/14 -
Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 -
Chapter 170, Acts, Regular Session, 2014
- *4156. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] -
Electronic Toll Collection Act (original same as S. B. No. 330) - Introduced
1/14/14 - To Roads and Transportation then Judiciary - To House Judiciary 2/13/14
- Amended on 3rd reading - Passed House 2/26/14 - To Senate 2/27/14 - To
Transportation and Infrastructure then Judiciary - To Transportation and
Infrastructure 2/27/14 - 2nd reference dispensed - Amended - Passed Senate 3/7/14
- House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14
- Approved by Governor 3/26/14 - Chapter 157, Acts, Regular Session, 2014
4159. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] -
**Updating the meaning of federal adjusted gross income and certain other
terms** (original same as S. B. No. 333) - Introduced 1/14/14 - To Finance - Passed
House 2/14/14 - Effective from passage - To Senate 2/17/14 - To Finance 2/17/14
- Passed Senate 3/5/14 - Effective from passage - To Governor 3/17/14 - Approved
by Governor 3/20/14 - Chapter 173, Acts, Regular Session, 2014
- *4168. By Del. Poling, D., Diserio, Marshall, Walker, Poore, Young and Frich - **Requiring
materials, supplies, equipment and other items purchased by the state and its
agencies to be made in the United States** (original same as S. B. No. 335) -
Introduced 1/14/14 - To Industry and Labor then Finance - To House Finance 2/6/14
- Passed House 2/26/14 - To Senate 2/27/14 - To Government Organization 2/27/14

- *4175. By Del. Skaff, Barrett, Mr. Speaker (Mr. Miley), Boggs, Hartman, White, Skinner, Lane, Ellem, Ireland and Pasdon - **West Virginia Small Business Emergency Act** - Introduced 1/15/14 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 1/15/14 - Passed House 1/16/14 - Effective from passage - To Senate 1/17/14 - To Economic Development then Finance - To Economic Development 1/17/14 - To Finance 1/30/14 - Constitutional rule suspended - Amended - Passed Senate with amended title 3/3/14 - Effective from passage - House concurred in Senate amend with amend, passed bill 3/5/14 - Effective from passage - Senate concurred in House amendments and passed bill 3/6/14 - Effective from passage - To Governor 3/20/14 - Approved by Governor 4/1/14 - Chapter 45, Acts, Regular Session, 2014
4177. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation to various agencies** (original same as S. B. No. 342) - Introduced 1/15/14 - To Finance - Passed House 1/27/14 - Effective from passage - To Senate 1/28/14 - To Finance 1/28/14 - Passed Senate 2/5/14 - Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 8, Acts, Regular Session, 2014
4178. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia** (original same as S. B. No. 343) - Introduced 1/15/14 - To Finance - Passed House 2/19/14 - Effective from passage - To Senate 2/20/14 - To Finance 2/20/14 - Passed Senate 3/4/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/24/14 - Chapter 9, Acts, Regular Session, 2014
4182. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts** (original same as S. B. No. 347) - Introduced 1/15/14 - To Finance - Passed House 1/28/14 - Effective from passage - To Senate 1/29/14 - To Finance 1/29/14 - Passed Senate 2/5/14 - Effective from passage - To Governor 2/12/14 - Approved by Governor 2/13/14 - Chapter 10, Acts, Regular Session, 2014
- *4183. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways** - Introduced 1/15/14 - To Finance - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Finance 2/27/14 - Passed Senate 3/7/14 - Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 11, Acts, Regular Session, 2014

- *4184. By Mr. Speaker (Mr. Miley) [By Request of the Executive] - **Relating to the West Virginia Tourism Development Act** (original same as S. B. No. 338) - Introduced 1/15/14 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 1/30/14 - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Economic Development then Finance - To Economic Development 2/27/14 - On 2nd reading to Finance 3/4/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/20/14 - Chapter 177, Acts, Regular Session, 2014
4186. By Del. Phillips, R., White, Tomblin, Marcum, Hamilton, Evans, A., Ashley, Barker, Boggs, Hartman and Sponaugle - **Relating to the procedures for issuing a concealed weapon license** - Introduced 1/15/14 - To Judiciary - Passed House 2/4/14 - To Senate 2/5/14 - To Judiciary 2/5/14 - Passed Senate 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 21, Acts, Regular Session, 2014
- *4188. By Del. Perdue, Fleischauer, Diserio, Eldridge, Kinsey, Lawrence, Marshall, Moore, Poore and Campbell - **Updating the authority and responsibility of the Center for Nursing** - Introduced 1/15/14 - To Health and Human Resources then Education - To House Education 1/21/14 - Passed House 2/14/14 - Effective from passage - To Senate 2/17/14 - To Health and Human Resources then Education - To Health and Human Resources 2/17/14 - 2nd reference dispensed - Passed Senate 3/5/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 137, Acts, Regular Session, 2014
- *4196. By Del. Marshall, Fleischauer and Cooper - **Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs** (original same as S. B. No. 354) - Introduced 1/16/14 - To Industry and Labor then Judiciary - To House Judiciary 1/23/14 - Passed House 2/5/14 - To Senate 2/6/14 - To Government Organization 2/6/14 - Passed Senate 3/7/14 - To Governor 3/20/14 - Approved by Governor 3/21/14 - Chapter 190, Acts, Regular Session, 2014
- *4204. By Del. Hunt, Manchin, Manypenny, Skinner, Moore, Sponaugle and Ireland - **Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years** (original same as S. B. No. 349) - Introduced 1/16/14 - To Banking and Insurance then Judiciary - To House Judiciary 1/30/14 - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/20/14 - Approved by Governor 3/24/14 - Chapter 93, Acts, Regular Session, 2014

- *4208. By Del. Fleischauer, Barill, Marshall, Barker, Perdue, Kinsey, Ellem, Pasdon, Hunt, Marcum and Border - **Banning synthetic hallucinogens** - Introduced 1/17/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/23/14 - Amended - Passed House 2/12/14 - Title amended - To Senate 2/13/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/13/14 - To Judiciary 2/28/14 - Amended - Passed Senate 3/7/14 - Title amended - House refused to concur and requested Senate to recede 3/8/14 - Senate refused to recede and requested conference 3/8/14 - To conference 3/8/14 - House adopted conference report and passed bill 3/8/14 - Senate adopted conference report and passed bill 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 23, Acts, Regular Session, 2014
- *4210. By Del. Fleischauer, Skinner, Poore, Longstreth, Barill, Ellem, Sponaugle, Lynch, Manypenny, Hamilton and Pethtel - **Juvenile sentencing reform** (original similar to S. B. No. 370) - Introduced 1/17/14 - To Judiciary then Finance - To House Finance 1/27/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 37, Acts, Regular Session, 2014
- *4214. By Del. Perdue, Fleischauer, Diserio, Eldridge, Kinsey, Lawrence, Marshall, Moore and Poore - **Relating to persons being discharged from mental health facilities** - Introduced 1/17/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/23/14 - Passed House 2/10/14 - Title amended - To Senate 2/11/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/11/14 - To Judiciary 2/28/14
- *4217. By Del. Perdue, Fleischauer, Campbell, Ellington, Morgan and Stephens - **Relating to Medicaid reports to the Legislature** - Introduced 1/17/14 - To Health and Human Resources - Passed House 1/28/14 - To Senate 1/29/14 - To Health and Human Resources 1/29/14 - Amended - Passed Senate 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 117, Acts, Regular Session, 2014
- *4220. By Del. Staggers and Manchin - **Relating to waiver of jury trial in claims arising from consumer transactions** - Introduced 1/17/14 - To Judiciary - To House Judiciary 1/17/14 - Passed House 2/7/14 - To Senate 2/10/14 - To Judiciary 2/10/14 - Amended - Passed Senate 3/8/14 - Title amended - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 134, Acts, Regular Session, 2014
- *4221. By Del. Sponaugle, Young, Lynch, Barrett, Perry, Skaff, Hartman, Reynolds, Guthrie, Pethtel and Williams - **Permitting teachers under the State Teachers**

Retirement System to teach college level courses without loss of benefits - Introduced 1/17/14 - To Pensions and Retirement then Finance - To House Finance 2/6/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Pensions then Finance - To Pensions 2/27/14 - On 2nd reading to Finance 3/4/14

- *4225. By Del. Poling, M., Perry and Marcum - **Providing for emergency contact information on driver's license records with the Division of Motor Vehicles** - Introduced 1/17/14 - To Roads and Transportation then Judiciary - To House Judiciary 2/13/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - On 2nd reading to Finance 3/5/14
- *4228. By Del. Poling, M., Perry, Lawrence, Barrett, Young, Tomblin, Barill, Moye, Campbell, Walker and Pethel - **Repealing or removing certain portions of education-related statutes that have expired** - Introduced 1/20/14 - To Education then Finance - To House Finance 1/24/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Education 2/27/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 47, Acts, Regular Session, 2014
- *4236. By Del. Fleischauer, Campbell, Pino, Longstreth, Ellem, Phillips, L., Hunt, Poore, Sobonya, Moore and Storch - **Sexual assault nurse examination network** (original similar to S. B. No. 9) - Introduced 1/21/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/23/14 - Passed House 2/5/14 - To Senate 2/6/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/6/14 - To Judiciary 2/28/14 - Amended - Passed Senate with amended title 3/6/14 - House refused to concur and requested Senate to recede 3/6/14 - Senate refused to recede and requested conference 3/7/14 - To conference 3/8/14 - House adopted conference report and passed bill 3/8/14 - Senate adopted conference report and passed bill 3/8/14 - Not Enrolled due to technical deficiency 3/14/14
- *4237. By Del. Lawrence, Barrett, Guthrie, Skinner, Perdue, Campbell, Marshall, Poore, Fleischauer, Staggers and Evans, A. - **Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen** - Introduced 1/21/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/23/14 - Amended - Passed House 2/13/14 - Title amended - To Senate 2/14/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/14/14 - On 2nd reading to Judiciary 3/4/14 - Amended - Passed Senate 3/8/14 - Title amended - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 176, Acts, Regular Session, 2014
- *4242. By Del. Diserio, Jones, Swartzmiller, Ferro, Fleischauer, Perdue, Poore, Storch, Poling, D., Eldridge and Phillips, L. - **Increasing gross weight limitations on**

- certain roads in Brooke County** - Introduced 1/21/14 - To Political Subdivisions then Judiciary - To House Judiciary 1/23/14 - Amended - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Government Organization 2/27/14 - Passed Senate 3/7/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 191, Acts, Regular Session, 2014
- *4245. By Del. Fleischauer, Young, Iaquina, Barrett, Barker, Barill, Diserio, Perdue, Guthrie, Ellington and Miller - **Relating to anticipated retirement dates of certain health care professionals** - Introduced 1/21/14 - To Government Organization then Health and Human Resources - To House Health and Human Resources 2/14/14 - Amended - Passed House 2/25/14 - To Senate 2/26/14 - To Health and Human Resources then Education - To Health and Human Resources 2/26/14 - 2nd reference dispensed - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 139, Acts, Regular Session, 2014
- *4254. By Del. Armstead, Mr. Speaker (Mr. Miley), Ashley, Cadle, Westfall, McCuskey, Butler, Manchin, Walters, Boggs and Nelson, E. - **Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency** - Introduced 1/22/14 - To Finance - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Government Organization 2/27/14 - Passed Senate 3/7/14 - Effective from passage - To Governor 3/28/14 - Vetoed by Governor 3/31/14
4256. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Amending the annual salary schedule for members of the state police** (original same as S. B. No. 392) - Introduced 1/22/14 - To Finance - Passed House 2/25/14 - To Senate 2/26/14 - To Finance 2/26/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 159, Acts, Regular Session, 2014
- *4257. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Providing criminal penalties for the dissemination of false, misleading or deceptive information through automated telephone calls during a declared state of emergency** (original same as S. B. No. 390) - Introduced 1/22/14 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/20/14 - To Senate 2/21/14 - To Judiciary 2/21/14
4259. By Del. Romine - **Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body** - Introduced 1/22/14 - To Political Subdivisions then Finance - To House Finance 1/30/14 - Passed House 2/20/14 - Effective from passage - To Senate 2/21/14 - To Government Organization 2/21/14 - Passed Senate 3/4/14 - Effective from passage - To

Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 193, Acts, Regular Session, 2014

- *4267. By Del. Iaquina, Boggs, Fleischauer, Longstreth, Poling, D., Moore, Williams, Azinger, Rowan, Ferro and Phillips, R. - **Legalizing and regulating the sale and use of fireworks and creating the West Virginia Veterans Program Fund** (original same as S. B. No. 389) - Introduced 1/23/14 - To Judiciary then Finance - To House Finance 2/18/14 - Passed House 2/26/14 - Title amended - Effective July 1, 2014 - To Senate 2/27/14 - To Judiciary then Finance - To Judiciary 2/27/14
- *4268. By Del. Iaquina, Boggs, Fleischauer, Longstreth, Perry, Morgan, Wells, Poore, Evans, D. and Lane - **Relating to the administration of veterans' assistance** (original same as S. B. No. 449) - Introduced 1/23/14 - To Veterans' Affairs and Homeland Security then Government Organization - To House Government Organization 1/30/14 - Passed House 2/17/14 - To Senate 2/18/14 - To Government Organization 2/18/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 186, Acts, Regular Session, 2014
- *4270. By Del. Westfall, Boggs, Perry, Poling, M., Espinosa, Raines, Ashley, Hamrick, Tomblin, Cadle and Pasdon - **Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center** - Introduced 1/23/14 - To Education then Finance - To House Finance 2/11/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Finance 2/27/14 - Passed Senate 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 49, Acts, Regular Session, 2014
- *4278. By Del. Perdue, Fleischauer, Morgan, Guthrie, Ellington, Staggers and Swartzmiller - **Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery** - Introduced 1/23/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/28/14 - Passed House 2/10/14 - Title amended - To Senate 2/11/14 - To Government Organization then Judiciary - To Government Organization 2/11/14 - To Judiciary 2/27/14 - Amended - Passed Senate 3/7/14 - Title amended - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 141, Acts, Regular Session, 2014
- *4283. By Del. Barrett, Barill, Barker, Diserio, Lawrence, Manypenny, Marcum, Poling, D., Reynolds, Sponaule and Young - **Raising the minimum wage** (original similar to S. B. No. 411) - Introduced 1/24/14 - To Industry and Labor then Finance - To House Finance 1/30/14 - Passed House 2/12/14 - To Senate 2/13/14 - To Finance 2/13/14 - Amended - Passed Senate 3/7/14 - House refused to concur and

requested Senate to recede 3/8/14 - Senate receded and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 124, Acts, Regular Session, 2014

- *4284. By Del. Perdue, Fleischauer, Barrett, Caputo, Sponaugle, Kinsey, Lawrence, Manchin, Skinner, Guthrie and Young - **Pregnant Workers' Fairness Act** - Introduced 1/24/14 - To Judiciary - Amendments pending - Motion to modify amendment adopted - Passed House 2/5/14 - To Senate 2/6/14 - To Labor then Judiciary - To Labor 2/6/14 - To Judiciary 2/27/14 - Passed Senate 3/6/14 - Senate requests return of bill from House - Senate reconsidered and passed bill 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 135, Acts, Regular Session, 2014
4286. By Del. Williams, Tomblin, Phillips, R., Eldridge, Hartman, Sponaugle, Walker, Pino, Craig, Miller and Anderson - **Captive Cervid Farming Act** - Introduced 1/24/14 - To Agriculture and Natural Resources then Finance - To House Finance 1/30/14 - Recommitted to Finance on 2nd reading 2/21/14 - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Agriculture and Rural Development then Judiciary - To Agriculture and Rural Development 2/27/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/8/14 - House refused to concur and requested Senate to recede 3/8/14 - Senate refused to recede and requested conference 3/8/14 - House refused to concur and requested Senate to recede 3/8/14
- *4287. By Del. Fleischauer, Marshall, Barill, Manypenny, Fragale, Campbell, Pasdon, Mr. Speaker (Mr. Miley), White, Pethtel and Tomblin - **Administration of health maintenance tasks** - Introduced 1/24/14 - To Health and Human Resources - Passed House 2/4/14 - To Senate 2/5/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/5/14 - To Judiciary 2/28/14 - Passed Senate 3/6/14 - Effective from passage - House concurred in Senate effective date 3/6/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 79, Acts, Regular Session, 2014
- *4290. By Del. Moore, Campbell, Azinger and Reynolds - **Revising the regulatory structure of money transmitters and other entities** - Introduced 1/24/14 - To Banking and Insurance then Finance - To House Finance 2/6/14 - Passed House 2/24/14 - Effective July 1, 2014 - To Senate 2/25/14 - To Banking and Insurance then Government Organization - To Banking and Insurance 2/25/14 - 2nd reference dispensed - Passed Senate 3/6/14 - Effective July 1, 2014 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 39, Acts, Regular Session, 2014
- *4294. By Del. Ashley, Westfall, Manchin, Hunt, Skinner, Ellem, McCuskey, Shott, Morgan, Craig and Lane - **Establishing standards for court reporters and**

- entities that provide court reporting services** - Introduced 1/24/14 - To Judiciary - Passed House 2/19/14 - To Senate 2/20/14 - To Judiciary 2/20/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 30, Acts, Regular Session, 2014
- *4298. By Del. Manchin and Morgan - **Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission** (original same as S. B. No. 484) - Introduced 1/24/14 - To Government Organization then Judiciary - To House Judiciary 2/5/14 - Passed House 2/14/14 - To Senate 2/17/14 - To Government Organization then Judiciary - To Government Organization 2/17/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/7/14 - House refused to concur and requested Senate to recede 3/8/14 - Senate refused to recede and requested conference 3/8/14 - To conference 3/8/14 - House adopted conference report and passed bill 3/8/14 - Senate adopted conference report and passed bill 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 65, Acts, Regular Session, 2014
4301. By Del. Eldridge, Wells, Craig, Evans, A., Hamilton, Paxton, White, Marcum, Phillips, R., Perry and Young - **Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky** (original same as S. B. No. 404) - Introduced 1/24/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/6/14 - Amended on 3rd reading - Passed House 2/14/14 - Title amended - To Senate 2/17/14 - To Interstate Cooperation then Judiciary - To Interstate Cooperation 2/17/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/4/14 - House concurred in Senate amendment and passed 3/4/14 - To Governor 3/17/14 - Approved by Governor 3/20/14 - Chapter 90, Acts, Regular Session, 2014
4302. By Del. Skaff, Guthrie, Poore, Wells, Perry, Pasdon and Walters - **Relating to elections for public school purposes** - Introduced 1/24/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/6/14 - Amended - Passed House 2/18/14 - To Senate 2/19/14 - To Judiciary 2/19/14 - Amended - Passed Senate with amended title 3/6/14 - House concurred in Senate amendment and passed 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 46, Acts, Regular Session, 2014
- *4304. By Del. Wells, Guthrie, Skaff, Fleischauer, Skinner, Manypenny, Barill, Smith, R., Walters, Poore and McCuskey - **Providing rules for motor vehicles passing bicycles on roadways** (original same as S. B. No. 349 and S. B. No. 608) - Introduced 1/24/14 - To Judiciary - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Amended - Passed Senate with amended title 3/5/14 - House concurred in Senate amendment and passed 3/5/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 179, Acts, Regular Session, 2014

- *4305. By Del. Fragale, Iaquina, Diserio and Jones - **Relating to the requirements of members of a building commission board be from the same political party** - Introduced 1/24/14 - To Political Subdivisions then Government Organization - To House Government Organization 2/13/14 - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Government Organization then Judiciary - To Government Organization 2/27/14 - On 2nd reading to Judiciary 3/4/14
- *4307. By Del. Campbell, Perry, Barill, Poling, M., Pasdon, Hamrick, Sponaugle, Hartman, Tomblin, Marcum and Storch - **Relating to school celebrations, recognition programs and events** - Introduced 1/24/14 - To Health and Human Resources then Education - To House Education 2/4/14 - Passed House 2/26/14 - Effective from passage - To Senate 2/27/14 - To Health and Human Resources then Education - To Health and Human Resources 2/27/14
- *4309. By Del. Phillips, R., Hartman, Eldridge, Marcum, White, Barker, Tomblin, Craig, Sponaugle, Diserio and Moore - **Permitting a person to keep a firearm in his or her motor vehicle upon the grounds of the State Capitol Complex** (original similar to S. B. No. 442) - Introduced 1/24/14 - To Judiciary - Passed House 2/17/14 - To Senate 2/18/14 - To Government Organization then Judiciary - To Government Organization 2/18/14 - To Judiciary 2/27/14
4310. By Del. Phillips, R., Marcum, White, Barker, Tomblin, Craig, Evans, A., Ashley, Sponaugle, Smith, R. and Diserio - **Making gun permits and applications confidential except for law enforcement purposes** (original similar to S. B. No. 198) - Introduced 1/24/14 - To Judiciary - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Judiciary 2/27/14
- *4312. By Del. Staggars and Lawrence - **Creating a certification for emergency medical technician-industrial** - Introduced 1/24/14 - To Industry and Labor then Government Organization - To House Government Organization 1/30/14 - Passed House 2/25/14 - To Senate 2/26/14 - To Government Organization 2/26/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 77, Acts, Regular Session, 2014
- *4316. By Del. Poling, M., Perry, Moye, Tomblin, Young, Barrett, Barill, Walker, Pasdon, Pethel and Fragale - **Creating the student data accessibility, transparency and accountability act** - Introduced 1/24/14 - To Education then Judiciary - To House Judiciary 2/14/14 - Amended - Passed House 2/26/14 - To Senate 2/27/14 - To Education 2/27/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 48, Acts, Regular Session, 2014

- *4318. By Del. Fleischauer, Longstreth, Campbell, Pethtel, Barrett, Barill, Jones, Stephens, Iaquinta, Rowan and Ireland - **Continuing education of veterans mental health** - Introduced 1/24/14 - To Veterans' Affairs and Homeland Security then Government Organization - To House Government Organization 2/12/14 - Passed House 2/21/14 - Effective from passage - To Senate 2/24/14 - To Military then Government Organization - To Military 2/24/14 - To Government Organization 2/27/14 - Amended - Passed Senate 3/7/14 - Effective from passage - House concurred in Senate amendment and passed 3/8/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 138, Acts, Regular Session, 2014
- *4327. By Del. Tomblin, Phillips, R., Sponaugle, Lynch, Skaff, Boggs, Caputo, Marcum, White, Manchin and Mr. Speaker (Mr. Miley) - **Prohibiting health care practitioners from prescribing or administering drugs other than in a good faith, therapeutic manner** - Introduced 1/24/14 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/26/14 - To Senate 2/27/14 - To Health and Human Resources 2/27/14
4332. By Del. Border, Anderson, Ellem, Azinger, Perdue, Poling, D., Staggers, Ellington, Cowles, Fleischauer and Lane - **Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds** - Introduced 1/24/14 - To Health and Human Resources - Passed House 2/4/14 - Effective from passage - To Senate 2/5/14 - To Health and Human Resources 2/5/14 - Passed Senate 3/7/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 75, Acts, Regular Session, 2014
- *4333. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund** (original same as S. B. No. 385) - Introduced 1/24/14 - To Finance - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Finance 2/27/14 - Amended - Passed Senate with amended title 3/8/14
- *4335. By Del. Phillips, L., Campbell, Guthrie, Poore, Staggers, Moore, Perdue, Poling, M., Eldridge, Fleischauer and Marshall - **Relating to a child's right to nurse** - Introduced 1/24/14 - To Health and Human Resources then Judiciary - To House Judiciary 1/30/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/27/14 - On 2nd reading to Judiciary 3/4/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 73, Acts, Regular Session, 2014
- *4336. By Del. Marcum, White, Poling, M., Ferro, Pethtel, Perry, Moore, Reynolds, Caputo, Pino and Barrett - **Relating to state control of county schools** - Introduced

1/24/14 - To Education - Passed House 2/10/14 - To Senate 2/11/14 - To Education 2/11/14

- *4339. By Del. Campbell, Hartman, Sponaugle, Manchin, White, Hamilton and Lynch - **Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill** (original similar to S. B. No. 565) - Introduced 1/27/14 - To Judiciary then Finance - To House Finance 2/5/14 - Amendments pending - Passed House 2/19/14 - To Senate 2/20/14 - To Judiciary then Finance - To Judiciary 2/20/14 - To Finance 2/28/14 - Amended - Passed Senate with amended title 3/8/14 - Effective from passage - House concurred in Senate amendment and passed 3/8/14 - Effective ninety days from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 105, Acts, Regular Session, 2014
- *4343. By Del. Skaff, Mr. Speaker (Mr. Miley), Hartman, Miller, Barrett, Walters, Guthrie, Lawrence, Fragale, Young and Ashley - **West Virginia Project Launchpad Act** (original same as S. B. No. 312) - Introduced 1/28/14 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Small Business, Entrepreneurship and Economic Development 1/28/14 - To House Finance 2/6/14 - Passed House 2/14/14 - To Senate 2/17/14 - To Finance 2/17/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Vetoed by Governor 3/31/14
4346. By Del. Phillips, R., Caputo, Andes, Craig, Sumner, Pethtel, Marcum, Lynch, Tomblin, Eldridge and Barker - **Establishing separate standards of performance for carbon dioxide emissions** (original similar to S. B. No. 530) - Introduced 1/28/14 - To Energy then Judiciary - To House Judiciary 2/14/14 - Amended on 3rd reading - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 2/27/14 - On 2nd reading to Judiciary 3/4/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 63, Acts, Regular Session, 2014
- *4347. By Del. Shott, Sponaugle, Sobonya, Manchin, Lane, Poore and Pino - **Relating to affirmative defenses against mechanics' liens** (original similar to S. B. No. 568) - Introduced 1/28/14 - To Judiciary - Amended - Passed House 2/17/14 - To Senate 2/18/14 - To Judiciary 2/18/14 - Rereferred to Judiciary on 2nd reading 3/5/14 - Passed Senate 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 115, Acts, Regular Session, 2014
- *4349. By Del. Pethtel, Jones, Canterbury, Kump, Craig, Lynch and Ellem - **Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order** (original same as S. B. No. 451) - Introduced 1/28/14

- To Pensions and Retirement then Judiciary - To House Judiciary 2/6/14 - Passed House 2/17/14 - To Senate 2/18/14 - To Judiciary 2/18/14 - Passed Senate 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 182, Acts, Regular Session, 2014

- *4350. By Del. Fleischauer, Ferro, Longstreth, Iaquina, Barill, Paxton, Rowan, Eldridge, Phillips, L., Reynolds and Jones - **Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans** (original same as S. B. No. 468) - Introduced 1/28/14 - To Veterans' Affairs and Homeland Security then Judiciary - 2nd reference dispensed - Passed House 2/20/14 - To Senate 2/21/14 - Committee reference dispensed - Passed Senate 2/26/14 - To Governor 3/6/14 - Approved by Governor 3/7/14 - Chapter 185, Acts, Regular Session, 2014
- *4354. By Del. Fleischauer, Manypenny, Perdue, Ellem, Longstreth, Marshall, Miller, Guthrie and Lane - **Requiring the reporting and publication of all compensation, including contingent compensation, paid to lobbyists** - Introduced 1/28/14 - To Judiciary - Amended on 3rd reading - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14
4359. By Del. Guthrie - **Relating to licensure of managing general agents of insurers** (original similar to S. B. No. 407) - Introduced 1/28/14 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/14 - Passed House 2/19/14 - To Senate 2/20/14 - Committee reference dispensed - Passed Senate 2/24/14 - To Governor 3/5/14 - Approved by Governor 3/7/14 - Chapter 95, Acts, Regular Session, 2014
- *4360. By Del. Guthrie, Phillips, L., Poore, Sponaugle, Young, Skinner, Fragale, Skaff and Caputo - **Relating to consumer credit protection** - Introduced 1/28/14 - To Banking and Insurance then Judiciary - To House Judiciary 2/20/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 22, Acts, Regular Session, 2014
- *4363. By Del. Perdue, Ferro, Diserio and Poore - **Creating an informal dispute resolution process available to behavioral health providers** - Introduced 1/28/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/6/14 - Passed House 2/20/14 - To Senate 2/21/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/21/14 - To Judiciary 2/28/14 - Amended - Passed Senate 3/6/14 - Senate requests return of bill from House - Senate reconsidered passage of bill - Amended - Passed Senate 3/6/14 - House concurred in Senate amendment and passed 3/7/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 118, Acts, Regular Session, 2014

4365. By Del. Pethtel, Jones, Canterbury, Kump, Craig, Lynch and Ellem - **Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board** - Introduced 1/28/14 - To Pensions and Retirement then Finance - To House Finance 1/30/14 - Passed House 2/19/14 - To Senate 2/20/14 - To Pensions then Finance - To Pensions 2/20/14 - 2nd reference dispensed - Passed Senate 3/5/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 53, Acts, Regular Session, 2014
4372. By Del. Moore, Campbell, Reynolds, Azinger and Nelson, E. - **Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial Institutions** - Introduced 1/29/14 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/14 - Passed House 2/19/14 - To Senate 2/20/14 - Committee reference dispensed - Passed Senate 2/24/14 - To Governor 3/5/14 - Approved by Governor 3/7/14 - Chapter 66, Acts, Regular Session, 2014
- *4373. By Del. Poling, M., Barrett, Lawrence, Perry, Walker, Fragale, Campbell and Tomblin - **Relating to driver education programs** - Introduced 1/29/14 - To Education then Finance - To House Finance 2/5/14 - Passed House 2/24/14 - To Senate 2/25/14 - To Education then Finance - To Education 2/25/14 - 2nd reference dispensed - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 52, Acts, Regular Session, 2014
- *4375. By Del. Reynolds, Skaff, Pethtel, Phillips, L., Canterbury, Jones and Sponaugle - **West Virginia Voluntary Employee Retirement Accounts Program** (original similar to S. B. No. 488) - Introduced 1/30/14 - To Pensions and Retirement then Finance - To House Finance 2/13/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Pensions then Finance - To Pensions 2/27/14 - On 2nd reading to Finance 3/3/14
- *4384. By Del. Campbell, Poling, M., Perry, Tomblin, Young, Barrett, Lawrence, Hartman, Phillips, L., Ferro and Hunt - **Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan** - Introduced 1/31/14 - To Education - Passed House 2/19/14 - To Senate 2/20/14 - To Education 2/20/14 - Amended - Passed Senate 3/3/14 - Title amended - House concurred in Senate amendment and passed 3/4/14 - Passed House 3/4/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 56, Acts, Regular Session, 2014
- *4392. By Del. Morgan, Diserio, Jones, Poling, D. and Barker - **Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers** - Introduced 2/3/14 - To Government Organization then Judiciary - To House

Judiciary 2/12/14 - Passed House 2/24/14 - To Senate 2/25/14 - To Government Organization 2/25/14 - Amended - Passed Senate with amended title 3/6/14 - House concurred in Senate amendment and passed 3/6/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 104, Acts, Regular Session, 2014

- *4393. By Del. Swartzmiller, Wells, Manypenny, Ellem, Paxton, Fragale, Craig and Storch - **Creating the Dangerous Wild Animals Act** (original similar to S. B. No. 428) - Introduced 2/3/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/14/14 - Amended - Passed House 2/24/14 - To Senate 2/25/14 - To Agriculture and Rural Development then Judiciary - To Agriculture and Rural Development 2/25/14 - 2nd reference dispensed - Amended - Passed Senate 3/6/14 - House concurred in Senate amendment and passed 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 40, Acts, Regular Session, 2014
- *4394. By Del. Poling, M., Perry, Barrett, Lawrence, Campbell, Williams, Moye, Walker, Fragale, Tomblin and Young - **Relating to the filling of professional personnel positions in the public schools** - Introduced 2/3/14 - To Education - Amended - Passed House 2/14/14 - Title amended - To Senate 2/17/14 - To Education 2/17/14
- *4399. By Del. Skaff, Poore, Lane, Guthrie, Wells, McCuskey, Storch and Lawrence - **Prohibiting a local levying body from holding a special election under certain circumstances** (original similar to S. B. No. 374) - Introduced 2/4/14 - To Political Subdivisions then Judiciary - To House Judiciary 2/13/14 - Passed House 2/21/14 - To Senate 2/24/14 - To Government Organization then Judiciary - To Government Organization 2/24/14
- *4402. By Del. Manchin, Skinner, Sponaule, Longstreth, Marcum, Lynch, Wells, Caputo, Marshall and Barrett - **Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor** - Introduced 2/4/14 - To Judiciary - Passed House 2/14/14 - To Senate 2/17/14 - To Judiciary 2/17/14 - Amended - Passed Senate with amended title 3/4/14 - House concurred in Senate amendment and passed 3/5/14 - To Governor 3/17/14 - Approved by Governor 3/26/14 - Chapter 5, Acts, Regular Session, 2014
- *4409. By Del. Manchin, Skinner, Sponaule, Fleischauer, Poore, Ferro, Longstreth, Marcum, Wells, Moore and Caputo - **Creating the Valued Employee Retention program** - Introduced 2/5/14 - To Judiciary then Finance - To House Finance 2/17/14 - Passed House 2/21/14 - To Senate 2/24/14 - To Judiciary then Finance - To Judiciary 2/24/14 - On 2nd reading to Finance 3/3/14
- *4410. By Del. Hartman - **Redefining auctioneer exceptions** (original same as S. B. No. 501) - Introduced 2/5/14 - To Agriculture and Natural Resources then Judiciary -

To House Judiciary 2/13/14 - Passed House 2/24/14 - To Senate 2/25/14 - To Government Organization 2/25/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 16, Acts, Regular Session, 2014

- *4411. By Del. Phillips, R., Ashley, Barker, Craig, Eldridge, Evans, A., Ferro, Hamilton and Skaff - **Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities** (original same as S. B. No. 474) - Introduced 2/5/14 - To Energy then Judiciary - To House Judiciary 2/14/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Government Organization then Judiciary - To Government Organization 2/27/14 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/7/14 - House refused to concur and requested Senate to recede 3/8/14 - Senate refused to recede and requested conference 3/8/14 - To conference 3/8/14 - Conference time expired 3/8/14 - House conference committee discharged 3/8/14 - House concurred in Senate amend with amend, passed bill 3/8/14
- *4412. By Del. Skaff, Barrett, Walters, Guthrie, Sponaugle, Nelson, E., Phillips, R., Gearheart and Reynolds - **Relating to special one-day licenses for charitable events to sell nonintoxicating beer or wine** (original similar to S. B. No. 548) - Introduced 2/5/14 - To Judiciary - Amended - Passed House 2/13/14 - To Senate 2/14/14 - To Judiciary then Finance - To Judiciary 2/14/14 - To Finance 2/27/14
- *4414. By Del. Manchin, Longstreth, Lynch, Jones, Diserio, Caputo, Young and Barrett - **Relating to the solicitation of public employees by a candidate for an elective office** - Introduced 2/5/14 - To Judiciary - Passed House 2/12/14 - Title amended - To Senate 2/13/14 - To Judiciary 2/13/14
- *4416. By Mr. Speaker (Mr. Miley), Del. Fragale and Iaquina - **Exempting certified professional estimator services from consumers sales tax** - Introduced 2/5/14 - To Finance - Passed House 2/26/14 - Effective July 1, 2014 - To Senate 2/27/14 - To Finance 2/27/14
4421. By Del. White, Skaff, Boggs, Barrett, Craig, Evans, A., Manchin, Reynolds, Storch, Swartzmiller and Marcum - **Allowing the lottery to pay prizes utilizing other payment methods in addition to checks** (original same as S. B. No. 494) - Introduced 2/6/14 - To Judiciary - Passed House 2/12/14 - To Senate 2/13/14 - To Judiciary 2/13/14 - Passed Senate 3/4/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 116, Acts, Regular Session, 2014
- *4425. By Del. White, Marcum, Ferro, Manchin, Poling, D., Caputo, Boggs, Swartzmiller, Craig, Barker and Skaff - **Giving the Superintendent of State Police authority to hire additional staff** - Introduced 2/6/14 - To Finance - Passed House 2/20/14

- To Senate 2/21/14 - To Finance 2/21/14 - Passed Senate 3/6/14 - To Governor 3/17/14 - Vetoed by Governor 3/28/14
4431. By Del. Swartzmiller, Diserio, Poling, D., Jones, Boggs, Lynch, Young, Phillips, R., Marcum, Manypenny and Ferro - **Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license** (original similar to S. B. No. 298) - Introduced 2/6/14 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/13/14 - Passed House 2/20/14 - To Senate 2/21/14 - To Judiciary 2/21/14 - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 91, Acts, Regular Session, 2014
- *4432. By Del. Guthrie, Hartman, Perry and Ashley - **Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated** - Introduced 2/6/14 - To Banking and Insurance then Judiciary - To House Judiciary 2/12/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Banking and Insurance then Judiciary - To Banking and Insurance 2/27/14 - On 2nd reading to Judiciary 3/3/14 - Passed Senate 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 92, Acts, Regular Session, 2014
4437. By Del. Perry, Morgan, Eldridge, Campbell and Poling, M. - **Relating to the Division of Juvenile Services** - Introduced 2/7/14 - To Judiciary - Passed House 2/21/14 - To Senate 2/24/14 - To Judiciary 2/24/14 - Amended - Passed Senate with amended title 3/4/14 - House concurred in Senate amendment and passed 3/4/14 - To Governor 3/17/14 - Approved by Governor 3/28/14 - Chapter 101, Acts, Regular Session, 2014
4445. By Del. Eldridge, Hartman, Barrett, Fleischauer, Campbell, Hamilton, Lynch and Sponaule - **Modifying the definition of “battery” and “domestic battery”** - Introduced 2/7/14 - To Judiciary - Passed House 2/19/14 - To Senate 2/20/14 - To Judiciary 2/20/14 - Passed Senate 3/4/14 - To Governor 3/13/14 - Vetoed by Governor 3/13/14 - House amended and repassed to meet the objections of the Governor 3/14/14 - Senate concurred in House amendment and repassed bill 3/14/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 32, Acts, Regular Session, 2014
- *4449. By Del. Phillips, R., Lynch, Tomblin, Eldridge, Barker, Marcum, White, Caputo, Skaff, Craig and Sumner - **Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes** - Introduced 2/10/14 - To Energy then Finance - To House Finance 2/13/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 2/27/14 - 2nd reference dispensed - Passed Senate 3/6/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 168, Acts, Regular Session, 2014

4453. By Del. Manchin, Longstreth, Ferro, Pino, Sponaugle and Manypenny - **Relating to the calculation of child support obligations** (original same as S. B. No. 549) - Introduced 2/10/14 - To Judiciary - Amended - Passed House 2/17/14 - To Senate 2/18/14 - To Judiciary 2/18/14
4454. By Del. Manchin, Skinner, Caputo, Guthrie, Hunt, Lawrence, Skaff, Sponaugle, Wells, Nelson, E. and Ambler - **Relating to the sale of alcoholic beverages on Sundays by private licensees** - Introduced 2/10/14 - To Judiciary - Amendments pending - Amended - Passed House 2/17/14 - Title amended - To Senate 2/18/14 - To Government Organization then Judiciary - To Government Organization 2/18/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/7/14 - Effective from passage
- *4455. By Del. Manchin, Skinner, Caputo, Guthrie, Hunt, Skaff, Sponaugle, Wells, Ambler and Nelson, E. - **Relating to the sale of wine and alcoholic liquors by licensed wineries, farm wineries, distilleries and mini-distilleries** - Introduced 2/10/14 - To Judiciary - Amended - Passed House 2/20/14 - Title amended - To Senate 2/21/14 - To Judiciary 2/21/14 - Amended - Passed Senate 3/7/14 - Effective from passage - House refused to concur and requested Senate to recede 3/8/14
4457. By Del. Lawrence, Raines, Staggers, Fleischauer, Longstreth, Marshall, Hunt, Barrett, Moore, Phillips, L. and Skinner - **Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program** - Introduced 2/11/14 - To Education - Passed House 2/21/14 - Effective from passage - To Senate 2/24/14 - To Education 2/24/14 - Passed Senate 3/5/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 82, Acts, Regular Session, 2014
4460. By Del. Caputo, Swartzmiller, Eldridge, Storch, Azinger, Poling, D., Iaquinta and Ellem - **Relating to violating provisions of the civil service law for paid fire departments** - Introduced 2/11/14 - To Judiciary - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 67, Acts, Regular Session, 2014
- *4473. By Del. Fleischauer, Manypenny, Poore, Marshall, Iaquinta, Skinner and Hamilton - **Relating to establishing voting precincts and changing the composition of standard receiving boards** - Introduced 2/11/14 - To Judiciary - Amended - Passed House 2/21/14 - To Senate 2/24/14 - To Judiciary 2/24/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 59, Acts, Regular Session, 2014

- *4480. By Del. Craig and Skaff - **Relating to investment of the Acid Mine Drainage Fund** - Introduced 2/12/14 - To Energy then Judiciary - To House Judiciary 2/20/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Finance 2/27/14 - Passed Senate 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 120, Acts, Regular Session, 2014
4488. By Del. Morgan, Poore, Poling, D., Fleischauer, Manypenny and Sponaugle - **Eliminating the requirement for notarization of the articles of incorporation for cooperative associations** - Introduced 2/12/14 - To Judiciary - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Passed Senate 3/5/14 - To Governor 3/17/14 - Approved by Governor 3/21/14 - Chapter 24, Acts, Regular Session, 2014
- *4490. By Del. Sponaugle, Reynolds, Skinner, Poore, Wells, Ferro, Moore, Marcum, Pino, Manchin and Hunt - **Attorney General Ethics and Accountability Act** - Introduced 2/13/14 - To Judiciary - Motion to advance bill to 3rd reading with amendments pending and the right to amend rejected - Amendments pending - Amended - Passed House 2/24/14 - Title amended - To Senate 2/25/14 - To Judiciary 2/25/14
- *4496. By Del. Skaff, Mr. Speaker (Mr. Miley), Armstead, Lane, Nelson, E., Fragale, Moore, McCuskey and Poore - **Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund** (original same as S. B. No. 560) - Introduced 2/13/14 - To Education then Finance - To House Finance 2/18/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Finance 2/27/14 - Amended - Passed Senate 3/6/14 - House concurred in Senate amendment and passed 3/6/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 83, Acts, Regular Session, 2014
4500. By Del. Morgan, Poore, Poling, D., Manypenny and Sponaugle - **Relating to requirements for business registration** - Introduced 2/13/14 - To Government Organization then Judiciary - To House Judiciary 2/18/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14
- *4501. By Del. Sumner, Cooper, O'Neal, Arvon, Shott, Moye, Ambler, Gearheart, Staggers, Miller and Sobonya - **Providing that law-enforcement officers employed as school security be allowed to carry firearms on school property under certain conditions** (original same as S. B. No. 539) - Introduced 2/13/14 - To Education then Judiciary - To House Judiciary 2/20/14 - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Education then Judiciary - To Education 2/27/14
4503. By Del. Marshall, Iaquinta, Williams, Anderson and Evans, A. - **Declaring certain claims against the state and its agencies to be moral obligations of the state** -

Introduced 2/13/14 - To Finance - Passed House 2/24/14 - Effective from passage - To Senate 2/25/14 - To Finance 2/25/14 - Passed Senate 3/6/14 - Effective from passage - To Governor 3/17/14 - Approved by Governor 3/24/14 - Chapter 19, Acts, Regular Session, 2014

4504. By Del. Perry, Morgan, Campbell and Ellem - **Providing for sharing juvenile records in certain circumstances with another state** (original same as S. B. No. 544) - Introduced 2/13/14 - To Judiciary - Passed House 2/24/14 - To Senate 2/25/14 - Committee reference dispensed - Amended - Passed Senate with amended title 2/27/14 - House concurred in Senate amendment and passed 2/28/14 - To Governor 3/6/14 - Approved by Governor 3/7/14 - Chapter 102, Acts, Regular Session, 2014
- *4510. By Del. Lawrence, Poore, Phillips, L., Cowles, Sponaugle, Fleischauer, Kinsey, Perdue, Young, Reynolds and Marshall - **Relating to goals for the care of foster children** - Introduced 2/13/14 - To Judiciary - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Judiciary 2/27/14
4529. By Del. Manchin, Ferro, Lawrence, Pethtel, Boggs and Skaff - **Relating to the sale of wine** - Introduced 2/14/14 - To Judiciary - Amended - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 7, Acts, Regular Session, 2014
- *4537. By Del. Williams, Perdue, Arvon, Morgan, Guthrie, Fleischauer and Campbell - **West Virginia CARES Act** (original similar to S. B. No. 590) - Introduced 2/14/14 - To Health and Human Resources then Finance - To House Finance 2/18/14 - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Health and Human Resources then Finance - To Health and Human Resources 2/27/14 - On 2nd reading to Finance 3/4/14
- *4538. By Del. Staggers, Morgan and Stephens - **Relating to the Board of Dentistry** - Introduced 2/14/14 - To Government Organization then Judiciary - To House Judiciary 2/18/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Government Organization 2/27/14 - Passed Senate 3/7/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 143, Acts, Regular Session, 2014
4549. By Del. Manchin, Moore, Eldridge and Skaff - **Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands** (original same as S. B. No. 597) - Introduced 2/14/14 - To Judiciary - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 172, Acts, Regular Session, 2014

- *4552. By Del. Hunt, Sponaugle, Wells and Manypenny - **Relating to the court of claims** - Introduced 2/14/14 - To Judiciary then Finance - To House Finance 2/21/14 - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate 3/7/14 - Senate requests return of bill from House - Senate reconsidered passage of bill - Passed Senate 3/7/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 29, Acts, Regular Session, 2014
- *4555. By Del. Caputo, Longstreth, Manchin, Fleischauer, Marshall, Perry, Poling, M., White, Williams, Boggs and Fragale - **Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office** - Introduced 2/14/14 - To Finance - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Education then Finance - To Education 2/27/14
- *4560. By Del. Manchin, Caputo, Longstreth, Skinner, Moore, Wells, Poling, M. and Sponaugle - **Relating to reimbursement for copies of medical records** - Introduced 2/17/14 - To Judiciary - Passed House 2/24/14 - To Senate 2/25/14 - To Judiciary 2/25/14 - Amended - Passed Senate 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 3/28/14 - Chapter 80, Acts, Regular Session, 2014
4588. By Del. Perry, Reynolds, Skaff, Smith, P., Pino, Moye, Eldridge, Campbell, Stephens, Marcum and Barker - **Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks** (original similar to S. B. No. 388) - Introduced 2/17/14 - To Health and Human Resources then Judiciary - To House Judiciary 2/18/14 - Amended - Passed House 2/25/14 - To Senate 2/26/14 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/26/14 - On 2nd reading to Judiciary 3/4/14 - Amended - Passed Senate 3/8/14 - Title amended - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Vetoes by Governor 3/28/14
4601. By Del. White (By Request), Boggs and Skaff - **Relating to fiscal management and regulation of publicly-owned utilities** - Introduced 2/17/14 - To Judiciary - Passed House 2/26/14 - To Senate 2/27/14 - To Judiciary 2/27/14 - Amended - Passed Senate with amended title 3/8/14 - House concurred in Senate amendment and passed 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 183, Acts, Regular Session, 2014
- *4608. By Del. Barrett, Lawrence, Young, Tomblin and Campbell - **Defining dyslexia and dyscalculia** (original similar to S. B. No. 412) - Introduced 2/17/14 - To Education - Passed House 2/26/14 - To Senate 2/27/14 - To Education 2/27/14 - Passed Senate

3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 57, Acts, Regular Session, 2014

4618. By Del. Perry, Young, Tomblin, Fragale, Williams, Walker, Espinosa, Cooper, Moye, Sumner and Evans, D. (Originating in House Education) - **Establishing transformative system of support for early literacy** - Introduced 2/19/14 - Passed House 2/24/14 - To Senate 2/25/14 - To Education 2/25/14 - Amended - Passed Senate 3/5/14 - House concurred in Senate amendment and passed 3/5/14 - To Governor 3/20/14 - Approved by Governor 3/26/14 - Chapter 50, Acts, Regular Session, 2014
4619. By Del. Poling, M., Perry, Pethtel, Lawrence, Barrett, Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler (Originating in House Education) - **Authorizing innovation school districts** - Introduced 2/21/14 - Amended - Passed House 2/26/14 - Title amended - To Senate 2/27/14 - To Education 2/27/14 - Amended - Passed Senate with amended title 3/6/14 - House refused to concur and requested Senate to recede 3/6/14 - Senate refused to recede and requested conference 3/7/14 - To conference 3/8/14 - House adopted conference report and passed bill 3/8/14 - Senate adopted conference report and passed bill 3/8/14 - To Governor 3/28/14 - Approved by Governor 4/1/14 - Chapter 51, Acts, Regular Session, 2014
4621. By Del. Boggs, Guthrie, Iaquina, Perdue, Pethtel, Phillips, R., Poling, D., Williams, Canterbury, Cowles and Gearheart (Originating in House Finance) - **Expiring funds to the Board of Risk and Insurance Management, Patient Injury Compensation Fund from the Board of Risk and Insurance Management Medical Liability Fund** - Introduced 3/3/14 - Passed House 3/6/14 - Effective from passage - To Senate 3/7/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 3/7/14 - Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 12, Acts, Regular Session, 2014

HOUSE JOINT RESOLUTIONS COMMUNICATED TO SENATE

108. By Mr. Speaker (Mr. Miley), Del. Armstead, Manchin, Boggs, Young, White, Barker, Sponaugle, Diserio, Ashley and O'Neal - **Nonprofit Youth Organization Tax Exemption Support Amendment** - Introduced 2/13/14 - To Finance - Amended on 3rd reading - Adopted by House 2/26/14 - Title amended - To Senate 2/27/14 - To Judiciary then Finance - To Judiciary 2/27/14 - To Finance 3/3/14 - Amended - Adopted by Senate with amended title 3/7/14 - House concurred in Senate amend with amend, passed bill 3/8/14 - Senate concurred in House amendment and adopted resolution 3/8/14

HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Miley) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/9/14 - Reference dispensed - Adopted by House 1/8/14 - To Senate 1/8/14 - Committee reference dispensed - Adopted by Senate 1/8/14
- *2. By Del. Phillips, R., Tomblin and Marcum - **The “USMC CPL Larry G. Carnutte Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Adopted by Senate 2/27/14
- *3. By Del. Phillips, R., Marcum and Tomblin - **The “Army Captain Thomas McElwain Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
- *4. By Del. Tomblin, Phillips, R. and Marcum - **The “Army Corporal Eldred Jennings Hensley Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 2/28/14 - House concurred in Senate amendment and adopted 3/3/14
- *5. By Del. Phillips, R., Tomblin and Marcum - **The “Sergeant Elzie Mundy, Jr. Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 2/28/14 - House concurred in Senate amendment and adopted 3/3/14
- *6. By Del. Phillips, R., Tomblin and Marcum - **The “Marine LCpl Benny A. Gilco Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 2/28/14 - House concurred in Senate amendment and adopted 3/3/14
7. By Del. Phillips, R., Tomblin and Marcum - **The “Kerry Albright Road”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Adopted by Senate 2/27/14
- *8. By Del. Phillips, R., Marcum and Tomblin - **The “Oral Gene Castle Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 2/28/14 - House concurred in Senate amendment and adopted 3/3/14

- *9. By Del. Perry and Staggers - **The “Army S/SGT Raymond Lawrence Berry Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 3/3/14 - To Senate 3/4/14 - To Transportation and Infrastructure 3/4/14 - Adopted by Senate 3/6/14
- *10. By Del. Walker, Perry, Pino and Staggers - **The “Veterans Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Adopted by Senate 2/18/14
11. By Del. Evans, A. and Sponaugle - **The “Pendleton County Union Veterans Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Amended - Adopted by Senate 3/4/14 - House concurred in Senate amendment and adopted 3/4/14
12. By Del. Sponaugle and Evans, A. - **The “Pendleton County Confederate Veterans Memorial Highway”** - Introduced 1/9/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Adopted by Senate 3/3/14
- *13. By Del. Perry, Pino and Staggers - **The “Thomas H. Stafford Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 1/30/14 - To Senate 1/31/14 - To Transportation and Infrastructure 1/31/14 - Adopted by Senate 2/18/14
14. By Del. Walker - **The “Army Specialist Fifth Class Elton Dale Workman Memorial Bridge”** - Introduced 1/9/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Amended - Adopted by Senate 2/19/14 - House concurred in Senate amendment and adopted 2/20/14
- *17. By Del. Evans, A. and Sponaugle - **The “Captain Isaac Alt West Virginia Militia Memorial Bridge”** - Introduced 1/14/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *18. By Del. Sponaugle and Evans, A. - **The “Dr. H. Luke Eye Bridge”** - Introduced 1/14/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14
- *19. By Del. Hamilton and Azinger - **The “Army Specialist 4 William Lewis Reger Memorial Bridge”** - Introduced 1/14/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Amended - Adopted by Senate 2/19/14 - House concurred in Senate amendment and adopted 2/20/14

- *20. By Del. Evans, A., Staggers and Lynch - **The “Army Corporal William Eugene Shank Memorial Bridge”** - Introduced 1/14/14 - To Rules - Adopted by House 3/3/14 - To Senate 3/4/14 - To Transportation and Infrastructure 3/4/14 - Adopted by Senate 3/6/14
22. By Del. Iaquinta, Fleischauer, Barill, Espinosa, Gearheart, Howell, Jones, Kinsey, Stephens and Walker - **Studying the needs, challenges, and issues facing West Virginia military veterans** - Introduced 1/16/14 - To Rules - Adopted by House 3/8/14
- *23. By Del. Hamilton - **Army Sgt. Walter William Smith Memorial Bridge** - Introduced 1/16/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Amended - Adopted by Senate 2/19/14 - House concurred in Senate amendment and adopted 2/20/14
- *24. By Del. Marcum, White, Moore, Tomblin and Phillips, R. - **Fredrick Dempsey Bridge** - Introduced 1/16/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
25. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Ellem, Faircloth, Ferns, Householder, Raines, Sobonya and Westfall (Originating in House Senior Citizen Issues) - **Urging the West Virginia Governor's Office and the Senate and House Finance Committees to include sufficient funds in the budget to eliminate the wait list for the Aged and Disabled Waiver program** - Introduced 1/16/14 - To House Rules 1/16/14 - Adopted by House 2/5/14 - To Senate 2/6/14 - To Health and Human Resources 2/6/14 - Adopted by Senate 3/6/14
26. By Del. Marcum, White, Phillips, R., Barill, Skinner, Pethtel, Ireland, Perdue, Householder, Kinsey and Poling, M. - **Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School** - Introduced 1/17/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
- *27. By Del. Poling, M. and Hamilton - **The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky** - Introduced 1/17/14 - To Rules - Adopted by House 1/30/14 - To Senate 1/31/14 - To Transportation and Infrastructure 1/31/14 - Amended - Adopted by Senate 2/19/14 - House refused to concur and requested Senate recede 2/20/14 - Senate receded and adopted 2/24/14
- *28. By Del. Marcum, White, Phillips, R., Moore and Raines - **William S. (Bill) Croaff Memorial Bridge** - Introduced 1/17/14 - To Rules - Adopted by House 2/13/14 -

- To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *30. By Del. Marcum and White - **Everett Ronnie Fields, Sr. Memorial Bridge** - Introduced 1/21/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
31. By Del. Fragale, Mr. Speaker (Mr. Miley) and Iaquinta - **Rosalyn Queen Alonso Bridge** - Introduced 1/21/14 - To Rules - Adopted by House 1/30/14 - To Senate 1/31/14 - To Transportation and Infrastructure 1/31/14
- *32. By Del. Phillips, R., Tomblin, Barker and Eldridge - **Joe "Toby" Slade Memorial Bridge** - Introduced 1/21/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 2/28/14 - House concurred in Senate amendment and adopted 3/3/14
- *33. By Del. Phillips, R., Tomblin, Barker and Eldridge - **Army Sergeant Andrew Clark Bridge** - Introduced 1/21/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
- *34. By Del. Phillips, R., Tomblin, Barker and Eldridge - **Marine Private Rudy Varney Bridge - Purple Heart Recipient** - Introduced 1/21/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *35. By Del. Poling, M. - **The Arden Bridge in Memory of Abbie Gall** - Introduced 1/21/14 - To Rules - Adopted by House 1/30/14 - To Senate 1/31/14 - To Transportation and Infrastructure 1/31/14 - Amended - Adopted by Senate 2/19/14 - House refused to concur and requested Senate recede 2/20/14 - Senate receded and adopted 2/24/14
- *36. By Del. Phillips, R., Tomblin, Marcum, Eldridge and Barker - **Army Sergeant Billy E. Vinson Memorial Bridge** - Introduced 1/21/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14
- *37. By Del. Pethel - **Army Sergeant Charles Leo Dulaney Memorial Bridge** - Introduced 1/22/14 - To Rules - Adopted by House 1/30/14 - To Senate 1/31/14 - To Transportation and Infrastructure 1/31/14 - Amended - Adopted by Senate 2/19/14 - House concurred in Senate amendment and adopted 2/20/14

- *38. By Del. Wells, Guthrie and Skaff - **W.T. (Big Bill) Elswick Memorial Bridge** - Introduced 1/22/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/4/14 - House concurred in Senate amendment and adopted 3/4/14
- *39. By Del. Phillips, R., Tomblin, Marcum, White, Eldridge and Barker - **Army LTC Robert "Bob" Marslender Bridge** - Introduced 1/22/14 - Adopted by House 2/27/14 - To Senate 2/28/14 - To Transportation and Infrastructure 2/28/14 - Adopted by Senate 3/6/14
40. By Del. Gearheart, Arvon, Moore, Staggers, Ambler, Cooper, Sponaugle, Barrett, Hamrick, Overington and Ellington - **Designating "Take Me Home Country Roads" an official state song** - Introduced 1/22/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Government Organization 2/5/14 - Adopted by Senate 3/7/14
42. By Mr. Speaker (Mr. Miley), Del. Swartzmiller, Ambler, Anderson, Armstead, Ashley, Azinger, Barill, Barker, Barrett, Boggs, Border, Cadle, Campbell, Canterbury, Caputo, Craig, Diserio, Eldridge, Ellem, Ellington, Evans, A., Evans, D., Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquina, Jones, Kinsey, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miller, Moore, Morgan, Moye, Pasdon, Overington, Paxton, Perdue, Perry, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Romine, Rowan, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Sumner, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young - **Biggert-Waters Flood Insurance Reform Act of 2012** - Introduced 1/22/14 - Reference dispensed - Adopted by House 1/22/14 - To Senate 1/23/14 - To Banking and Insurance 1/23/14 - Amended - Adopted by Senate 2/10/14 - House concurred in Senate amendment and adopted 2/11/14
- *43. By Del. Shott, Gearheart, Ellington and Moore - **Dr. William Prudich Memorial Highway** - Introduced 1/24/14 - To Rules - Adopted by House 2/19/14 - To Senate 2/20/14 - To Transportation and Infrastructure 2/20/14 - Adopted by Senate 3/3/14
- *44. By Del. Moore, Phillips, L., Marcum and White - **Carnie L. Spratt Memorial Bridge** - Introduced 1/24/14 - To House Rules 1/24/14 - To House Rules 1/24/14 - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Adopted by Senate 3/6/14
- *45. By Del. Miller, Craig, Eldridge, Phillips, R., Morgan, Barker and Sobonya - **U.S. Army SFC Bob L. VandeLinde Bridge** - Introduced 1/24/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Adopted by Senate 3/3/14

46. By Del. Marcum, White, Eldridge, Phillips, R., Tomblin and Barker - **Ingram's Way** - Introduced 1/24/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
- *47. By Del. Phillips, L., Moore and White - **Army SFC Michael Joe "Joey" Marushia Memorial Bridge** - Introduced 1/27/14 - To House Rules 1/27/14 - To House Rules 1/27/14 - Adopted by House 2/27/14 - To Senate 2/28/14 - To Transportation and Infrastructure 2/28/14 - Adopted by Senate 3/6/14
- *48. By Del. Phillips, L., Moore and White - **Corporal Tracy Thurman Walls Memorial Bridge** - Introduced 1/27/14 - To Rules - Adopted by House 2/27/14 - To Senate 2/28/14 - To Transportation and Infrastructure 2/28/14 - Adopted by Senate 3/6/14
49. By Del. Barker, Phillips, R., Tomblin, Eldridge, Barill, Marcum and White - **Army PFC Lilborn Dillon Memorial Road** - Introduced 1/27/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *50. By Del. Eldridge, Phillips, R., Tomblin, Morgan, Stephens, Barker, Craig, Miller, Sobonya and Reynolds - **Fleming Drive** - Introduced 1/27/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14
51. By Mr. Speaker (Mr. Miley), Del. Howell, Andes, Azinger, Barill, Barker, Boggs, Butler, Campbell, Canterbury, Craig, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Ferro, Folk, Fragale, Frich, Guthrie, Hamilton, Hamrick, Iaquina, Ireland, Kinsey, Kump, Lane, Longstreth, Lynch, Manypenny, Marcum, Marshall, McCuskey, Miller, Moore, Moye, Nelson, E., O'Neal, Overington, Pasdon, Perdue, Poling, D., Poore, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Sobonya, Sponaule, Staggers, Walker, Wells, Westfall, White, Williams and Young - **Requesting the Joint Committee on Government Organization and Finance study the need for interconnectivity and other improvements in West Virginia's water distribution systems** - Introduced 1/27/14 - To Rules - Adopted by House 3/8/14
- *52. By Del. Arvon, Staggers, O'Neal, Sumner, Moye, Perry and Pino - **Kenneth A. Chapman Sr. Memorial Bridge** - Introduced 1/28/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14

- *53. By Del. Barker, Eldridge, Phillips, R., Tomblin, Barill and Marcum - **Julian, Earl and Edward Hill Brothers Memorial Bridge** - Introduced 1/28/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14
- *54. By Del. Caputo, Longstreth and Manchin - **Chief Denzil O. Lockard Memorial Bridge** - Introduced 1/28/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Adopted by Senate 2/18/14
- *55. By Del. Caputo, Longstreth and Manchin - **Alex Angelino Memorial Bridge** - Introduced 1/28/14 - To Rules - Adopted by House 2/4/14 - To Senate 2/5/14 - To Transportation and Infrastructure 2/5/14 - Adopted by Senate 2/18/14
- *56. By Del. Romine, Evans, A., Hartman, Campbell, Sponaugle and Pethtel - **Army SSG Jesse Adam Ault Memorial Bridge** - Introduced 1/29/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Amended - Adopted by Senate 3/4/14 - House concurred in Senate amendment and adopted 3/4/14
57. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya, Westfall and Ellington (Originating in House Senior Citizen Issues) - **Providing for the licensing of adult day health centers that implement a hybrid model of care** - Introduced 1/30/14 - To House Rules 1/30/14 - Adopted by House 2/5/14 - To Senate 2/6/14 - To Health and Human Resources then Government Organization - To Health and Human Resources 2/6/14 - 2nd reference dispensed - Adopted by Senate 3/6/14
58. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya and Westfall (Originating in House Senior Citizen Issues) - **Requesting a study on the growing needs for in-home care and personal services for West Virginia's aging population** - Introduced 1/30/14 - To House Rules 1/30/14 - Adopted by House 2/5/14 - To Senate 2/6/14 - To Health and Human Resources then Rules - To Health and Human Resources 2/6/14 - To Rules 3/6/14
59. By Del. Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya and Westfall (Originating in House Senior Citizen Issues) - **Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care** - Introduced 1/30/14 - To House Rules 1/30/14 - Adopted by House 2/5/14 - To Senate 2/6/14 - To Health and Human

Resources 2/6/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14

- *60. By Mr. Speaker (Mr. Miley), Del. Iaquina, Fragale and Hamrick - **Lester W. 'Cappy' Burnside, Jr. Bridge** - Introduced 1/31/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
61. By Del. Hartman, Campbell, Sponaugle, Phillips, R., Iaquina, Perry, Craig, Guthrie, Lynch, Poling, M., Poore, Skaff, Smith, P., Staggers, Stephens, Tomblin, Walker, Wells and Young - **Restoring federal funding for the National Radio Astronomy Observatory in Green Bank, Pocahontas County** - Introduced 1/31/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Education 2/14/14
- *62. By Del. Fleischauer, Marshall, Manypenny, Pethel, Williams, Iaquina, Frich, Pasdon, Manchin, Caputo and Fragale - **John W. Pyles Bridge** - Introduced 1/31/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Referred to Rules 3/3/14
- *63. By Del. Hunt and Manchin - **Army SPC Gary Wayne Hudnall Memorial Bridge** - Introduced 1/31/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Adopted by Senate 3/6/14
- *64. By Del. Smith, P. - **SSG Earl F. (Fred) Brown Memorial Bridge** - Introduced 1/31/14 - To Rules - Laid over until 2/21, Daily Calendar - Adopted by House 2/21/14 - To Senate 2/24/14 - To Transportation and Infrastructure 2/24/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *65. By Del. Paxton, Longstreth, Iaquina, Andes, McCuskey, Guthrie, Wells, Young, Tomblin, Perdue, Smith, P. and Boggs - **Army SP4 Harold "Skip" Grouser Memorial Bridge** - Introduced 2/3/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *66. By Del. Paxton, Marshall, Craig, Young, Stephens, Westfall, Hamilton, Iaquina, Kinsey, Barker and Reynolds - **Quentin H. Wickline Memorial Bridge** - Introduced 2/3/14 - To Rules - Adopted by House 2/13/14 - To Senate 2/14/14 - To Transportation and Infrastructure 2/14/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14

68. By Del. Boggs and Reynolds - **Requesting the Joint Committee on Government and Finance to undertake a study of the development of a high speed commuter rail system in West Virginia.** - Introduced 2/4/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure then Rules - To Transportation and Infrastructure 2/25/14 - To Rules 3/6/14
- *69. By Del. Cadle, Hartman, Smith, P., Butler, Andes, Arvon, Azinger, Cooper, Ellem, Ellington, Hamrick, Espinosa, Evans, A., Faircloth, Folk, Householder, Howell, Iaquina, Ireland, Miller, Pasdon, Paxton, Poore, Romine, Rowan, Shott and Westfall - **U.S. Army Corporal John L. Gibbs Memorial Bridge** - Introduced 2/4/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure 2/25/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14
- *70. By Del. Ferns, Storch, Evans, D., Ferro and Diserio - **U.S. Army Sgt. Matthew D. Hunter Memorial Bridge** - Introduced 2/4/14 - To Rules - Adopted by House 2/21/14 - To Senate 2/24/14 - To Transportation and Infrastructure 2/24/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14
- *71. By Del. Wells - **Army Private William C. Bias Memorial Bridge** - Introduced 2/5/14 - To Rules - Adopted by House 2/27/14 - To Senate 2/28/14 - To Transportation and Infrastructure 2/28/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
- *72. By Del. Perdue and Kinsey - **Roy Elmer "Doc" Moon Bridge** - Introduced 2/5/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14
- *73. By Del. Ferns and Storch - **U.S. Army Captain David Van Camp Memorial Bridge** - Introduced 2/5/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure 2/25/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14
- *74. By Del. Perry, Staggers and Pino - **Deputy Roger Lee Treadway Memorial Bridge** - Introduced 2/7/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure 2/25/14 - Adopted by Senate 3/6/14
75. By Del. Armstead and Walker - **Army SPC 4 Marvin Dewayne Canterbury Memorial Highway** - Introduced 2/7/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14

- *76. By Del. Perdue and Kinsey - **Army PFC Richard Lee Lakin Memorial Bridge** - Introduced 2/7/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Transportation and Infrastructure 2/21/14 - Amended - Adopted by Senate 3/6/14 - House concurred in Senate amendment and adopted 3/6/14
- *77. By Del. Ambler and Canterbury - **U. S. Army Private Eskridge A. Waggoner Memorial Bridge** - Introduced 2/7/14 - To Rules - Adopted by House 3/3/14 - To Senate 3/4/14 - To Transportation and Infrastructure 3/4/14
- *78. By Del. Eldridge, Barker, Hartman, Sponaugle, Lynch and Campbell - **Army PFC Cornelious Wiley Memorial Bridge** - Introduced 2/7/14 - To Rules - Adopted by House 3/8/14
- *79. By Del. Cadle, Arvon, Boggs, Butler, Espinosa, Evans, A., Folk, Householder, Howell, Ireland, Romine, Rowan, Shott and Sumner - **Ord Brothers Memorial Bridge** - Introduced 2/7/14 - To Rules - Adopted by House 2/14/14 - To Senate 2/17/14 - To Transportation and Infrastructure 2/17/14 - Adopted by Senate 3/5/14
81. By Del. Moye, Eldridge, Perry, Walker, Smith, P., Lynch, Staggers, Young, Pino, Marshall and Ellem - **Recognizing February 10, 1954, as the anniversary of the addition of the words, "under God," to the United States Pledge of Allegiance** - Introduced 2/10/14 - Reference dispensed - Adopted by House 2/11/14
- *82. By Del. Skaff, Wells, Guthrie, Poore, Armstead, Nelson, E., Lane, Hunt, Walters and McCuskey - **U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge** - Introduced 2/11/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure 2/25/14 - Adopted by Senate 3/5/14
83. By Del. Azinger, Iaquina, Cooper, Paxton, Williams, Sobonya, Frich, Rowan, Evans, A., Romine, Hamilton, Eldridge, Kinsey, Ambler, Anderson, Arvon, Ashley, Barker, Barrett, Butler, Cadle, Campbell, Cowles, Evans, D., Canterbury, Guthrie, Lawrence, Diserio, Ellington, Espinosa, Faircloth, Ferns, Folk, Gearheart, Hartman, Householder, Howell, Hunt, Ireland, Lynch, Marshall, McCuskey, Miller, Moore, Morgan, Moye, Nelson, E., Overington, Pasdon, Perdue, Perry, Pethel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Poore, Reynolds, Shott, Skaff, Skinner, Smith, P., Smith, R., Sponaugle, Stephens, Storch, Sumner, Walker, Walters, Wells, Westfall and Young - **Requesting Congress erect a national monument to motherhood** - Introduced 2/11/14 - To Rules - Adopted by House 2/20/14 - To Senate 2/21/14 - To Government Organization 2/21/14 - Adopted by Senate 3/6/14
84. By Del. Marcum, White, Moore, Kinsey, Barker, Tomblin, Phillips, R., Eldridge, Hunt, Caputo and Poling, D. - **The Baisden Family Memorial Bridge** - Introduced 2/11/14 - To Rules - Adopted by House 3/3/14 - To Senate 3/4/14 - To Transportation and Infrastructure 3/4/14

85. By Del. Pasdon, Frich, Barill, Fleischauer, Marshall, Pethtel, Williams, Iaquina, Skaff, Westfall, Sponaugle, Arvon, Butler, Diserio, Espinosa, Evans, A., Evans, D., Faircloth, Folk, Hamrick, Howell, Ireland, McCuskey, Miller, Nelson, E., Phillips, R., Rowan, Romine, Smith, R. and Walters - **Requesting the Joint Committee on Government and Finance to schedule the October, 2014, Legislative Interim Committee meetings in Morgantown** - Introduced 2/11/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Rules 3/7/14
87. By Del. Smith, R. and Williams - **Army Sgt. Everett Wayne “Bud” Sell Memorial Bridge** - Introduced 2/12/14 - Reference dispensed - Adopted by House 2/12/14 - To Senate 2/13/14 - To Transportation and Infrastructure 2/13/14
88. By Del. Iaquina, Longstreth, Eldridge, Armstead, Ashley, Azinger, Cadle, Cooper, Evans, D., Ferro, Fleischauer, Folk, Howell, Jones, Lawrence, Nelson, E., Pethtel, Rowan, Smith, P., Staggers, Stephens and Storch (Originating in House Veterans' Affairs and Homeland Security) - **Requesting the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure** - Introduced 2/12/14 - To House Rules 2/12/14 - Adopted by House 3/8/14
90. By Del. Marcum, Armstead, Campbell, Caputo, Craig, Diserio, Eldridge, Ellem, Ferro, Fleischauer, Fragale, Frich, Hamilton, Hartman, Hunt, Iaquina, Jones, Kinsey, Lynch, Manypenny, Moore, Morgan, Moye, O'Neal, Perdue, Phillips, R., Pino, Poore, Reynolds, Shott, Skinner, Smith, R., Sponaugle, Staggers, Stephens, Swartzmiller, Tomblin, White and Young - **Requesting the West Virginia Department of Education and the School Building Authority to athletic facilities at Tug Valley High School** - Introduced 2/13/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Education 3/7/14
92. By Del. Boggs, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barker, Barrett, 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, Kinsey, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Mr. Speaker (Mr. Miley), Miller, Moore, Morgan, Moye, Nelson, E., O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, Phillips, L., Phillips, R., Pino, Poling, M., Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Staggers, Stephens, Storch, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young - **Requesting that the West Virginia School Building Authority waive local matching requirements and fund all needed improvements for the West Virginia School for the Deaf and the Blind** - Introduced 2/14/14 - To Rules - Adopted by House 2/19/14 - To Senate 2/20/14 - To Education then Finance - To Education 2/20/14 - To Finance 2/27/14

94. By Del. Campbell, Hunt, Hartman, Sponaugle, Skaff, Eldridge, Walker, Sobonya, Moore, Diserio and Kinsey - **Designating April 2 as West Virginia Autism Awareness Day** - Introduced 2/19/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Government Organization 3/7/14
95. By Del. Phillips, R. and Tomblin - **Betty Jo Delong Memorial Bridge** - Introduced 2/19/14 - To Rules - Adopted by House 2/24/14 - To Senate 2/25/14 - To Transportation and Infrastructure 2/25/14
96. By Del. Perry, Lynch, Wells, Poore, Smith, R., Cooper, Border, Diserio, Jones, Guthrie, Ambler, Anderson, Andes, Ashley, Barrett, Butler, Campbell, Canterbury, Caputo, Cowles, Eldridge, Ellem, Ellington, Espinosa, Faircloth, Ferro, Fragale, Gearheart, Hamrick, Hartman, Iaquina, Lane, Lawrence, Longstreth, Manchin, Manypenny, Marcum, Marshall, Moore, Morgan, Moye, Pasdon, Pethtel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Skaff, Skinner, Sponaugle, Staggers, Stephens, Sumner, Swartzmiller, Tomblin, Walker, Westfall, White, Williams and Young - **Requesting the Joint Committee on Government Organization and Finance study policies ensuring that licensed athletic trainers are available during practices and games to all interscholastic student athletes in West Virginia** - Introduced 2/19/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Education then Rules - To Education 3/7/14
97. By Del. Poling, M., Perry, Lawrence, Barrett, Young, Sumner, Pasdon, Fragale, Moye, Pethtel, Tomblin, Walker, Williams, Ambler, Butler, Cooper, Espinosa, Evans, D., Hamrick and Rowan (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study regarding strategies for increasing the number of college graduates in the state** - Introduced 2/19/14 - To House Rules 2/19/14 - Adopted by House 3/8/14
100. By Del. Staggers, Longstreth, Lynch, Moye, Poling, D., Smith, P., Stephens, Walker, Wells, Young, Ambler, Arvon, Butler, Cadle, Cowles, Espinosa, Evans, D., Gearheart, Hamrick, Howell and Shott (Originating in House Roads and Transportation) - **Requesting the Joint Committee on Government and Finance study study ways to improve the efficiency of and find other cost saving measures within the West Virginia Division of Highways** - Introduced 2/20/14 - To House Rules 2/20/14 - Adopted by House 3/6/14 - To Senate 3/7/14 - To Transportation and Infrastructure then Rules - To Transportation and Infrastructure 3/7/14
101. By Del. Westfall, Ashley, Walker, Campbell, Hartman, Boggs, Sponaugle, Cadle, Householder, Espinosa and Smith, P. - **The Historic Blue-Gray Highway** - Introduced 2/20/14 - To Rules - Adopted by House 2/27/14 - To Senate 2/28/14 - To Transportation and Infrastructure 2/28/14
102. By Del. Phillips, R., Tomblin, Phillips, L., Moore, Marcum, White and Barker - **Urging the West Virginia Division of Natural Resources to continue indefinitely**

- its regulatory policy of permitting only bow hunting during designated deer hunting seasons in Logan, McDowell, Mingo and Wyoming counties** - Introduced 2/21/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Natural Resources 3/7/14
105. By Del. Swartzmiller - **Urging Congress to pass the Safe Freight Act** - Introduced 2/24/14 - To Rules - Adopted by House 2/28/14 - To Senate 3/3/14 - To Transportation and Infrastructure 3/3/14 - Amended - Adopted by Senate 3/7/14 - House concurred in Senate amendment and adopted 3/8/14
106. By Mr. Speaker (Mr. Miley), Del. Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barker, 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, Jones, Kinsey, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miller, Moore, Morgan, Moye, O'Neal, Pasdon, Paxton, Perdue, Perry, Pethel, Phillips, L., Phillips, R., Pino, Poling, D., Poling, M., Reynolds, Romine, Rowan, Shott, Skaff, Skinner, Smith, P., Sobonya, Sponaule, Staggers, Stephens, Storch, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young - **Requesting the Joint Committee on Government and Finance conduct a study concerning the potential implementation of a Deferred Retirement Option Plan for troopers and employees of the West Virginia State Police** - Introduced 2/26/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Pensions then Rules - To Pensions 3/7/14
107. By Del. White and Phillips, R. - **“William Dakota “Kody” Faine Memorial Bridge”** - Introduced 2/26/14 - To Rules - Adopted by House 2/28/14 - To Senate 3/3/14 - To Transportation and Infrastructure 3/3/14 - Adopted by Senate 3/6/14
108. By Del. Morgan, Stephens, Howell, Border, Arvon, Azinger, Barker, Cadle, Caputo, Diserio, Eldridge, Faircloth, Ferns, Folk, Hartman, Jones, Kinsey, Kump, Romine, Smith, P., Smith, R., Staggers and Swartzmiller (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance authorize a study on repealing unnecessary or obsolete boards, councils, committees, panels, task forces and commissions** - Introduced 2/27/14 - To House Rules 2/27/14 - Adopted by House 3/6/14 - To Senate 3/7/14 - To Government Organization then Rules - To Government Organization 3/7/14
109. By Del. Morgan, Stephens, Howell, Border, Arvon, Azinger, Barker, Cadle, Caputo, Diserio, Eldridge, Faircloth, Ferns, Folk, Hartman, Jones, Kinsey, Romine, Smith, R., Staggers and Swartzmiller (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance authorize a study**

- on the State Athletic Commission** - Introduced 2/27/14 - To House Rules 2/27/14 - Adopted by House 3/6/14 - To Senate 3/7/14 - To Government Organization then Rules - To Government Organization 3/7/14
117. By Del. Boggs, Staggers and Lawrence - **Requesting the Joint Committee on Government and Finance authorize a study on continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety** - Introduced 3/3/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Government Organization then Rules - To Government Organization 3/7/14
118. By Del. Skaff and Ellington - **Requesting the Joint Committee on Government and Finance to study the allocation of behavioral health spending on community-based support services** - Introduced 3/3/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Health and Human Resources then Rules - To Health and Human Resources 3/7/14
119. By Del. Fleischauer, Marshall, Lawrence, Pasdon, Barker, Manypenny, Perdue, Skinner, Guthrie, Sponaugle, Skaff, Wells, Householder and Cowles - **Requesting the Joint Committee on Government and Finance to study the authorization of cities and municipalities to provide a private-public financing option for small businesses and commercial property owners in West Virginia** - Introduced 3/3/14 - To Rules - Adopted by House 3/6/14 - To Senate 3/7/14 - To Government Organization then Rules - To Government Organization 3/7/14
123. By Del. Phillips, R., Caputo, White, Tomblin, Swartzmiller, Eldridge, Marcum, Boggs and Barker - **U. M. W. A. Memorial Road** - Introduced 3/5/14 - To Rules - Adopted by House 3/8/14
130. By Del. Caputo, Fleischauer, Barill, Fragale, Hunt, Longstreth, Manchin, Manypenny, Marshall, Moore, Phillips, L., Walker and Ellem - **Requesting the Joint Committee on Government and Finance study the issue of implementing the recommendations laid out in the Miners's Safety Report** - Introduced 3/7/14 - To Rules - Adopted by House 3/8/14
140. By Del. Manchin, Iaquinta, Fragale, Mr. Speaker (Mr. Miley), Hamrick, Caputo and Longstreth - **James D. LaRosa Memorial Bridge** - Introduced 3/8/14 - Reference dispensed - Adopted by House 3/8/14 - To Senate 3/8/14 - Committee reference dispensed - Adopted by Senate 3/8/14
142. By Del. Poling, D., Morgan, Guthrie, Caputo, Walker, White and Marcum - **Requesting the Joint Committee on Government and Finance to authorize a study of the state personal income tax** - Introduced 3/8/14 - Reference dispensed - Adopted by House 3/8/14

TOPICAL INDEX

ABORTION:

- 23. Relating to fetal death reporting.
- 223. Requiring all available fetal medical care following abortion.
- 272. Limiting health insurance coverage for elective abortions to supplemental policies.
- 279. Relating to abortions performed on unemancipated minors.
- 388. Creating Pain-Capable Unborn Child Protection Act.
- 496. Limiting health insurance coverage for elective abortions to supplemental policies; exceptions.

ACTIONS AND SUITS:

- 221. Absolving landowner from civil liability for hunting injuries.
- 225. Relating to certain civil action filing fees.
- 250. Adopting several liability in tortious conduct actions.
- 289. Establishing comparative fault standard.
- 291. Increasing threshold of defendant's liability in tort action involving multiple defendants.
- 293. Limiting punitive damages awarded in personal injury or wrongful death cases.
- 294. Relating to reduction in compensatory damages for collateral source payments.
- 299. Creating loser-pays civil justice system.
- 316. Relating to tolling with regard to civil actions.
- 541. Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.
- 586. Removing unconstitutional language regarding jurors and verdicts in certain civil litigation.

ACTS:

- 72. Creating Intrastate Coal and Use Act.
- 96. Creating Creative Communities Development Act.
- 202. Creating Benefit Corporation Act.
- 241. Creating Keep Jobs in West Virginia Act.
- 242. Creating State Labor Relations Act.
- 270. Creating Jobs Impact Statement Act.
- 302. Creating Tax Revenue Act.
- 338. Relating to Tourism Development Act.
- 377. Creating Native American Tribes Unique Recognition, Authentication and Listing Act.
- 388. Creating Pain-Capable Unborn Child Protection Act.
- 406. Creating Native American Tribes Unique Recognition, Authentication and Listing Act.

- 417. Creating Source Water Protection Act.
- 428. Creating Dangerous Wild Animals Act.
- 440. Creating O. C. Spaulding Electronic Recording Act.
- 466. Creating Storm Scammer Consumer Protection Act.
- 502. Updating Uniform Common Interest Ownership Act.
- 503. Revising Child Welfare Act.
- 543. Creating Jobs Impact Statement Act.
- 579. Creating Land Reuse Agency Authorization Act.
- 590. Creating Clearance for Access: Registry and Employment Screening Act.
- 604. Creating Coal Employment Enhancement Act.
- 626. Creating Elk River Spill Victims' Compensation Act of 2014.
- 627. Creating Toxic Catastrophe Prevention Act.
- 628. Creating Healthy Children and Healthy Communities Act.

AGRICULTURE:

- 254. Regulating equine boarding facilities.
- 350. Relating to Rural Rehabilitation Loan Program.
- 454. Defining dam "owner".
- 469. Creating Veterans and Warriors to Agriculture Program.
- 478. Permitting sale of raw milk.
- 495. Increasing collections into Land Division special revenue account.
- 533. Updating commercial feed laws; setting fees by rule.

ALCOHOL:

- 218. Requiring bartenders have alcohol server permits.
- 362. Relating to time restaurants, private clubs and wineries can sell alcoholic beverages on Sundays.
- 434. Eliminating revocation period for certain DUI offenders.
- 450. Relating to sale and consumption of alcoholic beverages in certain outdoor settings.
- 527. Prohibiting beer and wine sales at self-scan registers.
- 548. Creating special one-day charitable event license to sell nonintoxicating beer.
- 580. Permitting wine sales at certain college and university sports stadiums.
- 597. Clarifying regulation of nonintoxicating beer brewers and distributors.
- 629. Creating misdemeanor offense for assault upon ABCC employee.

ANIMALS:

- 73. Exempting veterinary medications from sales tax.
- 83. Providing personal income tax deduction for spaying or neutering pets.
- 92. Establishing Animal Abuse Registry.
- 254. Regulating equine boarding facilities.
- 371. Prohibiting possession of wild and exotic animals.
- 398. Providing certain state public schools obtain impounded dogs and cats for curriculum furtherance.

- 428. Creating Dangerous Wild Animals Act.
- 533. Updating commercial feed laws; setting fees by rule.
- 583. Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.

APPROPRIATIONS:

- 306. Budget Bill.

APPROPRIATIONS–SUPPLEMENTAL:

- 341. Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.
- 342. Making supplementary appropriation of unappropriated moneys to DHHR, MAPS and Department of Veterans' Assistance.
- 343. Making supplementary appropriation of federal funds to Department of Commerce, Workforce Investment Act.
- 344. Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.
- 345. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.
- 346. Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.
- 347. Making supplementary appropriation of unappropriated moneys to various accounts.
- 348. Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH.

ARBITRATION:

- 251. Implementing terms of Uniform Arbitration Act.

ASSOCIATIONS:

- 260. Relating to residential community waivers for salvage yard establishments.

ATHLETICS:

- 540. Requiring SSAC promulgate rules allowing college preparatory team recognition.
- 587. Requiring licensing of athletic trainers by Board of Physical Therapy.

ATTORNEYS:

- 40. Providing judges appoint public defender attorneys for eligible clients.
- 61. Increasing legal education credits required of court-appointed attorneys in juvenile cases.
- 99. Relating to compensation and expenses for attorneys appointed in child abuse and neglect proceedings.
- 299. Creating loser-pays civil justice system.
- 367. Correcting internal code reference regarding judges and prosecutors carrying firearms.
- 399. Providing mental hygiene commissioners are employees under PERS.

- 436. Providing Prosecuting Attorneys Institute executive council establish salary of director.
- 555. Relating to appointment of counsel for alleged protected persons.

AUDITS/AUDITING:

- 511. Specifying Legislative Auditor's performance reviews and audits include Board of Public Works and Legislature.

AVIATION:

- 529. Redefining "recreational purposes" as to limiting landowners' liability.

BANKS AND BANKING:

- 45. Specifying certain residency requirements for majority of state-chartered banking institution directors.
- 263. Clarifying continuous inactivity of demand, savings or time deposits under Uniform Unclaimed Property Act.
- 383. Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.
- 402. Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.
- 437. Requiring mortgage brokers file certain reports with Division of Financial Institutions.
- 438. Revising regulatory structure of money transmitters.
- 572. Relating to financing statements covering as-extracted collateral or timber to be cut.
- 596. Modifying statute of limitations on demand note collections.

BOARDS AND COMMISSIONS:

- 9. Creating Sexual Assault Forensic Examination Commission.
- 31. Relating to appointment and removal of State Fire Marshal.
- 210. Increasing membership of Board of Examiners for Registered Professional Nurses.
- 214. Creating Citizens Elected County Officials Compensation Commission.
- 230. Permitting Boards of Medicine, Dentistry and Osteopathy initiate disciplinary proceedings in certain circumstances.
- 287. Relating to requirement of professional engineer serving on sanitary board.
- 323. Relating to professional board licensure requirements for military and spouses.
- 396. Eliminating certain unnecessary boards, councils, task forces and committees.
- 426. Relating to appointments to certain higher education commissions, councils and boards.
- 484. Changing experience requirements of members of Ethics Commission.
- 492. Requiring State Board of Pharmacy develop specialty drugs list.
- 499. Making Prudent Investor Act primary standard of care for Investment Management Board.
- 507. Relating to Board of Barbers and Cosmetologists.

- 584. Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.
- 587. Requiring licensing of athletic trainers by Board of Physical Therapy.
- 617. Terminating Medical Imaging and Radiation Therapy Technology Board of Examiners.

BONDS:

- 200. Authorizing circuit and magistrate courts collect bail bond surcharges to offset regional jail costs.
- 462. Providing surety relief of acting collateral upon securing bailpiece.
- 464. Prohibiting law-enforcement officers or immediate family members from taking bonds for persons in custody.

BUILDINGS:

- 500. Requiring public buildings have at least one ADA-compliant restroom.

CAPITOL COMPLEX:

- 80. Permitting concealed weapons licensees to carry weapon on Capitol Complex with certain exception.
- 442. Permitting certain firearms in motor vehicles on Capitol Complex grounds.

CHARITABLE ORGANIZATIONS:

- 548. Creating special one-day charitable event license to sell nonintoxicating beer.

CHILD WELFARE:

- 27. Relating to minors obtaining tattoos.
- 38. Requesting Joint Committee on Government and Finance study development of comprehensive early childhood program.
- 56. Creating pilot program for TANF recipients of academically achieving children.
- 57. Implementing Child and Adolescent Needs and Strengths outcome evaluation system.
- 231. Mandating additional punishment for using minor in commission of crime.
- 252. Allowing certain expelled students to return to school through Juvenile Drug Court.
- 253. Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.
- 258. Prohibiting juveniles from manufacturing, possessing and distributing nude images of minors.
- 366. Transferring CHIP from Department of Administration to DHHR.
- 401. Relating to "out-of-home" child placement system.
- 503. Revising Child Welfare Act.
- 549. Relating to child support obligations and orders.
- 609. Requiring court-appointed special advocate program.
- 614. Providing standard for determining when grandparent has standing for child custody.

CITIZENSHIP:

78. Designating English as official state language.

CIVIL SERVICE:

538. Adopting federal definition of “disabled veteran” for civil service and state contract bidding.

CLAIMS:

59. Relating to claims against counties, school districts or municipalities.
204. Relating to crime victims compensation awards.
514. Eliminating expense of Meth lab cleanup from Crime Victims Compensation Act.
517. Providing liberal weighing of evidence for workers’s compensation claims.
558. Finding and declaring certain claims against state.
561. Clarifying authority and discretion of Dealer Recovery Board to hear claims.
626. Creating Elk River Spill Victims’ Compensation Act of 2014.

CODE REPEALED:

360. Repealing article relating to wages for construction of public improvements.
363. Repealing article allowing placement of roadside memorial markers.
368. Repealing article relating to unfair trade practices.
515. Repealing section relating to state aid for students of veterinary medicine.

COMMUNICATIONS:

11. Relating to cellular telephone communications and wiretapping evidentiary provisions in family court proceedings.
259. Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance.

CONSUMER PROTECTION:

8. Prohibiting zone pricing of gasoline.
286. Relating to used motor vehicle warranties.
313. Requiring gubernatorial appointment of PSC Consumer Advocate Director to mirror Governor’s term of office.
466. Creating Storm Scammer Consumer Protection Act.
564. Providing consumer identity theft protection under Obamacare.

CONTRACTS:

238. Lowering threshold requiring low-bid government construction contractors submit subcontractor list.
239. Requiring workers painting state bridges complete SSPC Coating Application Specialist Program.
283. Prohibiting certain noncompetition clauses in broadcast industry employee contracts.
356. Relating to purchasing reform.
358. Requiring Purchasing Director approve certain change orders.

CORPORATIONS AND BUSINESS ENTITIES:

50. Relating to organization of Physicians’ Mutual Insurance Company.

- 202. Creating Benefit Corporation Act.
- 559. Eliminating annual report late fees charged by Secretary of State.
- 569. Eliminating notarization of articles of incorporation for cooperative associations.
- 570. Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement.

CORRECTIONS:

- 34. Redistributing proceeds from excise tax on transfer of real property to counties for benefit of regional jails.
- 200. Authorizing circuit and magistrate courts collect bail bond surcharges to offset regional jail costs.
- 234. Requiring court conduct hearing at sentencing to determine defendant's ability to pay incarceration costs.
- 307. Relating to pretrial management of persons charged with committing crimes.
- 387. Clarifying duly authorized officers have legal custody of their prisoners while in WV.
- 408. Relating to parole.
- 457. Requiring programs for temporarily detained inmates in regional jails.
- 550. Providing annual salary increase to Division of Corrections employees.
- 567. Redesignating Division of Corrections as Department of Corrections.

COUNTIES—COMMISSIONS:

- 94. Requiring county commission be notified prior to employee discharge.
- 205. Granting county commissions advice and consent authority in discharge of county employees.
- 415. Changing due date of certain county commission tax reports.

COUNTIES—COURTS AND OFFICERS:

- 13. Modifying Courthouse Facilities Improvement Authority funding assistance.

COUNTIES (AND RELATED SUBHEADINGS):

- 38. Reallocating certain oil and gas severance tax proceeds to counties of origin.
- 75. Requiring equal membership from magisterial districts on county planning commission.
- 214. Creating Citizens Elected County Officials Compensation Commission.
- 216. Providing exemption allowing removal or burning of certain litter by county and municipal governments.
- 226. Providing elected county officials receive raise based on Consumer Price Index.
- 261. Transferring portion of Parkways Authority revenues to Turnpike counties.
- 311. Transferring portion of Parkways Authority revenues to Turnpike counties.
- 314. Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.
- 379. Reclassifying counties.
- 465. Permitting counties to impose levy for public library funding.

- 489. Providing county employees may run for vacant office without resigning.
- 579. Creating Land Reuse Agency Authorization Act.

COURTS–CIRCUIT:

- 447. Authorizing additional circuit court judge.
- 458. Dedicating certain circuit court fees to fund low-income persons' civil legal services.
- 475. Authorizing additional circuit court judge.
- 555. Relating to appointment of counsel for alleged protected persons.
- 557. Authorizing additional circuit court judge.
- 601. Relating to property assessment appeals.

COURTS–SUPREME COURT:

- 232. Providing for nonpartisan election of Supreme Court justices.

COURTS (AND RELATED SUBHEADINGS):

- 11. Relating to cellular telephone communications and wiretapping evidentiary provisions in family court proceedings.
- 13. Modifying Courthouse Facilities Improvement Authority funding assistance.
- 19. Increasing compensation caps for certain family court staff.
- 39. Adding additional family court judge.
- 40. Providing judges appoint public defender attorneys for eligible clients.
- 62. Relating to referral of drug court participants having co-occurring addiction and mental health issues.
- 79. Changing number and method of jury strikes in felony cases.
- 200. Authorizing circuit and magistrate courts collect bail bond surcharges to offset regional jail costs.
- 215. Creating Intermediate Court of Appeals.
- 225. Relating to certain civil action filing fees.
- 234. Requiring court conduct hearing at sentencing to determine defendant's ability to pay incarceration costs.
- 252. Allowing certain expelled students to return to school through Juvenile Drug Court.
- 267. Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.
- 282. Decreasing number of jurors in municipal criminal matters.
- 300. Creating Intermediate Court of Appeals.
- 310. Adjusting penalties for willful failure to pay child support.
- 316. Relating to tolling with regard to civil actions.
- 405. Allowing presiding judge to release juror qualification forms after trial's conclusion.
- 435. Correcting code reference relating to handgun safety training for certain court personnel.
- 470. Providing completed grand jury questionnaires are confidential.

586. Removing unconstitutional language regarding jurors and verdicts in certain civil litigation.

CRIMES—ALCOHOL AND DRUGS:

95. Creating felony offense for DUI causing serious bodily injury.
281. Creating felony offense of DUI causing injury or death.
552. Increasing penalty related to transporting illegal controlled substances into state.

CRIMES—FELONIES:

95. Creating felony offense for DUI causing serious bodily injury.
423. Relating to expungement of certain felony convictions.
440. Creating O. C. Spaulding Electronic Recording Act.
592. Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.
607. Providing act of domestic violence or sexual offense by strangling is aggravated felony.

CRIMES—JUVENILES:

258. Prohibiting juveniles from manufacturing, possessing and distributing nude images of minors.
370. Relating to sentencing and parole of juveniles treated as adults.
544. Allowing sharing of juvenile records under certain circumstances with reciprocal states.
545. Authorizing Division of Juvenile Services establish Juvenile Trustee Fund and Juvenile Benefit Fund.

CRIMES—SEXUAL OFFENSES:

9. Creating Sexual Assault Forensic Examination Commission.
607. Providing act of domestic violence or sexual offense by strangling is aggravated felony.

CRIMES (AND RELATED SUBHEADINGS):

90. Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.
231. Mandating additional punishment for using minor in commission of crime.
265. Creating misdemeanor offense of possession of burglar's tools.
266. Criminalizing graffiti on real and personal property.
353. Relating to timber theft from state forests.
357. Relating to Logging Sediment Control Act civil and criminal penalties.
390. Creating criminal penalties for disseminating false information through automated phone calls during state of emergency.
397. Expanding scope of activities considered financial exploitation of elderly.
462. Providing surety relief of acting collateral upon securing bailpiece.
467. Updating code section relating to expungement of criminal convictions.
588. Allowing law enforcement obtain DNA samples from certain arrestees.

- 595. Including waste management facilities and timber operations in facilities with protection against property crimes.
- 629. Creating misdemeanor offense for assault upon ABCC employee.

DISABILITIES:

- 209. Allowing special needs students to participate in graduation ceremonies.
- 500. Requiring public buildings have at least one ADA-compliant restroom.

DOMESTIC RELATIONS:

- 11. Relating to cellular telephone communications and wiretapping evidentiary provisions in family court proceedings.
- 14. Establishing child support insurance match program.
- 58. Relating to basis for voidable marriages and annulments.
- 64. Providing automatic revocation of will upon legal separation.
- 65. Prohibiting consideration of certain income-producing asset for purposes of spousal support.
- 81. Excluding veterans' disability income in determining spousal support and marital property division.
- 86. Expanding grandparents' rights.
- 244. Facilitating compilation and availability of birth parents' social and medical histories prior to adoption.
- 310. Adjusting penalties for willful failure to pay child support.
- 451. Relating to distribution of certain retirement benefits of deceased uniformed service officers under qualified domestic relations order.
- 549. Relating to child support obligations and orders.
- 566. Relating to domestic violence victims' eligibility for unemployment compensation benefits.
- 614. Providing standard for determining when grandparent has standing for child custody.

DRUGS AND DRUG PARAPHERNALIA:

- 1. Modifying controlled substances schedules and prescriptive authority.
- 6. Regulating sale of drug products used in manufacture of methamphetamine.
- 17. Allowing possession of opioid antagonist by certain public safety personnel.
- 301. Relating to drug testing of legislators and public assistance recipients.
- 318. Setting fees for manufacture, distribution, dispensing and research of controlled substances.
- 336. Relating to possession and administration of opioid antagonist.
- 339. Adding tramadol and related salts and isomers to Schedule IV controlled substances.
- 419. Creating Overdose Prevention Act.
- 492. Requiring State Board of Pharmacy develop specialty drugs list.
- 509. Regulating pharmacy benefits managers.
- 514. Eliminating expense of Meth lab cleanup from Crime Victims Compensation Act.

- 623. Requiring notification of certain substance abuse screening of mine personnel.
- 624. Establishing substance abuse screening circumstances requiring miner certification suspension or revocation.

ECONOMIC DEVELOPMENT:

- 96. Creating Creative Communities Development Act.
- 280. Expanding Military Incentive Program to all economically disadvantaged veterans.
- 308. Creating Shale Research, Education, Policy and Economic Development Center at WVU.
- 312. Creating Project Launchpad Act.
- 354. Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs.
- 375. Excluding certain real and personal property from TIF assessment.
- 439. Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.

EDUCATION—COLLEGES & UNIVERSITIES:

- 41. Providing resident tuition rates for children of WV institution graduates.
- 227. Creating Higher Education Community School Law.
- 274. Providing for college graduate tax credit.
- 308. Creating Shale Research, Education, Policy and Economic Development Center at WVU.
- 394. Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.
- 398. Providing certain state public schools obtain impounded dogs and cats for curriculum furtherance.
- 422. Expanding state aid for students of certain health professions.
- 426. Relating to appointments to certain higher education commissions, councils and boards.
- 460. Permitting School of Osteopathic Medicine invest certain moneys in its foundation.
- 483. Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.
- 510. Including state land grant institutions in Research Trust Fund.
- 528. Requiring promulgation of legislative rule establishing level of capital project for certain higher education institutions.
- 536. Granting in-state tuition to honorably discharged and injured veterans.
- 537. Providing state institutions may apply for alternative fee and tuition schedule.
- 546. Granting in-state tuition to military eligible for Post-9/11 GI Bill.
- 560. Including WVSU in Research Trust Fund; other provisions.
- 575. Providing educational incentives and longevity pay for State Troopers.
- 580. Permitting wine sales at certain college and university sports stadiums.

EDUCATION–COURSES, PROGRAMS & TESTING:

- 52. Creating pilot program incorporating Khan method of teaching mathematics.

EDUCATION–RETIREMENT:

- 452. Relating to TRS annuity calculation of member with reciprocal service credit.
- 453. Relating to TRS.

EDUCATION–SALARIES, CLASSIFICATIONS, LEAVE:

- 21. Reducing student-to-teacher ratio in public schools and increasing certain aides' pay.
- 276. Providing salary increases for certain public school teachers and reading specialists.
- 277. Relating to temporary reassignment of injured or ill school service personnel.
- 303. Providing salary increase for teachers.
- 391. Providing salary increase for teachers and school service personnel.

EDUCATION (AND RELATED SUBHEADINGS):

- 25. Requiring Senate advise and consent for State Superintendent of Schools appointment.
- 55. Creating licensed school psychologist-pupil ratio.
- 56. Creating pilot program for TANF recipients of academically achieving children.
- 60. Providing only notice of county board of education financial statement availability be published.
- 93. Amending public school support computation of local share.
- 98. Relating to student-school nurse staffing ratio.
- 207. Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.
- 209. Allowing special needs students to participate in graduation ceremonies.
- 219. Establishing public competitive learning academies.
- 252. Allowing certain expelled students to return to school through Juvenile Drug Court.
- 284. Relating to county board of education employee personal leave accrual.
- 309. Redefining "eligible institutions" to receive PROMISE scholarship funds.
- 332. Reducing certain allowances in computation of local share.
- 381. Requiring CPR and care for conscious choking instruction in public schools.
- 409. Relating to education reform.
- 410. Requiring public school screening for dyslexia.
- 412. Defining "dyslexia" for education purposes.
- 413. Requiring Department of Education provide professional development opportunities regarding dyslexia.
- 420. Relating to data sharing in P-20W Longitudinal Data System.
- 429. Relating to public school curricular standards and assessments.
- 432. Relating to calculating local share.
- 455. Creating Move to Improve Act.

- 477. Providing teachers determine use of time during planning period.
- 493. Excluding suspension days in determining student truancy.
- 513. Relating to cost reimbursement of servicing high-cost/high-acuity special needs students.
- 515. Repealing section relating to state aid for students of veterinary medicine.
- 539. Providing certain law-enforcement officers employed as school security be allowed to carry firearms.
- 540. Requiring SSAC promulgate rules allowing college preparatory team recognition.
- 562. Relating to training and compensation of county board of education members serving on RESAs.
- 573. Establishing cook-meal ratios for full-day and half-day school cooks.

EDUCATION-FACILITIES:

- 512. Providing for personal income tax checkoff for Cedar Lakes Foundation.

ELECTED OFFICIALS:

- 217. Prohibiting public officials and employees from using public funds for self promotion.
- 226. Providing elected county officials receive raise based on Consumer Price Index.
- 321. Allowing Board of Public Works be represented by designees; proxy voting.
- 365. Relating to administration of Conservation Agency programs.

ELECTIONS:

- 28. Prohibiting certain campaign contributions by lobbyists during legislative session.
- 35. Requiring filing fee for write-in candidates for public office.
- 67. Authorizing use of excess campaign contributions for repayment of previous campaign loans or debts.
- 70. Conforming code to federal requirements for certain registered voters in presidential elections.
- 220. Allowing local option election permitting Sunday hunting on private property.
- 232. Providing for nonpartisan election of Supreme Court justices.
- 359. Reducing number of precincts for manual count in post-election canvass.
- 374. Prohibiting special election by local levying body 180 days prior to scheduled election.
- 441. Increasing limit on size of voting precincts.
- 489. Providing county employees may run for vacant office without resigning.
- 547. Relating to number of municipal wards or election districts and council members.
- 553. Relating to certificates of nomination for elected office.

EMERGENCY SERVICES:

- 17. Allowing possession of opioid antagonist by certain public safety personnel.
- 54. Improving state emergency preparedness.

- 90. Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.
- 224. Relating to service credit transfers from PERS to EMS Retirement System.
- 340. Creating EMT-industrial certification.
- 361. Relating to Office of Emergency Medical Services.
- 378. Relating to special speed limitations as to waste service vehicles.

EMPLOYMENT:

- 354. Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs.
- 472. Prohibiting discrimination in housing or employment based on age or sexual orientation.
- 526. Giving railroad employees right to review and copy respective personnel files.
- 543. Creating Jobs Impact Statement Act.
- 590. Creating Clearance for Access: Registry and Employment Screening Act.
- 604. Creating Coal Employment Enhancement Act.

ENERGY:

- 471. Relating to alternative and renewable energy portfolio standards.
- 616. Allowing receipt of gifts, donations and contributions by Division of Energy.

ENVIRONMENTAL PROTECTION:

- 229. Providing tax credit for fees paid for recycling residential household waste.
- 260. Relating to residential community waivers for salvage yard establishments.
- 278. Redefining "scrap metal".
- 355. Amending Water Resources Protection and Management Act.
- 373. Relating to water resources protection.
- 417. Creating Source Water Protection Act.
- 474. Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.
- 530. Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units.
- 542. Requiring notice to DEP for release of fluids or chemicals into groundwater, surface water or subsurface soils.
- 565. Ensuring SWA Closure Cost Assistance Funds facilitate closure of certain county landfills.
- 591. Updating obsolete definitions of "solid waste" in DEP and solid waste management statutes.
- 594. Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.
- 595. Including waste management facilities and timber operations in facilities with protection against property crimes.
- 611. Increasing county solid waste assessment fee; exemption.
- 627. Creating Toxic Catastrophe Prevention Act.

ESTATES AND TRUSTS:

- 64. Providing automatic revocation of will upon legal separation.
- 414. Redirecting nonprobate appraisalment filings.

ETHICS:

- 365. Relating to administration of Conservation Agency programs.
- 484. Changing experience requirements of members of Ethics Commission.

FACTORY-BUILT HOMES:

- 574. Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.

FIRE FIGHTING AND PREVENTION:

- 31. Relating to appointment and removal of State Fire Marshal.
- 240. Relating to meeting and conference rights for members of municipal police or fire departments.
- 255. Increasing fire and casualty insurance policies surcharge to benefit fire departments.
- 319. Increasing membership of State Fire Commission.
- 325. Providing State Fire Marshal serve at will and pleasure of Fire Commission.
- 508. Establishing Volunteer Departments Loan Fund within Treasurer's Office.
- 518. Relating to workers' compensation benefits for firefighters; other provisions.
- 532. Allowing certain military firefighters to become civilian firefighters.

FIREARMS:

- 76. Creating Firearms Freedom Act.
- 80. Permitting concealed weapons licensees to carry weapon on Capitol Complex with certain exception.
- 198. Protecting confidentiality of applications, permits and renewal application for deadly weapons permits.
- 199. Allowing private property owner prohibit carrying firearms or deadly weapons on property.
- 317. Relating to municipal firearm laws.
- 367. Correcting internal code reference regarding judges and prosecutors carrying firearms.
- 435. Correcting code reference relating to handgun safety training for certain court personnel.
- 442. Permitting certain firearms in motor vehicles on Capitol Complex grounds.
- 445. Clarifying when person engaged in outdoor recreation may possess certain firearms.
- 498. Permitting persons to possess certain firearms in vehicle without concealed deadly weapons permit.
- 539. Providing certain law-enforcement officers employed as school security be allowed to carry firearms.

FLOODS:

- 615. Creating flood zone homestead property tax exemption.

621. Authorizing insurers offer flood insurance.

FOOD AND FOOD SERVICES:

262. Prohibiting certain purchases by SNAP recipients.

482. Requiring food handler examinations and cards.

FORESTRY:

353. Relating to timber theft from state forests.

357. Relating to Logging Sediment Control Act civil and criminal penalties.

459. Removing severance tax on timber.

535. Clarifying definition of “ginseng”.

572. Relating to financing statements covering as-extracted collateral or timber to be cut.

582. Providing for closure and sale of Clements State Tree Nursery.

595. Including waste management facilities and timber operations in facilities with protection against property crimes.

FUEL:

8. Prohibiting zone pricing of gasoline.

491. Exempting sales of motor fuel from unfair trade practices.

530. Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units.

FUNDS:

97. Relating to funding of civil legal services to low-income persons.

309. Redefining “eligible institutions” to receive PROMISE scholarship funds.

393. Providing Governor may borrow revenue shortfall reserve funds prior to April 1, 2014.

461. Creating Future Fund.

495. Increasing collections into Land Division special revenue account.

508. Establishing Volunteer Departments Loan Fund within Treasurer’s Office.

510. Including state land grant institutions in Research Trust Fund.

560. Including WVSU in Research Trust Fund; other provisions.

565. Ensuring SWA Closure Cost Assistance Funds facilitate closure of certain county landfills.

571. Distributing portion of Greyhound Breeder Development Fund previously dedicated to training facility construction.

598. Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund.

616. Allowing receipt of gifts, donations and contributions by Division of Energy.

FUNERAL SERVICES:

531. Relating to licensing of funeral directors.

GAMING ACTIVITIES:

48. Authorizing rural resort community as limited gaming facility.

206. Redistributing certain net terminal income from racetrack video lottery.

351. Requiring thoroughbred licensees pay portion of purse to Horsemen’s Benevolent and Protective Association.

- 385. Reducing and redirecting lottery revenue distributions.
- 494. Authorizing additional methods of payment for lottery prizes.
- 497. Removing restrictions where certain lottery games may be played.
- 571. Distributing portion of Greyhound Breeder Development Fund previously dedicated to training facility construction.

GOVERNMENTAL AGENCIES:

- 207. Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.
- 335. Requiring certain items purchased by state be manufactured in United States.
- 369. Requiring state procurement by competitive bidding.
- 386. Revising laws relating to DHHR and Bureau of Medical Services.
- 504. Authorizing Auditor establish Debt Resolution Services Division.
- 567. Redesignating Division of Corrections as Department of Corrections.

GOVERNOR—BILLS REQUESTED BY:

- 306. Budget Bill.
- 320. Relating to “state of preparedness”.
- 321. Allowing Board of Public Works be represented by designees; proxy voting.
- 322. Providing state compensate officials, officers and employees every two weeks with certain exceptions.
- 323. Relating to professional board licensure requirements for military and spouses.
- 324. Requiring underground facilities operators participate in one-call system.
- 325. Providing State Fire Marshal serve at will and pleasure of Fire Commission.
- 326. Fixing technical error relating to motor fuel excise tax.
- 327. Updating terms in Corporation Net Income Tax Act.
- 328. Terminating Strategic Research and Development Tax Credit.
- 329. Extending cessation period for deposits into Special Railroad and Intermodal Enhancement Fund.
- 330. Creating Safe and Efficient Parkways Act.
- 331. Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.
- 332. Reducing certain allowances in computation of local share.
- 333. Updating terms in Personal Income Tax Act.
- 334. Suspending certain refundable consumer sales and service tax exemptions to State Road Fund.
- 338. Relating to Tourism Development Act.
- 341. Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.
- 342. Making supplementary appropriation of unappropriated moneys to DHHR, MAPS and Department of Veterans’ Assistance.
- 343. Making supplementary appropriation of federal funds to Department of Commerce, Workforce Investment Act.

344. Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.
345. Expiring funds from State Fund, General Revenue, and making supplementary appropriations to MAPS.
346. Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.
347. Making supplementary appropriation of unappropriated moneys to various accounts.
348. Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH.
356. Relating to purchasing reform.
366. Transferring CHIP from Department of Administration to DHHR.
385. Reducing and redirecting lottery revenue distributions.
390. Creating criminal penalties for disseminating false information through automated phone calls during state of emergency.
391. Providing salary increase for teachers and school service personnel.
392. Providing salary increase for members of State Police.
393. Providing Governor may borrow revenue shortfall reserve funds prior to April 1, 2014.
396. Eliminating certain unnecessary boards, councils, task forces and committees.
409. Relating to education reform.
417. Creating Source Water Protection Act.

HEALTH-FACILITIES:

456. Extending expiration date for health care provider tax on eligible acute care hospitals.
523. Providing for additional state veterans skilled nursing facility in Beckley.
599. Providing exemption from skilled nursing bed moratorium for speciality skilled nursing beds.
619. Exempting certain critical access hospitals from certificate of need requirement.

HEALTH-INSURANCE:

14. Establishing child support insurance match program.
16. Requiring health insurance coverage of hearing aids for certain individuals.
272. Limiting health insurance coverage for elective abortions to supplemental policies.
296. Relating to health insurance; benefits and services.
366. Transferring CHIP from Department of Administration to DHHR.
496. Limiting health insurance coverage for elective abortions to supplemental policies; exceptions.
564. Providing consumer identity theft protection under Obamacare.

HEALTH-PERSONNEL:

212. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.

- 425. Relating to licensure, supervision and regulation of physician assistants.
- 602. Requiring health care providers wear ID badges.
- 617. Terminating Medical Imaging and Radiation Therapy Technology Board of Examiners.

HEALTH (AND RELATED SUBHEADINGS):

- 12. Relating to expedited partner therapy treatment.
- 15. Removing certain billing limitations for HIV or STD testing by public health agencies.
- 23. Relating to fetal death reporting.
- 27. Relating to minors obtaining tattoos.
- 51. Requiring water-free urinals in public rest areas, institutions and schools.
- 208. Relating to Rural Health Initiative Act.
- 361. Relating to Office of Emergency Medical Services.
- 381. Requiring CPR and care for conscious choking instruction in public schools.
- 386. Revising laws relating to DHHR and Bureau of Medical Services.
- 394. Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.
- 401. Relating to “out-of-home” child placement system.
- 418. Relating to medical and podiatry corporations.
- 455. Creating Move to Improve Act.
- 490. Relating to noncovered insurance discounts by health care providers.
- 554. Providing for employees’ health and safety in dry cutting and grinding of masonry.
- 590. Creating Clearance for Access: Registry and Employment Screening Act.
- 625. Amending code relating to practice of psychology.
- 628. Creating Healthy Children and Healthy Communities Act.

HEALTH–MENTAL:

- 46. Creating informal dispute resolution process to certain behavioral health providers.
- 62. Relating to referral of drug court participants having co-occurring addiction and mental health issues.

HOMELAND SECURITY:

- 320. Relating to “state of preparedness”.

HUMAN SERVICES:

- 262. Prohibiting certain purchases by SNAP recipients.
- 301. Relating to drug testing of legislators and public assistance recipients.
- 395. Relating to operation and oversight of certain human services benefit programs.

INFRASTRUCTURE:

- 576. Providing for construction of statewide fiber optic broadband infrastructure network.

INSURANCE–HEALTH:

- 384. Prohibiting certain insurers require policyholders use mail-order pharmacy.

610. Requiring health insurance coverage for certain nonnarcotic pain relief systems.

INSURANCE–MEDICAID/MEDICARE:

10. Requiring Medicaid dental coverage for certain mothers of newborns.

INSURANCE–MOTOR VEHICLES:

47. Increasing minimum proof of financial responsibility in motor vehicle insurance coverage.

427. Relating to motor vehicle insurance.

INSURANCE–PUBLIC EMPLOYEES:

400. Relating to air-ambulance service fees under PEIA.

INSURANCE (AND RELATED SUBHEADINGS):

49. Relating to review of adverse determinations by insurance companies.

50. Relating to organization of Physicians' Mutual Insurance Company.

88. Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.

255. Increasing fire and casualty insurance policies surcharge to benefit fire departments.

349. Prohibiting nonrenewal or cancellation of certain property insurance coverage policies.

407. Providing renewal of lapsed managing general insurance agent licenses.

463. Requiring certain percentage of insurance claims be performed by resident adjuster.

490. Relating to noncovered insurance discounts by health care providers.

509. Regulating pharmacy benefits managers.

593. Authorizing issuance of limited lines travel insurance producer license.

621. Authorizing insurers offer flood insurance.

INTERIM STUDIES:

3. Creating Uniform Real Property Transfer on Death Act.

4. Creating Revised Uniform Law on Notarial Acts.

5. Creating Uniform Real Property Electronic Recording Act.

335. Requiring certain items purchased by state be manufactured in United States.

336. Relating to possession and administration of opioid antagonist.

349. Prohibiting nonrenewal or cancellation of certain property insurance coverage policies.

352. Promoting development of corporate sponsorships for state parks and recreation areas.

353. Relating to timber theft from state forests.

354. Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs.

355. Amending Water Resources Protection and Management Act.

357. Relating to Logging Sediment Control Act civil and criminal penalties.

359. Reducing number of precincts for manual count in post-election canvass.

- 369. Requiring state procurement by competitive bidding.
- 379. Reclassifying counties.
- 386. Revising laws relating to DHHR and Bureau of Medical Services.
- 394. Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.
- 419. Creating Overdose Prevention Act.

INVESTMENTS:

- 53. Authorizing state, county and local road construction improvements by private investors.
- 460. Permitting School of Osteopathic Medicine invest certain moneys in its foundation.
- 499. Making Prudent Investor Act primary standard of care for Investment Management Board.

LABOR:

- 239. Requiring workers painting state bridges complete SSPC Coating Application Specialist Program.
- 241. Creating Keep Jobs in West Virginia Act.
- 242. Creating State Labor Relations Act.
- 270. Creating Jobs Impact Statement Act.
- 288. Clarifying individual is disqualified from unemployment benefits while on strike.
- 292. Requiring prevailing hourly rates in public improvements construction.
- 295. Extending time period for wage payments after termination.
- 360. Repealing article relating to wages for construction of public improvements.
- 376. Requiring certain construction workers complete OSHA safety program.
- 411. Raising minimum wage.
- 420. Relating to data sharing in P-20W Longitudinal Data System.
- 554. Providing for employees' health and safety in dry cutting and grinding of masonry.

LAW ENFORCEMENT—COUNTY/MUNICIPAL:

- 551. Requiring municipal law-enforcement officers wear armored vests.

LAW ENFORCEMENT—STATE POLICE:

- 201. Requiring minimum number of state troopers; providing certain salary increases.
- 203. Requiring State Police be compensated when on standby; housing stipend.
- 392. Providing salary increase for members of State Police.
- 443. Relating to SPRS.
- 486. Establishing certain salary increases for State Police civilian and forensic lab employees.
- 575. Providing educational incentives and longevity pay for State Troopers.
- 620. Authorizing State Police Superintendent to hire additional staff.

LAW ENFORCEMENT (AND RELATED SUBHEADINGS):

17. Allowing possession of opioid antagonist by certain public safety personnel.
29. Clarifying requirements for certain motor vehicle searches.
240. Relating to meeting and conference rights for members of municipal police or fire departments.
336. Relating to possession and administration of opioid antagonist.
387. Clarifying duly authorized officers have legal custody of their prisoners while in WV.
464. Prohibiting law-enforcement officers or immediate family members from taking bonds for persons in custody.
539. Providing certain law-enforcement officers employed as school security be allowed to carry firearms.
588. Allowing law enforcement obtain DNA samples from certain arrestees.

LEGISLATURE:

7. Relating to composition of Joint Committee on Government and Finance.
11. Proposing constitutional amendment designated More Accessible Legislature Amendment.
25. Requiring Senate advise and consent for State Superintendent of Schools appointment.
28. Prohibiting certain campaign contributions by lobbyists during legislative session.
32. Authorizing Legislative Auditor to collect sunrise application review fees.
271. Allowing CPRB set employer contribution rate for PERS and SPRS without legislative approval.
301. Relating to drug testing of legislators and public assistance recipients.
511. Specifying Legislative Auditor's performance reviews and audits include Board of Public Works and Legislature.
514. Eliminating expense of Meth lab cleanup from Crime Victims Compensation Act.
558. Finding and declaring certain claims against state.

LEGISLATURE—RULE MAKING:

101. Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to regulation of chiropractic practice.
102. Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to fees pertaining to practice of chiropractic.
103. Authorizing Board of Dental Examiners promulgate legislative rule relating to board.
104. Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies.
105. Authorizing Board of Dental Examiners promulgate legislative rule relating to fees established by board.

106. Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations; dental practice ownership.
107. Authorizing Board of Dental Examiners promulgate legislative rule relating to dental advertising.
108. Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.
109. Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.
110. Authorizing Board of Dental Examiners promulgate legislative rule relating to administration of anesthesia by dentists.
111. Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.
112. Authorizing Board of Dental Examiners promulgate legislative rule relating to mobile dental facilities and portable dental units.
113. Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to policies regulating licensure of licensed practical nurse.
114. Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.
115. Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to continuing competence.
116. Authorizing Board of Pharmacy promulgate legislative rule relating to continuing education for licensure of pharmacists.
117. Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.
118. Authorizing Board of Sanitarians promulgate legislative rule relating to practice of public health sanitation.
119. Authorizing Board of Professional Surveyors promulgate legislative rule relating to examination and licensing of professional surveyors.
120. Authorizing Board of Veterinary Medicine promulgate legislative rule relating to registration of veterinary technicians.
121. Authorizing Board of Veterinary Medicine promulgate legislative rule relating to certified animal euthanasia technicians.
122. Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.
123. Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech-language pathology and audiology.

124. Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to speech-language pathology and audiology assistants.
125. Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology.
126. Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to code of ethics.
127. Authorizing Division of Labor promulgate legislative rule relating to Wage Payment and Collection Act.
128. Authorizing Division of Labor promulgate legislative rule relating to employer wage bonds.
129. Authorizing DEP promulgate legislative rule relating to ambient air quality standards.
130. 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.
131. Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.
132. Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.
133. Authorizing DEP promulgate legislative rules.
134. Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.
135. Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.
136. Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards.
137. Authorizing DEP promulgate legislative rule relating to state certification of activities requiring federal licenses and permits.
138. Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to assessing health and safety violation penalties.
139. Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to program for sharing of information between employees.
140. Authorizing Department of Commerce promulgate legislative rules.
141. Authorizing DNR promulgate legislative rule relating to special motorboating.
142. Authorizing DNR promulgate legislative rule relating to electronic registration of wildlife.
143. Authorizing DEP promulgate legislative rule relating to voluntary remediation and redevelopment.

144. Authorizing Commissioner of Agriculture promulgate legislative rule relating to commercial feed.
145. Authorizing Commissioner of Agriculture promulgate legislative rule relating to schedule of charges for inspection services: fruit.
146. Authorizing Commissioner of Agriculture promulgate legislative rule relating to auctioneers.
147. Authorizing Commissioner of Agriculture promulgate legislative rule relating to inspection of meat and poultry.
148. Authorizing DHHR promulgate legislative rule relating to clinical laboratory technician and technologist licensure and certification.
149. Authorizing DHHR promulgate legislative rule relating to medication administration by unlicensed personnel.
150. Authorizing DHHR promulgate legislative rule relating to AIDS-related medical testing and confidentiality.
151. Authorizing DHHR promulgate legislative rule relating to Cancer Registry.
152. Authorizing DHHR promulgate legislative rule relating to Medical Examiner's rule for post-mortem inquiries.
153. Authorizing Health Care Authority promulgate legislative rule relating to Health Information Network.
154. Authorizing Bureau of Senior Services promulgate legislative rule relating to In-Home Care Worker Registry.
155. Authorizing DHHR promulgate legislative rules.
156. Authorizing Fire Commission promulgate legislative rule relating to State Fire Code.
157. Authorizing Fire Commission promulgate legislative rule relating to certification of home inspectors.
158. Authorizing Regional Jail and Correctional Facility Authority promulgate legislative rule relating to determination of projected cost per day for inmates.
159. Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to bureau.
160. Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to obtaining support from federal and state tax refunds.
161. Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to interstate income withholding.
162. Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to support enforcement activities undertaken by bureau.
163. Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to distribution of support payments.
164. Authorizing State Fire Marshal promulgate legislative rule relating to certification of electrical inspectors.
165. Authorizing Department of Transportation promulgate legislative rules.

166. Authorizing Tax Department promulgate legislative rule relating to municipal sales and service and use tax administration.
167. Authorizing Department of Revenue promulgate legislative rules.
168. Authorizing Tax Department promulgate legislative rule relating to withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs.
169. Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of funds in Treasurer's Office by state agencies.
170. Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of moneys with office by state agencies.
171. Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding.
172. Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for receipt accounts.
173. Authorizing Treasurer's Office promulgate legislative rule relating to reporting of debt capacity.
174. Authorizing Treasurer's Office promulgate legislative rule relating to reporting debt.
175. Authorizing Treasurer's Office promulgate legislative rule relating to procedures for fees in collections by charge, credit or debit card or by electronic payment.
176. Authorizing Treasurer's Office promulgate legislative rule relating to providing services to political subdivisions.
177. Authorizing Insurance Commissioner promulgate legislative rule relating to utilization review and benefit determination.
178. Authorizing Insurance Commissioner promulgate legislative rule relating to health plan insurer internal grievance procedure.
179. Authorizing Insurance Commissioner promulgate legislative rule relating to external review of adverse health insurance determinations.
180. Authorizing Election Commission promulgate legislative rule relating to Supreme Court of Appeals Public Campaign Financing Pilot Program.
181. Authorizing Department of Administration promulgate legislative rules.
182. Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.
183. Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways.
184. Authorizing Consolidated Public Retirement Board promulgate legislative rule relating to Public Employees Retirement System.
185. Authorizing Infrastructure and Jobs Development Council promulgate legislative rule relating to council.

186. Authorizing Real Estate Commission promulgate legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business.
187. Authorizing Real Estate Commission promulgate legislative rule relating to schedule of fees.
188. Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to private club licensing.
189. Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to farm wineries.
190. Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to sale of wine.
191. Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures.
192. Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing.
193. Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.
194. Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure or certification.
195. Authorizing Massage Therapy Licensure Board promulgate legislative rule relating to schedule of fees.
196. Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.
197. Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation.

LEVIES:

439. Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.
465. Permitting counties to impose levy for public library funding.

LIABILITY:

24. Relating to liability immunity for ski patrol rendering certain emergency care.
68. Limiting liability of participants in certain water pollution abatement projects.
221. Absolving landowner from civil liability for hunting injuries.
233. Extending civil liability immunity to operators of parks and recreation districts.
250. Adopting several liability in tortious conduct actions.
257. Relating to real property possessor's liability for harm to trespassers.
289. Establishing comparative fault standard.
291. Increasing threshold of defendant's liability in tort action involving multiple defendants.
294. Relating to reduction in compensatory damages for collateral source payments.

529. Redefining “recreational purposes” as to limiting landowners’ liability.

LIBRARIES:

465. Permitting counties to impose levy for public library funding.

LICENSES:

- 43. Creating crossbow hunting license.
- 218. Requiring bartenders have alcohol server permits.
- 298. Clarifying distinction between hunters and shooters in the field.
- 404. Allowing reciprocal use of hunting and fishing licenses with Kentucky on Big Sandy and Tug Fork rivers.
- 407. Providing renewal of lapsed managing general insurance agent licenses.
- 418. Relating to medical and podiatry corporations.
- 425. Relating to licensure, supervision and regulation of physician assistants.
- 450. Relating to sale and consumption of alcoholic beverages in certain outdoor settings.
- 501. Relating to auctioneers and apprentice auctioneers.
- 531. Relating to licensing of funeral directors.
- 584. Relating to expiration and renewal of Board of Registration for Professional Engineers’ certificates.
- 593. Authorizing issuance of limited lines travel insurance producer license.
- 606. Implementing exotic entertainment facility license surcharge.
- 612. Discontinuing moratorium on commercial rafting licenses on portion of New River.

LIENS:

- 77. Permitting escrow deposit by bond for mechanics’ lien.
- 256. Providing expiration date on lien instrument securing obligation payable on demand.
- 480. Expanding period during which certain motor vehicle liens are valid.
- 568. Providing affirmative defense against mechanic’s liens related to residential construction.

LOCAL BILLS:

- 235. Expanding counties covered by Rt. 2 and I-68 Authority.
- 337. Authorizing DOH increase gross weight limitations on certain Brooke County roads.

MILITARY AFFAIRS:

- 81. Excluding veterans’ disability income in determining spousal support and marital property division.
- 228. Exempting all military retirement income from state income tax.
- 236. Exempting all military, National Guard and reserve income from state income taxes.
- 237. Increasing personal income tax exemption on military, National Guard and reserve retirement income.

243. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
245. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
249. Providing state park campground discounts for National Guard and reserve.
264. Authorizing issuance of ten-year Bronze Star Medal license plates.
275. Expanding qualified military service credit for PERS benefit purposes.
280. Expanding Military Incentive Program to all economically disadvantaged veterans.
315. Clarifying use of certain funds under Military Authority Act.
323. Relating to professional board licensure requirements for military and spouses.
382. Exempting certain veterans' and active duty military organizations from indoor smoking regulations.
389. Regulating and legalizing sale of fireworks and imposing fee to benefit Veterans Program Fund.
449. Relating to power and authority of Secretary of Department of Veterans' Assistance.
468. Providing for Veterans Medal and Service Cross.
469. Creating Veterans and Warriors to Agriculture Program.
479. Providing vocational certification, licensure or college credit for military training and experience.
481. Requiring DOT place signs honoring fallen veterans and Gold Star Families.
523. Providing for additional state veterans skilled nursing facility in Beckley.
532. Allowing certain military firefighters to become civilian firefighters.
536. Granting in-state tuition to honorably discharged and injured veterans.
538. Adopting federal definition of "disabled veteran" for civil service and state contract bidding.
546. Granting in-state tuition to military eligible for Post-9/11 GI Bill.
556. Providing complimentary certified veterans' death certificates under certain circumstances.

MINES AND MINERALS:

66. Terminating state's jurisdiction over certain reclaimed sites of bond-forfeited surface mining operations.
72. Creating Intrastate Coal and Use Act.
305. Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.
581. Relating to equipment movement in underground coal mines.
603. Relating to testing for presence of methane in underground mines.
604. Creating Coal Employment Enhancement Act.
613. Expanding definition of "eligible safety property" in Innovative Mine Safety Technology Tax Credit Act.

- 623. Requiring notification of certain substance abuse screening of mine personnel.
- 624. Establishing substance abuse screening circumstances requiring miner certification suspension or revocation.

MINIMUM WAGE :

- 411. Raising minimum wage.

MOTOR VEHICLES–DRIVING UNDER INFLUENCE:

- 95. Creating felony offense for DUI causing serious bodily injury.
- 281. Creating felony offense of DUI causing injury or death.
- 434. Eliminating revocation period for certain DUI offenders.

MOTOR VEHICLES–INSURANCE:

- 427. Relating to motor vehicle insurance.

MOTOR VEHICLES–LICENSES, REGISTRATION & INSPECTION:

- 30. Exempting autocycles from license examination and safety equipment requirements.
- 85. Establishing driver’s license restoration program.
- 89. Creating amnesty program for certain drivers with suspended licenses.
- 222. Exempting certain motor vehicles from personal property tax; requiring antique licenses.
- 264. Authorizing issuance of ten-year Bronze Star Medal license plates.
- 269. Authorizing issuance of special license plates.
- 431. Relating to issuance and renewal of certain driver’s licenses and federal ID cards.
- 563. Authorizing issuance of Autism Awareness license plates.
- 589. Authorizing issuance of Family of Fallen Hero license plates.

MOTOR VEHICLES–REGULATIONS:

- 372. Permitting certain auxiliary lighting on motorcycles.

MOTOR VEHICLES (AND RELATED SUBHEADINGS):

- 29. Clarifying requirements for certain motor vehicle searches.
- 100. Authorizing operation of low-speed vehicles on certain municipal roads.
- 286. Relating to used motor vehicle warranties.
- 378. Relating to special speed limitations as to waste service vehicles.
- 380. Redefining “all-terrain and utility terrain vehicles”.
- 424. Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.
- 476. Providing standards for conversion and retrofits of alternative-fuel motor vehicles.
- 480. Expanding period during which certain motor vehicle liens are valid.
- 505. Requiring Office of Administrative Hearings receive appeal petitions.
- 506. Clarifying term “agency” in code section relating to administrative hearings.
- 561. Clarifying authority and discretion of Dealer Recovery Board to hear claims.
- 592. Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.

630. Updating code relating to motor vehicle dealers, distributors, wholesalers and manufacturers.

MUNICIPALITIES:

100. Authorizing operation of low-speed vehicles on certain municipal roads.
216. Providing exemption allowing removal or burning of certain litter by county and municipal governments.
240. Relating to meeting and conference rights for members of municipal police or fire departments.
282. Decreasing number of jurors in municipal criminal matters.
290. Relating to Municipal Home Rule Pilot Program.
487. Authorizing municipal sales tax.
547. Relating to number of municipal wards or election districts and council members.
551. Requiring municipal law-enforcement officers wear armored vests.
553. Relating to certificates of nomination for elected office.
579. Creating Land Reuse Agency Authorization Act.
600. Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.
618. Creating special class of taxicabs.

NATURAL RESOURCES:

36. Relating to posting of property to prohibit hunting or trespassing.
43. Creating crossbow hunting license.
68. Limiting liability of participants in certain water pollution abatement projects.
71. Limiting landowner's civil liability for injuries occurring while hunting.
87. Providing salary increase for natural resources police officers.
220. Allowing local option election permitting Sunday hunting on private property.
221. Absolving landowner from civil liability for hunting injuries.
243. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
245. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
298. Clarifying distinction between hunters and shooters in the field.
352. Promoting development of corporate sponsorships for state parks and recreation areas.
371. Prohibiting possession of wild and exotic animals.
403. Regulating importation and possession of certain injurious aquatic species.
404. Allowing reciprocal use of hunting and fishing licenses with Kentucky on Big Sandy and Tug Fork rivers.
416. Relating to tentative appraisals of natural resources property.
445. Clarifying when person engaged in outdoor recreation may possess certain firearms.

485. Exempting DOH from certain permitting requirements of Natural Streams Preservation Act.

OIL AND GAS:

461. Creating Future Fund.
474. Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.
578. Providing for unitization of interests in horizontal oil and gas wells.
594. Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.

PARKS AND RECREATION:

24. Relating to liability immunity for ski patrol rendering certain emergency care.
233. Extending civil liability immunity to operators of parks and recreation districts.
249. Providing state park campground discounts for National Guard and reserve.
285. Providing campsite rental discount to youth groups undertaking certain community service projects.
352. Promoting development of corporate sponsorships for state parks and recreation areas.
424. Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.
612. Discontinuing moratorium on commercial rafting licenses on portion of New River.

PORNOGRAPHY:

18. Redefining and renaming "obscene matter".
258. Prohibiting juveniles from manufacturing, possessing and distributing nude images of minors.

PRESCRIPTIONS AND MEDICATIONS:

1. Modifying controlled substances schedules and prescriptive authority.
6. Regulating sale of drug products used in manufacture of methamphetamine.
212. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.
318. Setting fees for manufacture, distribution, dispensing and research of controlled substances.
339. Adding tramadol and related salts and isomers to Schedule IV controlled substances.
384. Prohibiting certain insurers require policyholders use mail-order pharmacy.
610. Requiring health insurance coverage for certain nonnarcotic pain relief systems.

PROFESSIONS AND OCCUPATIONS:

2. Providing tax incentive to dental practitioners performing services to indigents.
10. Requiring Medicaid dental coverage for certain mothers of newborns.
46. Creating informal dispute resolution process to certain behavioral health providers.

- 230. Permitting Boards of Medicine, Dentistry and Osteopathy initiate disciplinary proceedings in certain circumstances.
- 507. Relating to Board of Barbers and Cosmetologists.
- 625. Amending code relating to practice of psychology.

PUBLIC EMPLOYEES:

- 33. Increasing salaries of State Police forensic lab and civilian employees.
- 63. Increasing salaries of State Police forensic lab and civilian employees.
- 91. Requiring state uniforms be manufactured in US.
- 217. Prohibiting public officials and employees from using public funds for self promotion.
- 248. Creating Equal Pay Coordinator within Division of Personnel.
- 297. Permitting certain state employees receive higher salary as appointive state officer.
- 444. Relating to PERS.
- 446. Relating to public employee grievance procedure.
- 550. Providing annual salary increase to Division of Corrections employees.

PUBLIC SERVICE COMMISSION:

- 313. Requiring gubernatorial appointment of PSC Consumer Advocate Director to mirror Governor's term of office.

RAILROADS:

- 329. Extending cessation period for deposits into Special Railroad and Intermodal Enhancement Fund.
- 526. Giving railroad employees right to review and copy respective personnel files.
- 585. Removing unconstitutional language regarding access to rail lines.

REAL PROPERTY:

- 36. Relating to posting of property to prohibit hunting or trespassing.
- 199. Allowing private property owner prohibit carrying firearms or deadly weapons on property.
- 246. Allowing real property co-owner become sole owner under certain circumstances.
- 256. Providing expiration date on lien instrument securing obligation payable on demand.
- 257. Relating to real property possessor's liability for harm to trespassers.
- 383. Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.
- 579. Creating Land Reuse Agency Authorization Act.
- 368. Repealing article relating to unfair trade practices.

REGULATIONS:

- 389. Regulating and legalizing sale of fireworks and imposing fee to benefit Veterans Program Fund.
- 403. Regulating importation and possession of certain injurious aquatic species.

RETIREMENT–EDUCATION PERSONNEL:

- 448. Providing one-time supplement for certain PERS and STRS retirees.
- 452. Relating to TRS annuity calculation of member with reciprocal service credit.
- 453. Relating to TRS.
- 525. Exempting PERS and TRS pensions and annuities from state income tax.

RETIREMENT–PUBLIC EMPLOYEES:

- 22. Relating to State Auditor’s compliance regarding limitation of PERS post-retirement earnings.
- 224. Relating to service credit transfers from PERS to EMS Retirement System.
- 271. Allowing CPRB set employer contribution rate for PERS and SPRS without legislative approval.
- 275. Expanding qualified military service credit for PERS benefit purposes.
- 399. Providing mental hygiene commissioners are employees under PERS.
- 444. Relating to PERS.
- 448. Providing one-time supplement for certain PERS and STRS retirees.
- 525. Exempting PERS and TRS pensions and annuities from state income tax.

RETIREMENT (AND RELATED SUBHEADINGS):

- 224. Relating to service credit transfers from PERS to EMS Retirement System.
- 271. Allowing CPRB set employer contribution rate for PERS and SPRS without legislative approval.
- 443. Relating to SPRS.
- 451. Relating to distribution of certain retirement benefits of deceased uniformed service officers under qualified domestic relations order.
- 488. Establishing WV Voluntary Employee Retirement Accounts Program.

ROADS AND HIGHWAYS:

- 37. Requesting DOH name Rt. 10 in Logan County “USMC Lance Corporal Larry G. Williamson Memorial Highway”.
- 42. Providing for construction of Lou Tabit Freeway.
- 53. Authorizing state, county and local road construction improvements by private investors.
- 261. Transferring portion of Parkways Authority revenues to Turnpike counties.
- 311. Transferring portion of Parkways Authority revenues to Turnpike counties.
- 330. Creating Safe and Efficient Parkways Act.
- 363. Repealing article allowing placement of roadside memorial markers.
- 364. Permitting candidate signs on road or highway rights-of-way.
- 473. Providing undesirable highway property be offered for public utility use.
- 481. Requiring DOT place signs honoring fallen veterans and Gold Star Families.
- 485. Exempting DOH from certain permitting requirements of Natural Streams Preservation Act.
- 598. Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund.
- 608. Relating to bicycle safety on roadways.

628. Creating Healthy Children and Healthy Communities Act.

RULE-MAKING AUTHORITY:

350. Relating to Rural Rehabilitation Loan Program.

528. Requiring promulgation of legislative rule establishing level of capital project for certain higher education institutions.

583. Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.

SAFETY:

20. Revising laws relating to regulation of fireworks.

30. Exempting autocycles from license examination and safety equipment requirements.

320. Relating to “state of preparedness”.

324. Requiring underground facilities operators participate in one-call system.

376. Requiring certain construction workers complete OSHA safety program.

577. Making Department of Corrections and DHHR subject to OSHA.

603. Relating to testing for presence of methane in underground mines.

608. Relating to bicycle safety on roadways.

SALARIES:

19. Increasing compensation caps for certain family court staff.

33. Increasing salaries of State Police forensic lab and civilian employees.

63. Increasing salaries of State Police forensic lab and civilian employees.

87. Providing salary increase for natural resources police officers.

201. Requiring minimum number of state troopers; providing certain salary increases.

226. Providing elected county officials receive raise based on Consumer Price Index.

247. Removing statutory salary provision of Executive Director of Women’s Commission.

248. Creating Equal Pay Coordinator within Division of Personnel.

297. Permitting certain state employees receive higher salary as appointive state officer.

322. Providing state compensate officials, officers and employees every two weeks with certain exceptions.

392. Providing salary increase for members of State Police.

436. Providing Prosecuting Attorneys Institute executive council establish salary of director.

486. Establishing certain salary increases for State Police civilian and forensic lab employees.

575. Providing educational incentives and longevity pay for State Troopers.

SECRETARY OF STATE:

559. Eliminating annual report late fees charged by Secretary of State.

569. Eliminating notarization of articles of incorporation for cooperative associations.

570. Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement.

SENIOR CITIZENS:

74. Redefining “low income” for senior citizens’ homestead tax credit.
397. Expanding scope of activities considered financial exploitation of elderly.

TAXATION–CONSUMERS SALES TAX:

73. Exempting veterinary medications from sales tax.
82. Exempting homeowners’ association dues, fees and assessments from consumers sales and service tax.
334. Suspending certain refundable consumer sales and service tax exemptions to State Road Fund.
433. Exempting certain precious metal sales from consumers sales tax.
487. Authorizing municipal sales tax.

TAXATION–MINES & MINERALS:

613. Expanding definition of “eligible safety property” in Innovative Mine Safety Technology Tax Credit Act.

TAXATION–MOTOR VEHICLES:

222. Exempting certain motor vehicles from personal property tax; requiring antique licenses.

TAXATION–PERSONAL & CORPORATE INCOME TAX:

2. Providing tax incentive to dental practitioners performing services to indigents.
26. Creating emergency generator tax credit.
37. Creating personal income tax checkoff for Jackson’s Mill 4-H Camp.
83. Providing personal income tax deduction for spaying or neutering pets.
228. Exempting all military retirement income from state income tax.
229. Providing tax credit for fees paid for recycling residential household waste.
236. Exempting all military, National Guard and reserve income from state income taxes.
237. Increasing personal income tax exemption on military, National Guard and reserve retirement income.
274. Providing for college graduate tax credit.
327. Updating terms in Corporation Net Income Tax Act.
333. Updating terms in Personal Income Tax Act.
512. Providing for personal income tax checkoff for Cedar Lakes Foundation.
525. Exempting PERS and TRS pensions and annuities from state income tax.

TAXATION–PROPERTY:

69. Clarifying period for determining property assessments for local share calculation.
74. Redefining “low income” for senior citizens’ homestead tax credit.
246. Allowing real property co-owner become sole owner under certain circumstances.

- 268. Providing appraisal method for affordable multifamily rental housing property.
- 273. Prohibiting increases in certain real property assessments.
- 304. Limiting annual property reappraisal increase; exception.
- 375. Excluding certain real and personal property from TIF assessment.
- 432. Relating to calculating local share.
- 574. Clarifying mobile home permanently attached to real estate is not personal property under certain conditions.
- 601. Relating to property assessment appeals.
- 615. Creating flood zone homestead property tax exemption.

TAXATION—ROADS & FUEL:

- 326. Fixing technical error relating to motor fuel excise tax.
- 421. Removing certain discounts from motor fuel excise tax.

TAXATION (AND RELATED SUBHEADINGS):

- 34. Redistributing proceeds from excise tax on transfer of real property to counties for benefit of regional jails.
- 38. Reallocating certain oil and gas severance tax proceeds to counties of origin.
- 44. Expanding hotel occupancy tax to include commercial campsites.
- 54. Improving state emergency preparedness.
- 213. Relating to residential solar energy tax credit.
- 259. Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance.
- 302. Creating Tax Revenue Act.
- 314. Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.
- 328. Terminating Strategic Research and Development Tax Credit.
- 331. Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.
- 402. Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.
- 415. Changing due date of certain county commission tax reports.
- 416. Relating to tentative appraisals of natural resources property.
- 456. Extending expiration date for health care provider tax on eligible acute care hospitals.
- 459. Removing severance tax on timber.
- 534. Increasing excise tax on cigarettes and other tobacco products.

TECHNOLOGY:

- 576. Providing for construction of statewide fiber optic broadband infrastructure network.

TOBACCO AND TOBACCO PRODUCTS:

- 211. Relating to alternative nicotine products.
- 382. Exempting certain veterans' and active duty military organizations from indoor smoking regulations.

534. Increasing excise tax on cigarettes and other tobacco products.

TOURISM:

259. Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance.

338. Relating to Tourism Development Act.

598. Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund.

TREASURER:

430. Relating to receipting of state moneys.

488. Establishing WV Voluntary Employee Retirement Accounts Program.

508. Establishing Volunteer Departments Loan Fund within Treasurer's Office.

UNEMPLOYMENT COMPENSATION:

288. Clarifying individual is disqualified from unemployment benefits while on strike.

566. Relating to domestic violence victims' eligibility for unemployment compensation benefits.

UNIFORM LAWS:

3. Creating Uniform Real Property Transfer on Death Act.

4. Creating Revised Uniform Law on Notarial Acts.

5. Creating Uniform Real Property Electronic Recording Act.

251. Implementing terms of Uniform Arbitration Act.

263. Clarifying continuous inactivity of demand, savings or time deposits under Uniform Unclaimed Property Act.

502. Updating Uniform Common Interest Ownership Act.

UTILITIES:

473. Providing undesirable highway property be offered for public utility use.

VENDORS:

238. Lowering threshold requiring low-bid government construction contractors submit subcontractor list.

356. Relating to purchasing reform.

358. Requiring Purchasing Director approve certain change orders.

538. Adopting federal definition of "disabled veteran" for civil service and state contract bidding.

VITAL RECORDS:

556. Providing complimentary certified veterans' death certificates under certain circumstances.

WATER RESOURCES:

355. Amending Water Resources Protection and Management Act.

373. Relating to water resources protection.

417. Creating Source Water Protection Act.

454. Defining dam "owner".

542. Requiring notice to DEP for release of fluids or chemicals into groundwater, surface water or subsurface soils.

- 605. Creating Water Sustainability Institute.
- 622. Creating Water Sustainability Institute.
- 626. Creating Elk River Spill Victims' Compensation Act of 2014.

WEAPONS:

- 199. Allowing private property owner prohibit carrying firearms or deadly weapons on property.
- 317. Relating to municipal firearm laws.

WORKERS COMPENSATION:

- 516. Modifying guidelines for medical treatment to injured workers.
- 517. Providing liberal weighing of evidence for workers's compensation claims.
- 518. Relating to workers' compensation benefits for firefighters; other provisions.
- 519. Relating to workers' compensation benefits for occupational pneumoconiosis.
- 520. Declaring remedial component of workers' compensation laws receive liberal construction.
- 521. Relating to classification and criteria for disability benefits.
- 522. Relating to delivery of medical benefits to injured workers.
- 524. Requiring prompt payment of workers' compensation benefits.

INDEX TO SENATE JOURNAL
REGULAR SIXTY-DAY (AND EXTENDED) SESSION, 2014

INDEX TO SENATE JOURNAL

REGULAR SIXTY-DAY (AND EXTENDED) SESSION, 2014

ABSTRACT (Digest of All Legislation in Journal Proper):

index of	2729
measures that passed both houses (Senate and House bills)	2730-2756
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	2762-2904
topical index	2905-2943

AMENDMENT:

amendment by deletion	2536
amendment not germane to bill	2417
amendment to amendment	1859-1860
amendment to committee amendment	1617, 1674-1675, 1694-1695, 1735-1736, 1875, 1964, 1976-1977, 2416-2418
amendment to motion	2131
bill (or resolution) advanced to third with right to amend	282, 686, 759, 855, 940, 982, (1075), 1107, 1503, 1737, 1743, 1954
bill (or resolution) advanced to third with right to amend and amendment pending	1736, 1908, 1954
bill (or resolution) amended on third reading	387, 421, 715, 716-717, 750, 916, 1066, 1067, 1155-1156, (1159), 1168-1169, 2390, 2392-2395, 2397, 2408- 2416, 2417, 2419
bill laid over with right to amend	1008
bill on third with right to amend	295, 715, 716, 812, 916, 968, 1008, 1046, 1155, 1165, 1591, 1879, 1902, 1905, 2230
bill on third with right to amend and amendment pending	1897, 2212, 2390, 2408
committee amendment to committee amendment	1511
House amends Senate amendment to House bill (or resolution)	1355, 1812- 1813, (2335)
House amends title only	2304, 2334, 2402-2403
provisions of House bill inserted into Senate Bill	2253
provisions of Senate bill inserted into House bill	1773
reconsideration of amendment	1859, 2028, 2397
reconsideration of committee amendment (as amended)	(1762), 1764, 1875, 2392
rejection of amendment	721, 722, 813
rejection of amendment by tie vote	2419
rejection of amendment to committee amendment	1695, 1977
Senate amends House amendment to Senate bill	1349, 2104-2106, 2133, 2181, 2272-2278, 2287, 2355
withdrawal of amendment	940, 2028, 2397
withdrawal of amendment to committee amendment	1696

withdrawal of committee amendment 1281, 1313, 1618, 1626, 1629,
1759, 1764, 1871, 1874, 1887, 1922, 1924, 1954, 1971, 1990, 2210, 2223, 2226,
2392, 2396

APPENDIX:

remarks 2631-2728

BARNES, CLARK S., a Senator from the Eleventh District:

appointed to standing committees 111-114
bills introduced (by request) 38-39, 75-76, 95, 96, 175, 184, 198,
207, 208, 245-246, 273-274, 289, 321, 364, 401, 402, 409, 437, 472-473, 474,
475, 476, 509, 511, 532, 548, 549, 570-571, 631-632, 695, 697
excused from voting 1055
leave of absence granted to 615
petitions presented by 1447
remarks by (ordered printed in appendix) (213), 577, (753-754), (1156),
(1977), (2027), (2221)
removal of sponsorship 1018
resolutions offered (by request) 105, 106, 209, 324, 366, 413, 415, 417, 481,
483, 485, 599, 601, 745, 1239, 1299, 1565, 1830, 2195-2196, 2197
yeas and nays demanded by 722

BEACH, ROBERT D., a Senator from the Thirteenth District:

appointed to conference committee as to
Eng. House Bill No. 4619 1820
appointed to standing committees 111-114
bills introduced (by request) 16, 20, 21, 23, 24, 30, 36, 40, 41, 70-71, 88,
94, 103, 132, 162, 175, 176, 177, 184, 185-186, 188-189, 198, 206, 221, 223,
245-246, 247-248, 274, 288-289, 291, 300, 301, 303, 321-322, 323, 364, 385,
401-402, 409, 411, 412, 413, 437, 472-473, 508, 532, 548, 579-581, 593-594,
595-596, 597, 631, 632, 666-667, 669, 670, 672-673, 676, 695, 701
leave of absence granted to 213
main motion 1297, 1309
remarks by (ordered printed in appendix) 560
removal of sponsorship 724, 837
reports by, as chair of committee on transportation
and infrastructure 173, 219, 240-241, 243, 342-343, 347-363, 455
458-460, 462-471, 739, 762, 764, 772-779, 783-784, 951, 956, 1014-1015, 1107-
1114, 1145-1151, 1284-1294, 1296-1297, 1304-1309, 1430-1438, 1439, 1441,
1764-1769, 1786-1789, 1792
resolutions offered (by request) 127, 128, 178, 190, 253-255, 277, 278, 304,
307, 437, 481, 483, 516, 551, 553, 599, 601, 603-604, 607, 636, 676, 678, 745,
792, 796, 1138, 1143, 1234-1236, 1239, 1245, 1249, 1299, 1369, 1442, 1443,
1445, 1565, 2194

BILL HISTORY AND TOPICAL INDEX 2729-2943

BLAIR, CRAIG, a Senator from the Fifteenth District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4411	2243
appointed to standing committees	111-114
bills introduced (by request)	6-9, 11, 74-75, 138, 175, 184, 187, 200, 207, 220-221, 289, 364, 383, 402, 413, 474, 508, 509, 532, 548, 549, 594, 599, 631, 666
leave of absence granted to	1347
main motion	1595
petitions presented by	536
remarks by (ordered printed in appendix)	(283), 859, (1159), (2560)
resolutions offered (by request)	127, 324, 366, 385, 415, 635, 1239, 1299, 1562, 1565, 1830, 2195-2196, 2197
withdraws (committee) amendment	1696

BOLEY, DONNA J., a Senator from the Third District:

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 477	2207
appointed to standing committees	111-114
bills introduced (by request)	150, 187, 200, 208, 223, 273, 289, 364, 402, 510, 548, 594, 631
petitions presented by	1116
removal of sponsorship	1018
resolutions offered (by request)	104, 162, 415, 599, 635, 1299, 1562, 1565, 1830, 1831, 2195-2196, 2197

BUDGET BILL:

annual budget bill submitted by Governor (Ex. Message No. 1)	110
approved with reductions and deletions by Governor	2600-2618
communication from Governor presenting	
recommendation for budget revisions	882-889, 889-891
communication from Governor presenting	
revised revenue estimates (Ex. Message No. 6)	2548-2551
presented to Governor (Enr. Com. Sub. for S. B. No. 306)	2581

CANN, SAMUEL J., a Senator from the Twelfth District:

appointed to select committee to notify House of Delegates	
Senate has assembled and organized (S. R. No. 1)	3
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 55)	2575
appointed to standing committees	111-114
bills introduced (by request)	16, 20-21, 30, 36, 41, 66, 67, 81, 85, 88, 92- 94, 100, 101, 103, 123, 124, 132, 175, 176, 184, 187, 189, 198-199, 200, 248, 274, 322-323, 363, 364, 383-384, 385, 402, 409, 411, 412, 413, 435-436, 437, 476, 508, 511, 549, 667, 669, 671, 673, 674, 694, 695
birthday noted	298
leave of absence granted to	428

remarks by (ordered printed in appendix) . . . (283), (336), (448), (859), (1977), (2234), (2543-2544)
 resolutions offered (by request) 138, 140, 141, 178, 190, 200, 253, 255, 324, 366, 413, 437, 599, 607, 676, 745, 792, 1138, 1143, 1239, 1299, 1562, 1565, 1831, 2202

CARMICHAEL, MITCH, a Senator from the Fourth District:

appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 4236 1818
 appointed to select committee to notify House of Delegates
 Senate has assembled and organized (S. R. No. 1) 3
 appointed to select committee to notify House of Delegates
 Senate is ready to adjourn *sine die* (S. R. No. 55) 2575
 appointed to standing committees 111-114
 bills introduced (by request) 21, 32, 71, 74, 79, 92, 97-99, 101-102, 184, 220-221, 223, 289, 322, 364, 383-384, 409, 410, 412, 476, 508, 532, 533, 547, 548, 549, 570-571, 594, 595, 596, 631, 695
 petitions presented by 1116
 remarks by (ordered printed in appendix) (428)
 resolutions offered (by request) 209, 305, 324, 366, 413, 415, 599, 605, 745, 790-791, 796, 1239, 1299, 1442, 1443, 1445, 1562, 1565, 1568, 1830, 2194, 2195-2196, 2197

CHAFIN, H. TRUMAN, a Senator from the Sixth District:

appointed to standing committees 111-114
 bills introduced (by request) 89, 90, 124, 189, 223, 274, 321, 363, 402, 412, 436, 548, 631, 666, 674, 704
 leave of absence granted to 213, 542
 remarks by (ordered printed in appendix) (610), (1842), (2543-2544)
 resolutions offered (by request) 414, 599, 607, 608, 638, 743, 745, 959, 1137, 1269, 1299, 1565, 2195-2196, 2197

CLERK OF THE SENATE (Joseph M. Minard):

authorized to appoint employees of Senate (S. R. No. 5) 144-149
 clerk's note 42, 66, 2426, 2559
 communications presented by 2, 115-122, 150, 152-153, 166, 193, 370, 406, 449, 495, 616, 725, 838, 1256, 2112, 2113
 executive communications presented by 494, 657, 2111, 2555, 2561, 2596
 executive messages presented by 2548
 filed conference reports announced 2243, 2263, 2289, 2290, 2291, 2557-2558

COLE, WILLIAM, a Senator from the Sixth District:

appointed to standing committees 111-114
 bills introduced (by request) 32, 71, 79, 89, 92, 99, 101, 150, 184, 220-221, 289, 363-364, 508, 532, 533, 549, 551, 570, 594, 631
 excused from voting 2219

remarks by (ordered printed in appendix)	(816), (1828)
removal of sponsorship	1018
resolutions offered (by request)	209, 293, 324, 364-365, 366, 413, 414, 415, 438, 477, 478, 485, 599, 605, 635, 638, 707, 743, 745, 794, 796, 906, 957, 959, 1033, 1137, 1239, 1269, 1299, 1442, 1565, 1830, 2194, 2195-2196, 2197, 2204

COMMITTEES, CONFERENCE (action, appointments and reports from):

on Com. Sub. for Com. Sub. for S. B. No. 6	
appointed by House	2264
appointed by Senate	2264
report filed	2291
on Com. Sub. for S. B. No. 306	
appointed by House	2545
appointed by Senate	2545
report filed	2557-2558
report	2558-2559
report adopted by Senate	2559
report adopted by House	2575
on Com. Sub. for S. B. No. 477	
appointed by House	2207
appointed by Senate	2207
report filed	2263
report	2361-2364
report adopted by Senate	2364
report adopted by House	2535
on Com. Sub. for H. B. No. 4208	
appointed by Senate	2242
appointed by House	2259
report filed	2289
report	2365-2367
report adopted by House	2365
report adopted by Senate	2367
on Com. Sub. for H. B. No. 4236	
appointed by Senate	1818
appointed by House	2211
report filed	2243
report	2421-2425
report adopted by House	2420
report adopted by Senate	2425
on H. B. No. 4286	
appointed by Senate	2290
on Com. Sub. for H. B. No. 4298	
appointed by Senate	2207
appointed by House	2242
report filed	2290
report	2426-2432
report adopted by House	2426
report adopted by Senate	2432

on Com. Sub. for H. B. No. 4411	
appointed by Senate	2243
appointed by House	2289
on H. B. No. 4619	
appointed by Senate	1820
appointed by House	2212
report filed	2243
report	2368-2371
report adopted by House	2368
report adopted by Senate	2371

COMMITTEES, SELECT:

on children and poverty, announced	114
reports from	788-790, 1237
to inform Governor Legislature has assembled	3
to inform House of Delegates Senate has assembled	3
to join House group and escort Governor to joint assembly	5
to notify Governor Legislature is ready to adjourn <i>sine die</i>	2576
to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	2575

COMMITTEES, STANDING:

on agriculture and rural development, announced	111
reports from	217-218, 219, 341, 429, 432, 434-435, 563, 568, 732, 734, 780-782, 1331-1333, 1344
on banking and insurance, announced	111
reports from	318, 319-320, 522-523, 525-527, 530, 563, 567, 730, 736, 737, 786-787, 1032-1033, 1038-1042, 1330, 1342, 1345
on confirmations, announced	112
reports from	2113-2130
on economic development, announced	112
reports from	264, 377, 382, 502-504, 621, 629-630, 828-829, 836, 1395-1397, 1406
on education, announced	112
reports from	166, 167, 235, 287, 343, 344-347, 398, 399, 456-457, 458, 529, 536, 661-663, 665-666, 765, 780, 861, 863-866, 868-869, 870, 872-873, 1231, 1236, 1268, 1269, 1411-1412, 1415, 1771-1772, 1777, 1785, 1839-1841
on energy, industry and mining, announced	112
reports from	216, 736, 738, 740, 1359-1361, 1362-1363
on enrolled bills, announced	112
reports from	453, 579, 618-619, 1329, 1430, 1557, 1989, 2556-2557, 2561
post-session reports from	2577-2596
on finance, announced	112
reports from	183, 264-266, 270, 284-285, 317, 399-400, 430-431, 499, 565, 567-568, 582, 584-586, 626, 660, 731-732, 760, 763, 767-768, 822, 824-826, 836-837, 848, 852, 867, 892-897, 1009-1011, 1012-1013,

1015-1018, 1030, 1217-1224, 1227, 1264, 1334-1335, 1341, 1346, 1395, 1540, 1544, 1549, 1558, 1562, 1576-1580, 1778, 1779, 1782-1783, 1993-1994	
on government organization, announced	112
reports from	168-170, 180-181, 182, 233-234, 240, 263, 268-270, 373, 375-376, 378-379, 380, 382, 499-502, 506-507, 582-583, 589, 622, 625, 627-629, 760, 764, 765-766, 768, 770, 821, 822-824, 827-828, 829-830, 835, 898, 1151-1154, 1226, 1227-1228, 1230, 1233, 1250-1252, 1397-1402, 1403-1404, 1405, 1410, 1412, 1440, 1545, 1546-1548, 1550-1551, 1552, 1554, 1556, 1574-1576
on health and human resources, announced	113
reports from	170, 172, 195, 196-198, 237, 242-243, 339-341, 392-394, 398, 453-454, 527, 537-539, 584, 586-587, 590-591, 592-593, 761, 769, 771, 872, 897, 908-910, 1265-1267, 1407-1409, 1411, 1414, 1789-1791, 1835-1839
on interstate cooperation, announced	113
reports from	218, 734-735, 1229, 1361
on the judiciary, announced	113
reports from	174, 194, 196, 215, 233, 236-237, 239, 266-268, 272, 285, 342, 344, 347, 374-375, 381, 395-397, 406, 429-430, 433-434, 460-462, 498, 507, 522, 523-525, 528, 564, 565-567, 581, 619-621, 622-624, 657-659, 660-661, 663-664, 729-730, 733, 735, 761-762, 768-769, 785-786, 816-821, 826, 830-833, 834, 845-848, 849-852, 860-861, 862-863, 866-867, 868, 869, 871, 1011, 1013-1014, 1104, 1107, 1225, 1231-1233, 1263-1264, 1267, 1268, 1334, 1340, 1341-1342, 1343, 1344-1345, 1403, 1405, 1407, 1413-1414, 1540-1544, 1545-1546, 1548-1549, 1551, 1552-1553, 1554-1555, 1559, 1560-1561, 1769-1771, 1775-1776, 1780-1782, 1783-1785, 1990
on labor, announced	113
reports from	171, 172, 239, 241, 455-456, 457-458, 1224, 1228-1229, 1438
on military, announced	113
reports from	236, 238, 319, 587-589, 591-592, 766-767, 1115, 1230, 1359
on natural resources, announced	113, 193
reports from	181-182, 263, 270-272, 377, 380, 505, 624, 627, 827, 834, 1570-1574
on pensions, announced	113
reports from	205, 407-408, 1294-1296, 1303
on rules, announced	114
reports from	544, 788
on transportation and infrastructure, announced	114
reports from	173, 219, 240-241, 243, 342-343, 347-363, 455, 458-460, 462-471, 579-581, 739, 762, 764, 772-779, 783-784, 951-956, 1014-1015, 1107-1114, 1145-1151, 1234-1236, 1284-1294, 1296-1297, 1304-1309, 1430-1438, 1439, 1441, 1764-1769, 1786-1789, 1792
COOKMAN, DONALD H., a Senator from the Fifteenth District: addressed the Senate	2211

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4208	2242
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4236	1818
appointed to standing committees	111-114, 193
bills introduced (by request)	6-9, 11, 14-15, 20, 22, 23, 28-29, 36, 38, 41, 66, 70, 83-84, 85, 88, 89, 91, 94, 95, 101, 123, 124, 150, 162, 184, 187, 189, 200, 207, 226, (226), 244, 246, 248, 273-274, 275, 321, 364, 385, 400- 401, 402, 410-411, 413, 435, 436, 474, 476, 508, 532, 548, 570, 571, 594-595, 597, 598, 599, 633, 634, 635, 668-669, 671, 695, 697, 699
remarks by (ordered printed in appendix)	(816), (2211)
reports by, as chair of committee on interstate cooperation	218
reports by, as chair of joint committee on enrolled bills	453, 579, 618-619, 1329, 1430, 1557, 1989, 2556-2557, 2561, 2577-2581, 2582, 2586-2587
resolutions offered (by request)	127, 162, 202, 255, 324, 366, 385, 437, 479, 553, 599, 607, 676, 678, 745, 960, 1239, 1299, 1369, 1565, 2197

EDGELL, LARRY J., a Senator from the Second District:

appointed to select committee to escort Governor	
to joint assembly (H. C. R. No. 1)	5
appointed to standing committees	111-114
bills introduced (by request)	132, 175, 176, 245-246, 248, 249, 274, 275, 276, 290, 300, 303, 322, 364, 383-384, 385, 402, 409, 410, 411, 412, 413, 436, 472-473, 475, 476, 508, 511, 532, 548, 570, 594, 597, 599, 634, 635, 666, 667-669, 672, 675, 694, 695-696, 698, 699
remarks by (ordered printed in appendix)	(813), (2543-2544)
removal of sponsorship	724
resolutions offered (by request)	162, 178, 277, 278, 291, 304, 413, 599-600, 603-604, 605, 607, 641, 678, 745, 792, 796, 960, 1138, 1140, 1143, 1239, 1299, 1565, 2194

EXECUTIVE NOMINATIONS:

acknowledgement; as to receipt of Governor's list of	
state office nominees submitted	1137
made special order of business	1137
Senate session to act on	2130
withdrawal of	1263

FACEMIRE, DOUGLAS E., a Senator from the Twelfth District:

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 306	2545
appointed to standing committees	111-114
bills introduced (by request)	30-32, 175, 245-246, 274, 475, 476, 511, 547, 599, 666, 667, 674, 694
leave of absence granted to	114, 213, 261, 298, 337, 428, 542, 687, 1018, 1186, 1347, 1815

main motion	1361
remarks by (ordered printed in appendix)	(859)
reports by, as chair of committee on energy, industry and mining	736, 738, 740, 1359-1361, 1362-1363
resolutions offered (by request)	413, 607, 1239, 1299, 1562, 1565, 2194

FITZSIMMONS, ROBERT J., a Senator from the First District:

appointed to select committee to notify Governor Legislature has assembled and organized (S. R. No. 2)	3
appointed to select committee to notify Governor Legislature is ready to adjourn <i>sine die</i> (S. R. No. 56)	2576
appointed to standing committees	111-114
bills introduced (by request)	6-9, 11, 14-15, 20, 21, 23, 28, 29, 36, 38, 41, 66, 70, 71, 83-84, 85, 88, 89, 91, 95, 101, 123, 132, 138, 151, 162, 184, 186, 188, 189, 199, 200, 273, 300, 303, 322, 323, 364, 385, 401, 402, 409, 410, 411, 413, 435-436, 475, 508, 545, 548, 597, 599, 631, 633-634, 635, 666, 667, 670, 671, 673, 675, 695, 696, 698, 699
birthday noted	1537
remarks by (ordered printed in appendix)	(257), (749)
reports by, as member of joint committee on enrolled bills	2581, 2582-2586
resolutions offered (by request)	127, 162, 178, 255, 291, 304, 324, 366, 437, 512, 514, 516, 553, 599, 601, 603-604, 605, 607, 676, 678, 710, 745, 747, 794, 796, 1036, 1143, 1239, 1245, 1249, 1272, 1299, 1369, 1442, 1445, 1565, 2194, 2195-2196, 2197

GOVERNOR:

action on bills	494, 657, 2111-2112, 2555, 2561, 2596-2627
addressed joint assembly	110
annual reports (Ex. Message No. 4)	1387-1394
budget bill approved with reductions and deletions by Governor	2600-2618
budget bill submitted by Governor (Ex. Message No. 1)	110
committee appointed to escort Governor to joint assembly	5
executive nominations from Governor (Ex. Message No. 2)	1119-1137
executive nominations from Governor withdrawn (Ex. Message No. 3)	1263
probation and parole report (Ex. Message No. 5)	1394
proclamation extending session	1538-1539, 2552-2553
recommendation for budget revisions	882-889, 889-891
revised revenue estimates (Ex. Message No. 6)	2548-2551
veto messages: Enr. Com. Sub. for S. B. No. 12	2619
Enr. Com. Sub. for S. B. No. 307	2562

Enr. S. B. No. 426 2623-2624
 Enr. Com. Sub. for S. B. No. 477 2626-2627
 Enr. Com. Sub. for H. B. No. 2165 2620
 Enr. Com. Sub. for H. B. No. 4254 2624-2625
 Enr. Com. Sub. for H. B. No. 4343 2625-2626
 Enr. Com. Sub. for H. B. No. 4425 2620-2621
 Enr. H. B. No. 4445 2572-2573
 Enr. H. B. No. 4588 2621-2623

GREEN, MIKE, a Senator from the Ninth District:

appointed to standing committees 111-114
 bills introduced (by request) 16-18, 19, 187, 198, 290, 402, 408,
 409, 413, 472, 473-474, 476, 508, 511, 547, 548, 549, 571, 596, 630, 666, 667-
 668, 669, 674, 694, 695
 main motion 1137, 2131
 remarks by (ordered printed in appendix) (336), (486), (560), (573), (1158)
 reports by, as chair of committee on confirmations 2113-2130
 resolutions offered (by request) 127, 128, 305, 364-365, 413, 438,
 481, 485, 516, 551, 571, 599, 603-604, 605, 607, 678, 745, 794, 796, 900, 906,
 957, 959, 960, 962, 1033, 1035, 1036, 1137, 1138, 1140, 1143, 1269, 1272,
 1298, 1299, 1364, 1369, 1442, 1443, 1445, 1562, 1565, 1566, 1568, 1833

HALL, DANIEL, a Senator from the Ninth District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 477 2207
 appointed to conference committee as to
 Eng. House Bill No. 4286 2290
 appointed to select committee to notify House of Delegates
 Senate has assembled and organized (S. R. No. 1) 3
 appointed to select committee to notify House of Delegates
 Senate is ready to adjourn *sine die* (S. R. No. 55) 2575
 appointed to standing committees 111-114
 bills introduced (by request) 6-9, 16, 17, 19, 20, 21, 23, 30, 32, 33,
 34, 37, 76, 77, 81, 89, 92, 101, 102, 103, 124, 132, 138, 162, 175, 177, 184, 198,
 207, 220, 221, 300, 364, 385, 402-403, 408, 409, 410, 412, 413, 436, 437, 472-
 474, 476, 508, 509, 511, 531, 532, 547, 548, 549, 569, 571, 594, 595, 596, 597,
 630, 631, 635, 666, 667, 669, 670, 671, 673, 674, 675, 694, 695, 696-697, 699
 leave of absence granted to 213, 261
 remarks by (ordered printed in appendix) 1347
 removal of sponsorship 1018
 resolutions offered (by request) 127, 128, 178, 190, 291, 304, 305,
 324, 364-365, 366, 413, 417, 437, 438, 481, 485, 512, 516, 551, 571, 599-600,
 601, 603-604, 605, 676, 678, 708, 710, 743, 745, 747, 794, 796, 900, 906, 960,
 1033, 1036, 1143, 1237-1238, 1239, 1241, 1242, 1244, 1245, 1247, 1249, 1269,
 1272, 1299, 1364, 1366, 1369, 1442, 1443, 1445, 1562, 1565, 1566-1567, 1568,
 1828, 1831, 1833, 2194, 2195-2196

HALL, MIKE, a Senator from the Fourth District:

addressed the Senate	1537
appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 306	2545
appointed to select committee to escort Governor to joint assembly (H. C. R. No. 1)	5
appointed to standing committees	111-114
bills introduced (by request)	6, 20, 25, 34, 35, 71, 76, 78, 89, 91, 92, 98, 99, 101, 124, 150, 208, 220, 273, 289, 302, 321, 364, 402, 412, 508, 510, 532, 548, 549, 594, 631, 669, 675, 695
bills introduced by request of executive	111, 133-138, 153, 154-162, 176, 186, 208, 222, 224, 247, 249
excused from voting	2219
leave of absence granted to	1347
prayer by	2546
remarks by (ordered printed in appendix)	(336), 560, (1159), (1537), (1977), 2543, (2555)
removal of sponsorship	1018
resolutions offered (by request)	104, 324, 366, 413, 415, 437, 745, 790-791, 1239, 1299, 1562, 1565, 1830, 2195-2196, 2197

JENKINS, EVAN H., a Senator from the Fifth District:

announced change in part affiliation	2
appointed to conference committee as to Eng. House Bill No. 4619	1820
appointed to standing committees	111-114
bills introduced (by request)	6, 11, 14-15, 17, 22, 26, 32, 33, 66, 67, 74, 76, 78-81, 85, 88, 89, 90, 91-92, 98, 99, 102, 103, 124, 150, 153, 184, 199, 220, 223, 246, 273, 289, 364, 401-402, 410, 472, 476, 508, 530, 532, 547, 548, 549, 551, 571, 594, 595, 596, 631, 666, 671, 676, 694, 695, 696, 697
leave of absence granted to	261
remarks by (ordered printed in appendix)	(336)
removal of sponsorship	1018
resolutions offered (by request)	104-105, 127, 162, 178, 190, 202, 209, 226-227, 228, 255, 277, 278, 291, 293, 304, 305, 323, 324, 364-365, 366, 413, 414, 415, 437, 438, 477, 478, 479, 481, 485, 514, 516, 533, 534, 571, 599, 601, 603-604, 605, 635, 638, 642, 676, 677, 678, 707, 710, 740, 742, 743, 745, 794, 796, 898-899, 900, 901, 904, 906, 957, 959, 960, 962, 1033, 1035, 1036, 1137, 1143, 1241, 1242, 1245, 1247, 1249, 1269, 1272, 1298, 1299, 1364, 1366, 1369, 1443, 1445, 1562, 1565, 1568, 1830, 1831, 1833, 2195-2196

JOINT ASSEMBLY:

to hear an address by the Governor (H. C. R. No. 1)	5
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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. Com. Sub. for Com. Sub. for Senate Bill No. 6	2264
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4236	1818
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4411	2243
appointed to select committee to notify Governor	
Legislature has assembled and organized (S. R. No. 2)	3
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 56)	2576
appointed to standing committees	111-114
bills introduced (by request)	6-9, 66, 68, 77, 132, 150, 184, 200, 221, 273-274, 275, 276, 290, 300, 322, 363, 383-384, 385, 401, 402, 411, 412, 437, 472-473, 508, 511, 549, 635, 666, 667, 675, 694, 697
main motion	1151, 1304
remarks by (ordered printed in appendix)	(336), (1116), (1186), (1256), (1842)
removal of sponsorship	784
reports by, as chair of committee on	
interstate cooperation	734-735, 1229, 1361
reports by, as chair of committee on pensions	205, 407-408, 1294-1296, 1303
reports by, as vice chair of committee on	
energy, industry and mining	216
resolutions offered (by request)	226-227, 228, 277, 323, 324, 366, 413, 414, 533, 534, 607, 677, 707, 740, 742, 898-899, 904, 1247, 1299, 1562, 1565

LAIRD, WILLIAM R., IV, a Senator from the Tenth District:

addressed the Senate	1537
appointed to standing committees	111-114
bills introduced (by request)	6, 10, 11, 13, 14-15, 22, 28, 29, 35-38, 40, 69, 71, 87, 124, 132, 150, 162, 175, 176, 189, 198, 208, 223, 225, 226, 245- 246, 273-274, 289, 290, 302, 321, 363, 385, 400-401, 402, 409, 410, 436, 474, 508, 510, 531, 547, 548-549, 569, 594-595, 597, 632, 666, 668-669, 675, 676, 695, 697
main motion	1574
petitions presented by	873
remarks by (ordered printed in appendix)	(680), (1347), (1537)
reports by, as chair of committee on	
natural resources	181-182, 263, 270-272, 377, 380, 505, 624, 627, 827, 834, 1570-1574
resolutions offered (by request)	127, 162, 178, 252, 293, 304, 305, 324, 366, 413, 437, 438, 479, 481, 512, 514, 516, 571, 599, 642, 676, 678, 794, 796, 901, 957, 962, 1035, 1239, 1241, 1242, 1244, 1245, 1249, 1299, 1364, 1369, 1442, 1443, 1445, 1562, 1565, 1568, 2194

MCCABE, BROOKS F., JR., a Senator from the Seventeenth District:

addressed the Senate	2211
appointed to standing committees	111-114
bills introduced (by request)	6-9, 17, 18, 32, 123, 124-126, 133, 198, 220, 247, 248, 249, 274, 290, 302, 383, 402, 409, 411, 508, 531, 547, 569, 593, 630, 631, 670, 694, 700
prayer by	2554
presided as president	2543
remarks by (ordered printed in appendix)	(1186), (1599), (1779), (1842)
resolutions offered (by request)	127, 143, 255, 304, 324, 366, 419, 479, 481, 516, 553, 599, 601, 603-604, 605, 678, 705, 710, 745, 906, 1036, 1143, 1239, 1241, 1245, 1249, 1299, 1364, 1366, 1369, 1442, 1443, 1445, 1562, 1565, 1566-1567, 1568, 2195-2196

MILLER, RONALD F., a Senator from the Tenth District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4298	2207
appointed to standing committees	111-114
bills introduced (by request)	6, 10, 11, 14-15, 17, 20-21, 27, 28, 36-37, 38, 40-41, 70, 71, 80, 85, 89, 95, 103, 124, 126, 132, 138, 150, 162, 175, 176, 177, 186, 189, 198, 200, 226, 245-246, 247-248, 273-274, 275, 302, 363, 385, 400, 401-402, 410-411, 413, 436, 437, 472-473, 474, 475, 531, 547, 548, 550, 569, 596, 599, 631, 634, 666-667, 668, 670, 675, 694, 695, 702
main motion	783, 1334
petitions presented by	518, 873, 1250
prayer by	2548, 2558
remarks by (ordered printed in appendix)	(232), 283, 390, (542), 1116, (1144-1145), (1366), (2221)
reports by, as chair of committee on	
agriculture and rural development	217-218, 219, 341, 429, 432, 434-435, 563, 568, 732, 734, 780-782, 1331-1333, 1344
resolutions offered (by request)	104, 127, 162, 190, 255, 293, 305, 324, 366, 417, 419, 437, 479, 481, 483, 485, 512, 516, 571, 599, 676, 678, 794, 957, 962, 1035, 1143, 1299, 1364, 1565, 2194

NOHE, DAVID C., a Senator from the Third District:

appointed to conference committee as to	
Eng. Com. Sub. for Com. Sub. for Senate Bill No. 6	2264
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4208	2242
appointed to standing committees	111-114
bills introduced (by request)	6-9, 32, 38, 66, 74, 76, 81, 87, 102, 132, 184, 220, 289, 301, 364, 402, 409, 410, 411, 413, 508, 510, 532, 548, 549, 570, 571, 594, 595, 597, 631, 632
removal of sponsorship	1018
resolutions offered (by request)	105, 413, 415, 599, 635, 1299, 1562, 1565, 1830, 2195-2196, 2197

PALUMBO, COREY, a Senator from the Seventeenth District:

appointed to standing committees	111-114
bills introduced (by request)	11, 85-87, 88, 91, 94, 95, 103, 123, 124, 132, 150, 153, 162, 184, 186, 187-188, 189, 198, 223, 225, 249, 273-274, 301, 302, 321, 383, 402, 413, 436, 437, 475, 508, 593-594, 595-596, 597, 630, 668, 669, 670, 671, 672, 675, 676, 694-695, 699, 700
main motion	273, 1012, 1546, 1552, 1764, 1859, 2392
remarks by (ordered printed in appendix)	(1977), (1978)
reports by, as chair of committee on	
the judiciary	174, 194, 196, 215, 233, 236-237, 239, 266-268, 272, 285, 342, 344, 347, 374-375, 381, 395-397, 406, 429-430, 433-434, 460-462, 498, 507, 522, 523-525, 528, 564, 565-567, 581, 619-621, 622-624, 657-659, 660-661, 663-664, 729-730, 733, 735, 761-762, 768-769, 785-786, 816-821, 826, 830-833, 834, 845-848, 849-852, 860-861, 862-863, 866-867, 868, 869, 871, 1011, 1013-1014, 1104, 1107, 1225, 1231-1233, 1263-1264, 1267, 1268, 1334, 1340, 1341-1342, 1343, 1344-1345, 1403, 1405, 1407, 1413-1414, 1540-1544, 1545-1546, 1548-1549, 1551, 1552-1553, 1554-1555, 1559, 1560-1561, 1769-1771, 1775-1776, 1780-1782, 1783-1785, 1990
reports by, as member of joint committee	
on enrolled bills	2587-2596
resolutions offered (by request)	128, 143, 209, 252, 324, 366, 479, 599, 601, 603-604, 605, 705, 745, 1036, 1239, 1241, 1249, 1299, 1442, 1565, 1566-1567, 2194, 2195-2196
withdraws (committee) amendment	(1759), (1764), (1922), 2028, (2223), (2392)

PLYMALE, ROBERT H., a Senator from the Fifth District:

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 306	2545
appointed to standing committees	111-114
bills introduced (by request)	6, 10, 20, 28, 29, 36, 37, 40, 67, 69, 80, 88, 90, 123, 132, 150, 162, 175, 176, 177, 184, 186, 189, 200, 206, 223, 225, 244-246, 247, 248, 273-274, 275, 276, 300, 302, 321, 322, 383-384, 385, 400, 402, 409, 411-412, 413, 436, 437, 474, 508, 511, 531, 532, 547, 549, 569, 570, 571, 594, 596, 597, 598, 599, 631, 632, 667, 669, 671, 694, 695, 697, 704
main motion	167, 530, 576, 1841, 2418
petitions presented by	560, 1250
point of order raised by	2417
remarks by (ordered printed in appendix)	(815), (907), (1581), (1842), (2543-2544)
removal of sponsorship	428, 474, 615
reports by, as chair of committee on	
education	166, 167, 235, 287, 343, 344-347, 398, 399, 456-457, 458, 529, 536, 661-663, 665-666, 765, 780, 861, 863-866, 868-869, 870, 872-873, 1231, 1236, 1268, 1269, 1411-1412, 1415, 1771-1772, 1777, 1785, 1839-1841
resolutions offered (by request)	127, 128, 162, 178, 200, 202, 209, 226-227, 228, 252, 255, 277, 278, 291, 293, 304, 307, 323, 324, 366, 385, 413, 417, 419, 476, 477, 478, 479, 481, 483, 512, 514, 516, 534, 571, 599, 601,

603-604, 605, 636, 638, 641, 642, 676, 677, 708, 710, 740, 742, 745, 747, 796,
 898-899, 900, 901, 904, 906, 957, 959, 962, 1033, 1036, 1138, 1140, 1143, 1239,
 1241, 1242, 1245, 1247, 1249, 1269, 1272, 1299, 1364, 1366, 1369, 1442, 1443,
 1445, 1562, 1565, 1568, 1831, 1833
 withdraws (committee) amendment (1281), (1313)

PRAYER:

daily 1, 114, 131, 149, 152, 165, 180, 193, 205,
 214, 232, 261, 284, 299, 316, 337, 370, 390, 405, 429, 448, 494, 521, 542, 561,
 578, 616, 647, 688, 724, 785, 838, 874, 946, 1019, 1116, 1187, 1256, 1283,
 1347, 1416, 1557, 1815, 2112, 2543, 2544, 2546, 2548, 2554, 2558

PRESIDENT OF THE SENATE (Jeffrey V. Kessler):

announced appointments to standing committees 111
 announced changes in standing committees 193
 appointed conference committees 1818, 1820, 2207, 2242, 2243,
 2264, 2290, 2545
 appointed select committees 3, 5, 2575, 2576
 bills introduced (by request) 10, 66, 68, 91, 132, 138, 175-176,
 186-187, 188, 189, 199, 200, 948, 274, 275, 300, 301, 303, 321, 322, 323, 385,
 400-401, 402, 403, 409, 411, 413, 435, 472, 474, 508, 530, 548, 569, 570, 594,
 633, 666, 668-669, 672, 674, 675, 694, 696, 697, 698, 699
 bills introduced by request of executive 111, 133-138, 153, 154-162,
 176, 186, 208, 222, 224, 247, 249
 budget bill presented by 110
 called Senate to order 1
 communications presented by 5, 122
 executive communications presented by 882, 889, 890, 2562, 2572
 executive messages presented by 1387, 1394
 executive nominations (withdrawn) presented by 1118, (1262)
 laid governor’s proclamation extending session 1538, 2552
 petitions presented by 873
 points of order ruled on 2417
 presided as president 114, 131, 149, 152, 165, 180, 193,
 205, 214, 232, 261, 284, 299, 315, 337, 370, 390, 405, 428, 448, 494, 521, 542,
 561, 578, 616, 647, 688, 724, 784, 837, 874, 946, 1019, 1116, 1186, 1256, 1283,
 1347, 1416, 1557, 1815, 2112, 2543, 2544, 2546, 2548, 2554, 2558
 quorum declared 1
 reports by, as chairman *ex officio* of
 committee on rules 544, 788
 resolutions offered (by request) 178, 190, 209, 252, 255, 291, 304, 307,
 324, 366, 437, 479, 481, 483, 485, 514, 516, 534, 553, 571, 599, 603-604, 605,
 636, 641, 642, 676, 678, 710, 745, 792, 796, 906, 960, 1036, 1143, 1245, 1247,
 1249, 1272, 1299, 1364, 1366, 1369, 1443, 1562, 1565, 1568, 1831, 1833, 2194

PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 306 2545

appointed to standing committees	111-114
bills introduced (by request)	132, 150, 175, 189, 208, 221, 245-246, 248, 249, 273-274, 300, 402, 410, 472-473, 474, 476, 508, 510, 547, 569
main motion	892, 1580, 1779, 2131, 2209
remarks by (ordered printed in appendix)	(1779), (2027)
reports by, as chair of committee on	
finance	183, 264-266, 270, 284-285, 317, 399-400, 499, 582, 584-586, 626, 660, 731-732, 760, 763, 767-768, 822, 824-826, 836-837, 848, 852, 867, 892-897, 1009-1011, 1012-1013, 1015-1018, 1030, 1217-1224, 1227, 1264, 1334-1335, 1341, 1346, 1395, 1540, 1544, 1549, 1558, 1562, 1576-1580, 1778, 1779, 1782-1783, 1993-1994
resolutions offered (by request)	127, 128, 144, 190, 253-255, 304, 324, 366, 413, 419, 430-431, 437, 479, 516, 565, 567-568, 599, 678, 708, 710, 745, 792, 796, 906, 1138, 1140, 1143, 1239, 1299, 1369, 1442, 1443, 1445, 1565, 1568, 2202

RECONSIDERATION OF, As to:

motion rejected	560
veto message; bill amended and repassed	2563-2572, 2572-2574
vote on amendment	1859, 2028, 2397
vote on committee amendment (as amended)	(1762), 1764, 1875, 2392
vote on motion	2133
vote on passage of bill	1595, 1762, 2028, 2133

REPORTS:

Attorney Genral, Office of the (Consumer Protection and Antitrust Division)	122
Barbers and Cosmetologists, Board of	115
Children's Health Insurance Program	115
Chiropractic, Board of	115
Council for Community and Technical Education (Capital Project Priorities)	150
Council for Community and Technical Education (Veterans Initiatives)	118
Court of Claims (Crime Victims Compensation Fund)	838
Dentistry, Board of	115
Development Office (Governor's Guaranteed Workforce Program)	616
Development Office (Neighborhood Investment Program)	370
Environmental Protection, Department of (Horizontal Well Drilling Impact on Noise, Light, Dust and Volatile Organic Compounds)	116
Environmental Protection, Department of (Horizontal Well Drilling Impact on Air Quality)	116
Environmental Protection, Department of (Integrated Water Quality Monitoring and Assessment)	116

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund)	116
Environmental Protection, Department of (Oil and Gas Reclamation Fund)	117
Environmental Protection, Department of (Special Reclamation Fund Advisory Council)	166
Environmental Protection, Department of (Waiver Report)	117
Forestry, Division of (Outdoor Heritage Conservation Fund)	117
Geological and Economic Survey	2113
Health and Human Resources, Department of (James “Tiger” Morton Catastrophic Illness Commission)	117
Health and Human Resources, Department of (Sudden Infant Death Syndrome Prevention Project)	118
Health and Human Resources, Department of (Youth Services)	2112
Higher Education Policy Commission (Capital Project Priorities)	150
Higher Education Policy Commission (System Performance)	118
Higher Education Policy Commission (Veterans Initiatives)	118
Highways, Division of (Financial)	118
Insurance Commissioner, Offices of the (Medical Professional Liability Insurance)	118
Legislative Rule-Making Review Committee	5
Licensed Practical Nurses, Board of Examiners for	119
Lottery (Financial)	119
Lottery (Annual)	406
Medical Imaging and Radiation Therapy Technology Board of Examiners	119
Medicine, Board of	193
Miner’s Health, Safety and Training, Office of (Coal Mine Safety Review)	119
Motor Vehicles, Division of (Test and Lock Program)	152
Motorcycle Safety Awareness Program Board	153
Nursing Home Administrators Licensing Board	119
Occupational Therapy, Board of	120
Osteopathic Medicine, Board of	120
Personnel, Division of	120
Physical Therapy, Board of	120
Professional Engineers, State Board of Registration for	116
Professional Surveyors, Board of	122
Psychologists, Board of Examiners of	121
Real Estate Appraiser Licensing and Certification Board	121
Real Estate Commission	121

Respiratory Care, Board of	406
Sanitarians, Board of	121
Special Investigations, Commission on	495
Speech-Language Pathology and Audiology, Board of Examiners for	122
State Police, West Virginia (Recruiting Effectiveness)	122
State Rail Authority	121
Tax Appeals, Office of	725
Transportation, Department of (Office of Administrative Hearings)	1256
Veterinary Medicine, Board of	449
 SENATE RULE NO. 17:	
calendar rearranged in accordance with	2209
 SENATE RULE NO. 43:	
excused from voting	1055, 1169, 2219, 2401
 SENATE RULES, Suspension of:	
Rule No. 54 (privileges of floor)	578, 688
 SNYDER, HERB, a Senator from the Sixteenth District:	
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 4411	2243
appointed to (replaced on) standing committees	111-114, (193)
bills introduced (by request)	10-11, 19-20, 42-66, 126, 132, 154, 162, 175, 184, 185, 186, 187, 189, 199, 200, 207, 221, 245-246, 274, 290, 364, 385, 400, 401-402, 410-411, 413, 437, 472-473, 474, 475, 476, 510, 511, 548, 570, 632, 634, 666, 667-668, 670, 675, 700
main motion	1153, 1154, 1252, 1399, 1401, 1403, 1576
objection to unanimous consent	1778
remarks by (ordered printed in appendix)	152, (192), 213, (494), (859), (1779), (1977)
reports by, as chair of committee on	
government organization	168-170, 180-181, 182, 233-234, 240, 263, 268-270, 373, 375-376, 378-379, 380, 382, 499-502, 506-507, 582-583, 589, 622, 625, 627-629, 760, 764, 765-766, 768, 770, 821, 822-824, 827-828, 829-830, 835, 898, 1151-1154, 1226, 1227-1228, 1230, 1233, 1250-1252, 1397- 1402, 1403-1404, 1405, 1410, 1412, 1440, 1545, 1546-1548, 1550-1551, 1552, 1554, 1556, 1574-1576
resolutions offered (by request)	105, 162, 304, 307, 324, 366, 419, 481, 553, 599, 607, 642, 676, 678, 710, 794, 796, 906, 1143, 1237-1238, 1241, 1245, 1249, 1299, 1364, 1369, 1442, 1443, 1445, 1562, 1565, 1568, 2195-2196
withdraws (committee) amendment	(1618), (1626), (1871), (1887)
 SPECIAL ORDER OF BUSINESS, As to:	
consideration of executive nominations	1137
hour set for, reached	2130

STAFF OF THE SENATE:

appointment authorized (S. R. No. 5) 144-149

STOLLINGS, RON, a Senator from the Seventh District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 306 2545
 appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 4208 2242
 appointed to standing committees 111-114
 bills introduced (by request) 6, 10, 11-15, 36, 37, 123, 124,
 132, 150, 153, 162, 175, 176, 184, 187, 188, 189, 200, 206, 207, 208, 223, 225,
 273-274, 275, 276, 290, 300, 302, 321, 363-364, 385, 400, 401-402, 409, 410-
 411, 413, 435, 436, 437, 472-473, 474, 508, 510, 531, 532, 547, 548, 550, 551,
 570, 571, 596, 630, 634, 635, 668-669, 672, 674, 675, 676, 694, 697, 698, 703
 main motion 539, 770, 910, 1839, 1875
 remarks by (ordered printed in appendix) 337, (494), (542), (2543-2544)
 reports by, as chair of committee on
 health and human resources 170, 172, 195, 196-198, 237,
 242-243, 339-341, 392-394, 398, 453-454, 527, 537-539, 584, 586-587, 590-591,
 592-593, 761, 769, 771, 872, 897, 908-910, 1265-1267, 1407-1409, 1411, 1414,
 1789-1791, 1835-1839
 resolutions offered (by request) 127, 128, 143, 162, 178, 190,
 200, 202, 209, 226-227, 228, 255, 277, 278, 291, 293, 304, 305, 307, 323, 324,
 364-365, 366, 413, 414, 417, 419, 437, 477, 478, 479, 481, 483, 485, 512, 514,
 516, 533, 534, 571, 599, 601, 603-604, 605, 636, 638, 641, 642, 677, 678, 705,
 707, 708, 710, 740, 742, 743-744, 745, 747, 790-791, 792, 794, 796, 898-899,
 900, 901, 904, 906, 1033, 1035, 1036, 1137, 1138, 1140, 1143, 1237-1238, 1241,
 1242, 1244, 1245, 1247, 1249, 1269, 1272, 1299, 1364, 1366, 1369, 1442, 1443,
 1445, 1562, 1565, 1568, 1828, 1829, 1831, 1833
 withdraws (committee) amendment (1629), (1874), (1924), (1954),
 (1971), (2210), (2226)

SYPOLT, DAVE, a Senator from the Fourteenth District:

appointed to conference committee as to
 Eng. Com. Sub. for Senate Bill No. 306 2545
 appointed to conference committee as to
 Eng. House Bill No. 4286 2290
 appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 4298 2207
 appointed to select committee to notify Governor
 Legislature has assembled and organized (S. R. No. 2) 3
 appointed to select committee to notify Governor
 Legislature is ready to adjourn *sine die* (S. R. No. 56) 2576
 appointed to standing committees 111-114
 bills introduced (by request) 32-35, 131, 175, 177, 184, 289,
 364, 402, 409, 410, 411, 413, 532, 594, 596, 631, 632, 666, 669, 695
 excused from voting 1055
 main motion 2397

petitions presented by	1302
remarks by (ordered printed in appendix)	448, (484), (753-754), (859), (1186), (1600)
resolutions offered (by request)	104, 105, 127, 178, 324, 366, 413, 415, 417, 483, 599-600, 635, 745, 1299, 1369, 1565, 1830, 2194, 2195-2196, 2197
withdraws (committee) amendment	940, 2397

TUCKER, GREGORY, a Senator from the Eleventh District:

appointed to conference committee as to	
Eng. Com. Sub. for Com. Sub. for Senate Bill No. 6	2264
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 477	2207
appointed to standing committees	111-114
bills introduced (by request)	6, 10, 17, 20-21, 22-25, 36, 88, 95, 101, 132, 150, 162, 175, 177, 189, 207, 223, 225, 246, 273-274, 290, 301, 302, 321, 364, 385, 400, 401, 402, 409, 413, 436, 437, 474, 475, 508, 549, 569-570, 596, 597, 632, 635, 666-667, 669, 671, 673, 674-675, 695, 697, 699, 700, 704
main motion	1040, 1042, 1331
remarks by (ordered printed in appendix)	(573)
removal of sponsorship	494, 1018
reports by, as chair of committee on	
banking and insurance	318, 319-320, 522-523, 525-527, 530, 563, 567, 730, 736, 737, 786-787, 1032-1033, 1038-1042, 1330, 1342, 1345
resolutions offered (by request)	106, 305, 324, 366, 413, 417, 437, 438, 571, 599, 601, 605, 900, 906, 1239, 1299, 1442, 1565, 2194, 2195-2196, 2197

UNGER, JOHN R., II, a Senator from the Sixteenth District:

announced calendar changes	2209
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 306	2545
appointed to select committee to escort Governor	
to joint assembly (H. C. R. No. 1)	5
appointed to standing committees	111-114
bills introduced (by request)	6, 11, 30, 35, 37, 40, 66, 67-68, 87, 101, 103, 132, 138, 162, 175-176, 187, 189, 206, 208, 225, 226, 245-246, 247, 248, 290, 321, 385, 401-402, 411, 435, 472-473, 474, 508, 510, 530, 548, 550, 570, 594, 597, 598, 633, 666, 668, 672, 674, 675, 694, 695, 698, 702, 703
birthday noted	298
excused from voting	1169, 2401
main motion	559, 685, 788, 983, 1062, 1176, 1177, 1762, 2028, 2132, 2133, 2542, 2563, 2573, 2627
prayer by	131
remarks by (ordered printed in appendix)	232, (336), (448), (1159)
reports by, as chair of select committee on	
children and poverty	788-790, 1237
resolutions offered (by request)	2, 3, 105, 178, 190, 209, 252, 255, 291, 293, 304, 307, 323, 324, 366, 419, 437, 477, 478, 479, 481, 483, 485, 512, 514, 516, 533, 571, 599-600, 601, 603-604, 605, 636, 641, 642, 677, 678,

705, 707, 708, 710, 740, 742, 745, 957, 960, 962, 1033, 1035, 1036, 1138, 1140,
 1143, 1241, 1242, 1244, 1245, 1247, 1249, 1299, 1364, 1366, 1369, 1562, 1565,
 1566-1567, 1568, 2194, 2198, 2202, 2204, 2575, 2576
 withdraws motions 2133
 yeas and nays demanded by 2544, 2545, 2547, 2551, 2554, 2555

WALTERS, CHRIS, a Senator from the Eighth District:

appointed to standing committees 111-114
 bills introduced (by request) 26-27, 38, 70, 150, 162, 175-176,
 184, 198, 220-221, 273, 289, 383, 401, 402, 411, 509, 532, 549, 594, 599, 630,
 631, 632, 634, 666, 669, 675, 694, 695, 700
 main motion 559
 remarks by (ordered printed in appendix) 152, (336), (559), (749), (1415)
 removal of sponsorship 1018
 resolutions offered (by request) 143, 209, 324, 366, 413, 415, 599,
 635, 705, 745, 747, 1036, 1239, 1299, 1562, 1565, 1830, 2195-2196, 2197, 2204
 yeas and nays demanded by 559

WELLS, ERIK P., a Senator from the Eighth District:

addressed the Senate 2211
 appointed to conference committee as to
 Eng. House Bill No. 4619 1820
 appointed to standing committees 111-114
 bills introduced (by request) 6-9, 96-97, 101, 124, 131, 184,
 186, 189, 198, 199, 221, 223, 245-246, 249, 274, 300, 321, 364, 383, 402, 409,
 410, 411, 413, 435, 436, 472-473, 531, 532, 547, 548, 594, 595, 599, 630, 634,
 666, 669, 671, 675, 694, 695, 697, 699, 700, 702
 remarks by (ordered printed in appendix) (336), (577), (747), (1273),
 (2211), (2543)
 reports by, as chair of committee on
 military 236, 238, 319, 587, 589, 591-592, 766-767,
 1115, 1230, 1359
 resolutions offered (by request) 106, 126, 143, 162, 178, 190, 200,
 202, 305, 324, 366, 413, 414, 417, 419, 476, 479, 481, 485, 534, 553, 599, 603-
 604, 605, 676, 678, 705, 708, 710, 745, 906, 957, 960, 1033, 1036, 1143, 1239,
 1241, 1242, 1244, 1245, 1249, 1299, 1364, 1366, 1369, 1442, 1443, 1445, 1562,
 1565, 1568, 1831, 1833, 2194

WILLIAMS, BOB, a Senator from the Fourteenth District:

appointed to conference committee as to
 Eng. House Bill No. 4286 2290
 appointed to conference committee as to
 Eng. Com. Sub. for House Bill No. 4298 2207
 appointed to standing committees 111-114
 bills introduced (by request) 20-22, 24, 30, 33, 34, 40, 67, 68,
 71, 101, 123, 124, 131, 132, 175, 177, 186, 220, 225, 274, 300, 322, 323, 364,
 385, 401, 402, 409, 410-411, 413, 436, 437, 472-473, 508, 548, 550, 594, 595,
 666-667, 669, 697, 699

main motion	1397
petitions presented by	873
reports by, as chair of committee on	
economic development	264, 377, 382, 502-504, 621, 629-630, 828-829, 836, 1395-1397, 1406
resolutions offered (by request)	127, 128, 178, 190, 324, 366, 413, 417, 419, 437, 483, 571, 599-600, 601, 603-604, 605, 607, 710, 745, 906, 1143, 1239, 1299, 1369, 1562, 1565, 2195-2196

WITHDRAWAL OF:

amendment to bill	940, 2028, 2397
amendment to committee amendment	1696
committee amendment	1281, 1313, 1618, 1626, 1629, 1759, 1764, 1871, 1874, 1887, 1922, 1924, 1954, 1971, 1990, 2210, 2223, 2226, 2392, 2396
executive nominations	1263
motion	2133

YOST, JACK, a Senator from the First District:

appointed to standing committees	111-114
bills introduced (by request)	6, 15, 38, 68, 81-85, 94, 132, 138, 150-151, 175, 187, 189, 199, 221, 245-246, 248, 273, 290, 300, 303, 364, 385, 401, 402, 409, 410, 411, 413, 435, 472-473, 475, 476, 509, 511, 545-547, 548, 549, 570, 597, 599, 631, 633, 635, 666, 667, 669, 670, 671, 673, 675, 695, 696, 698, 699, 701, 703
reports by, as chair of committee on	
labor	171, 172, 239, 241, 455-456, 457-458, 1224, 1228-1229, 1438
resolutions offered (by request)	127, 128, 138, 140, 141, 143, 162, 178, 255, 305, 324, 366, 413, 417, 419, 437, 438, 479, 481, 483, 534, 553, 599, 603-604, 605, 607, 642, 676, 678, 710, 745, 747, 796, 960, 1143, 1239, 1245, 1249, 1299, 1364, 1366, 1369, 1442, 1443, 1445, 1562, 1565, 1566-1567, 1568, 1828, 1829, 1833, 2194, 2195-2196, 2202, 2204
withdraws (committee) amendment	(1990), (2396)

ADDENDUM

WORDING OF MISCELLANEOUS ACTION:

bill introduced by request	226
bill (or resolution) introduced from floor	(144), (608)
bill on calendar recommitted to committee	685, 983, 1062, 1176, 1177
bill on calendar referred to committee	559
clerk's note	42, 66, 2426, 2559
(committee report) coming out on	
second reading	823, 862, 866-867, 871, 892-893, 897, 1013, 1558, 1780, 1782
(committee report) coming out on	
second reading with amendments pending	861, 1030, 1104, 1993-1994

- (committee report) double committee reference;
coming out on second reading with amendments
from both committees pending 1559, 1561, 1990
- (committee report) double committee reference;
coming out on second reading with amendments
from first committee pending 1543-1544
- (committee report) double committee reference;
committee substitute reported from
first committee; read first time;
referred to second committee 767, 788-790, 827-829, 832-834,
846-847, 870
- (committee report) double committee reference;
committee substitute reported from
first committee; referred to second committee 195-196, 236, 237-238,
240, 242, 268-269, 270-272, 339-341, 344-347, 377-380, 381, 392-395, 430,
432-433, 453-455, 457, 458-460, 499-501, 502-505, 506-507, 522, 525-527, 568-
569, 579-581, 583, 586-588, 589-591, 624-626, 627-629, 657-658, 661-663, 730-
731, 732-733, 734-735, 821-822
- (committee report) double committee reference;
committee substitute reported from
first committee; second committee reference
dispensed with 396-397, 528-529, 665-666, 766,
769-770, 1014-1015
- (committee report) double committee reference;
reported from first committee;
read first time; referred to second committee 760, 761, 762-763,
764-765, 786-788, 816-817, 834-835, 836, 860, 866, 869, 1032-1033, 1294-
1296, 1345-1346, 1403-1404, 1406, 1410-1411
- (committee report) double committee reference;
reported from first committee;
read first time; referred to second committee
with amendments pending 1345, 1362-1363, 1405-1406,
1408-1409, 1414-1415, 1438-1439
- (committee report) double committee reference;
reported from first committee;
referred to second committee 168-170, 172, 173-174, 180-182,
197, 216-219, 234, 238-239, 241, 243, 263-264, 268, 269-270, 285, 317-318,
320, 342-343, 377, 380, 398-399, 407-408, 429, 431, 435, 455-456, 457-458,
461, 499, 501-502, 505-506, 507, 523, 527-528, 563-564, 567, 584, 591, 621-
622, 627, 629, 734, 736, 738-739, 837, 873, 1107, 1228-1229, 1230-1231, 1236-
1237, 1266-1267, 1359, 1791, 1792
- (committee report) double committee reference;
reported from first committee; second committee
reference dispensed with 287-288, 376, 830, 1265, 1294-1295,
1342-1343, 1363, 1404-1405, 1409, 1412, 1560, 1790
- (committee report) double committee reference;
reported from first committee

- with amendments pending;
 - referred to second committee 171-172, 182-183, 197-198, 241-242, 263, 266, 318-320, 341-342, 382-383, 408, 456, 588-589, 665, 1226, 1228, 1230, 1232-1233, 1265-1266, 1267-1268, 1334
- (committee report) double committee reference;
 - reported from first committee with amendments pending; second committee reference dispensed with 235, 1115, 1229, 1344, 1361-1362, 1410, 1439-1440, 1771-1772
- (committee report) double committee reference;
 - reported from first committee without recommendation; referred to second committee 166-167
- (committee report) double committee reference;
 - reported from second committee with amendments from both committees pending 1405, 1548-1549, 1784
- (committee report) double committee reference;
 - reported from second committee with amendments from first committee pending 764, 826, 1334-1335, 1340, 1343, 1540, 1553, 1562, 1780
- (committee report) originating bill (or resolution);
 - referred to second committee (780-783), (1038-1040), (1041-1042), (1145-1154), (1251-1252), (1303-1309), (1330-1334), (1397-1403), (1570-1574), (1576-1580), (1839-1841)
- (committee report) single reference bill (or resolution);
 - referred to second committee (529-530)
- (committee report) single reference bill (or resolution);
 - reported without recommendation; referred to second committee (788)
- (committee report) triple committee reference;
 - reported from first committee; referred to second committee 170-171, 172-173, 205-206
- (committee report) triple committee reference;
 - reported from first committee; second committee reference dispensed with; referred to third committee 740, 1224-1225
- (committee report) triple committee reference;
 - reported from second committee; referred to third committee 233-234, 264-265, 431-432
- (committee report) triple committee reference;
 - reported from second committee with amendments pending; referred to third committee 265-266
- constitutional rule suspension; prevailed 1335, 1772, 1821
- deferral of legislation from position on calendar 968, 976-977, 1046, 1591, 1605, 1617, 2218, 2229

deferral of legislation from position on calendar;	
amendment pending	2212, 2230, 2390
deferred position of legislation reached	1008, 1009, 1079, 1758, 2392, 2397
division of vote requested	2419
effective date of House bill changed by Senate	1450, 1594, 2214
effective date of Senate bill changed by House	838, 839, 1423, 2301
extended session	2543
House recedes from amendments and passes bill	2536
midnight hour	2534
moment of silence	1255
night session	110, 1758, 2263, 2557
ordered printed in appendix, remarks	192, 213, 232, 257, 283, 336, 428, 448, 484, 486, 494, 542, 559, 560, 573, 577, 610, 680, 747, 749, 753-754, 813, 815, 816, 859, 907, 1116, 1144-1145, 1156, 1158, 1159, 1186, 1256, 1273, 1347, 1366, 1415, 1537, 1581, 1599, 1600, 1779, 1828, 1842, 1977, 1978, 2027, 2211, 2221, 2234, 2543, 2544, 2555, 2560
points of inquiry	2338
previous question, motion for	576, 2209, 2418
quorum roll call	1
referred to additional committee	770
rejection of Senate bill (or resolution) by House	(2534)
rejection of Senate bill (or resolution) by Senate	(545)
rejection of Senate bill by Senate by tie vote	717
removal of sponsorship	428, 494, 577, 615, 724, 784, 837, 1018
rereferred to committee (with amendments pending)	892
Senate accedes to House of Delegates request	
and recedes from amendments	950, 2381
Senate requests return of House bill from House	1595, 1762, 2028
Senate requests return of Senate bill from House	2132
student legislative internship programs	521, 647
veto reconsidered; bill amended and repassed	2563-2572, 2572-2574

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*1-	By Senators Stollings, Jenkins, Miller, Laird and Plymale: Modifying controlled substances schedules and prescriptive authority.	6	339-340				6, 341
2-	By Senators Stollings, Unger, Jenkins, Miller, Laird and Yost: Providing tax incentive to dental practitioners performing services to indigents.	6					6
3-	By Senators Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells, Miller, McCabe, Tucker and M. Hall: Creating Uniform Real Property Transfer on Death Act.	6	194		258	2134	7, 213, 231, 258, 2582, 2597
4-	By Senators Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe: Creating Revised Uniform Law on Notarial Acts.	7-9					9
5-	By Senators Kirkendoll, Cookman, Blair, Fitzsimmons, D. Hall, Nohe, Wells and McCabe: Creating Uniform Real Property Electronic Recording Act.	9					9
**6-	By Senators Tucker, Kessler (Mr. President), Stollings, Laird and Plymale: Regulating sale of drug products used in manufacture of methamphetamine.	10	453-454, 619	750-752, 752-753	752	2243	10, 455, 687, 718-722, 750-754, 2243-2253, 2264, 2291
7-	By Senators Snyder, Laird and Miller: Relating to composition of Joint Committee on Government and Finance.	10					10
8-	By Senators Snyder, Blair, Unger and Cookman: Prohibiting zone pricing of gasoline.	11					11
9-	By Senators Palumbo, Jenkins, Miller, Cookman, Laird and Fitzsimmons: Creating Sexual Assault Forensic Examination Commission.	11					11

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
10-	By Senators Stollings, Miller and Laird: Requiring Medicaid dental coverage for certain mothers of newborns.	11					12
11-	By Senator Stollings: Relating to cellular telephone communications and wiretapping evidentiary provisions in family court proceedings.	12					12
*12-	By Senator Stollings: Relating to expedited partner therapy treatment.	12	195, 233	2439-2480	328	2439	12, 196, 282, 297, 309, 327-328, 2439-2481, 2585, 2619
13-	By Senator Stollings: Modifying Courthouse Facilities Improvement Authority funding assistance.	13					13
14-	By Senators Stollings and Laird: Establishing child support insurance match program.	13					13
**15-	By Senator Stollings: Removing certain billing limitations for HIV or STD testing by public health agencies.	14	393, 620-621		754		14, 394, 687, 722, 754
16-	By Senators Stollings and Miller: Requiring health insurance coverage of hearing aids for certain individuals.	14					14
17-	By Senators Stollings, Jenkins, Miller, Cookman, Laird and Fitzsimmons: Allowing possession of opioid antagonist by certain public safety personnel.	14-15					15
18-	By Senators Fitzsimmons, Cookman and Yost: Redefining and renaming "obscene matter".	15					15
19-	By Senators Fitzsimmons and Yost: Increasing compensation caps for certain family court staff.	15					15
20-	By Senator D. Hall: Revising laws relating to regulation of fireworks.	16					16

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
21-	By Senators D. Hall, Cann and Beach: Reducing student-to-teacher ratio in public schools and increasing certain aides' pay.	16					16
22-	By Senator Green: Relating to State Auditor's compliance regarding limitation of PERS post-retirement earnings.	16					17
23-	By Senators Green and Miller: Relating to fetal death reporting.	17					17
24-	By Senators Green, Jenkins, Miller and McCabe: Relating to liability immunity for ski patrol rendering certain emergency care.	17					17
25-	By Senators Green, Jenkins, D. Hall, Miller and Tucker: Requiring Senate advise and consent for State Superintendent of Schools appointment.	17					17
26-	By Senators Green, D. Hall, Jenkins, Miller and Tucker: Creating emergency generator tax credit.	17	166				18, 167
27-	By Senator Green: Relating to minors obtaining tattoos.	18					18
28-	By Senators Green and McCabe: Prohibiting certain campaign contributions by lobbyists during legislative session.	18					18
*29-	By Senator Green: Clarifying requirements for certain motor vehicle searches.	18	196		259		18, 213, 231, 258-259
**30-	By Senator Snyder: Exempting autocycles from license examination and safety equipment requirements.	19	579, 817		964		19, 581, 857, 928, 964
31-	By Senators Green and D. Hall: Relating to appointment and removal of State Fire Marshal.	19					19

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*32-	By Senator Snyder: Authorizing Legislative Auditor to collect sunrise application review fees.	19	373-374		439		19, 404, 426, 439-440
33-	By Senators Snyder, D. Hall, Cann, Williams and M. Hall: Increasing salaries of State Police forensic lab and civilian employees.	20					20
34-	By Senators Snyder and Cookman: Redistributing proceeds from excise tax on transfer of real property to counties for benefit of regional jails.	20					20
35-	By Senators Williams, Miller, Plymale and Beach: Requiring filing fee for write-in candidates for public office.	20					20
36-	By Senators Williams, Miller, Cann, Cookman, Tucker and Fitzsimmons: Relating to posting of property to prohibit hunting or trespassing.	20					21
37-	By Senators Williams, Miller, Cann, Carmichael and Tucker: Creating personal income tax checkoff for Jackson's Mill 4-H Camp.	21	429				21, 429
38-	By Senators Williams, D. Hall, Miller, Beach, Tucker and Fitzsimmons: Reallocating certain oil and gas severance tax proceeds to counties of origin.	21					22
39-	By Senators Williams and Cookman: Adding additional family court judge.	22					22
40-	By Senator Tucker: Providing judges appoint public defender attorneys for eligible clients.	22					22
41-	By Senator Tucker: Providing resident tuition rates for children of WV institution graduates.	22					22
42-	By Senators Tucker, Jenkins and Laird: Providing for construction of Lou Tabit Freeway.	22					23

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
43-	By Senators Tucker, D. Hall, Cookman and Beach: Creating crossbow hunting license.	23					23
44-	By Senators Tucker and Beach: Expanding hotel occupancy tax to include commercial campsites.	23					23
45-	By Senators Tucker and Fitzsimmons: Specifying certain residency requirements for majority of state-chartered banking institution directors.	23					23
*46-	By Senator Tucker: Creating informal dispute resolution process to certain behavioral health providers.	23	430				24, 430
47-	By Senator Tucker: Increasing minimum proof of financial responsibility in motor vehicle insurance coverage.	24					24
48-	By Senators Tucker, Beach and Williams: Authorizing rural resort community as limited gaming facility.	24					25
49-	By Senator Tucker: Relating to review of adverse determinations by insurance companies.	25					25
50-	By Senators Tucker and M. Hall: Relating to organization of Physicians' Mutual Insurance Company.	25					25
51-	By Senator Walters: Requiring water-free urinals in public rest areas, institutions and schools.	26					26
52-	By Senator Walters: Creating pilot program incorporating Khan method of teaching mathematics.	26					26
53-	By Senators Walters and Jenkins: Authorizing state, county and local road construction improvements by private investors.	26					26

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
54-	By Senators Walters and Miller: Improving state emergency preparedness.	27					27
55-	By Senator Walters: Creating licensed school psychologist-pupil ratio.	27					27
56 -	By Senator Walters: Creating pilot program for TANF recipients of academically achieving children.	27					27
57-	By Senators Cookman, Miller, Laird, Plymale and Fitzsimmons: Implementing Child and Adolescent Needs and Strengths outcome evaluation system.	28					28
*58-	By Senators Cookman, Miller, Plymale and Fitzsimmons: Relating to basis for voidable marriages and annulments.	28	215	1348-1349	295, 1350	1348, 1793	28, 261, 281, 295, 1348-1350, 2556, 2561
59-	By Senator Cookman: Relating to claims against counties, school districts or municipalities.	29	263				29, 263
60-	By Senator Cookman: Providing only notice of county board of education financial statement availability be published.	29					29
61-	By Senators Cookman and Fitzsimmons: Increasing legal education credits required of court-appointed attorneys in juvenile cases.	29					29
*62-	By Senators Cookman, Laird and Plymale: Relating to referral of drug court participants having co-occurring addiction and mental health issues.	29	522				30, 522
63-	By Senators Facemire, D. Hall, Unger, Cann and Williams: Increasing salaries of State Police forensic lab and civilian employees.	30					30
64-	By Senators Facemire and Beach: Providing automatic revocation of will upon legal separation.	30					30

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
65-	By Senator Facemire: Prohibiting consideration of certain income-producing asset for purposes of spousal support.	30					30
66-	By Senator Facemire: Terminating state's jurisdiction over certain reclaimed sites of bond-forfeited surface mining operations.	30	167				30, 167
67-	By Senator Facemire: Authorizing use of excess campaign contributions for repayment of previous campaign loans or debts.	31					31
68-	By Senator Facemire: Limiting liability of participants in certain water pollution abatement projects.	31	167				31, 167
69-	By Senator Facemire: Clarifying period for determining property assessments for local share calculation.	31					31
70-	By Senator Facemire: Conforming code to federal requirements for certain registered voters in presidential elections.	32					32
71-	By Senators Sypolt, Jenkins, McCabe, Carmichael, Cole and Nohe: Limiting landowner's civil liability for injuries occurring while hunting.	32					32
72-	By Senators Sypolt, D. Hall, Jenkins and Carmichael: Creating Intrastate Coal and Use Act.	32	167				32, 167
73-	By Senators Sypolt, Jenkins and Nohe: Exempting veterinary medications from sales tax.	32					33
74-	By Senator Sypolt: Redefining "low income" for senior citizens' homestead tax credit.	33					33
75-	By Senator Sypolt: Requiring equal membership from magisterial districts on county planning commission.	33					33

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
76-	By Senators Sypolt, D. Hall, Jenkins and Williams: Creating Firearms Freedom Act.	33					33
77-	By Senator Sypolt: Permitting escrow deposit by bond for mechanics' lien.	33					34
78-	By Senator Sypolt: Designating English as official state language.	34					34
79-	By Senators Sypolt and Williams: Changing number and method of jury strikes in felony cases.	34					34
80-	By Senators Sypolt, D. Hall, Williams and M. Hall: Permitting concealed weapons licensees to carry weapon on Capitol Complex with certain exception.	34					34
81-	By Senators Sypolt and Williams: Excluding veterans' disability income in determining spousal support and marital property division.	34					35
82-	By Senators Sypolt and M. Hall: Exempting homeowners' association dues, fees and assessments from consumers sales and service tax.	35					35
83-	By Senators Laird and Unger: Providing personal income tax deduction for spaying or neutering pets.	35	563				35, 563
84-	By Senator Laird: Relating to process of selecting state agency hearing examiners.	35					36
85-	By Senators Laird, Stollings, Miller, Cann, Plymale and Tucker: Establishing driver's license restoration program.	36					36
86-	By Senators Laird, Stollings, Miller, Cookman, Beach and Fitzsimmons: Expanding grandparents' rights.	36					36

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
87-	By Senators Laird, D. Hall, Unger, Miller and Plymale: Providing salary increase for natural resources police officers.	37					37
88-	By Senators Laird and Plymale: Relating to claims for total loss and debris removal proceeds under farmers' mutual fire insurance companies.	37	523, 581	2291-2296	712, 2296	2291	37, 523, 646, 685, 712, 2291-2296, 2587, 2597
89-	By Senators Laird, Stollings and Miller: Creating amnesty program for certain drivers with suspended licenses.	37					38
**90-	By Senators Laird, Cookman and Fitzsimmons: Creating criminal offense for interfering or preventing call for assistance of emergency service personnel.	38	498	1417-1421	574, 1421	1416	38, 541, 558, 573-574, 1416-1422, 2556, 2596
91-	By Senators Yost and Fitzsimmons: Requiring state uniforms be manufactured in US.	38					38
92-	By Senators Barnes, Miller, Walters and Nohe: Establishing Animal Abuse Registry.	38					39
93-	By Senator Barnes: Amending public school support computation of local share.	39					39
94-	By Senator Barnes: Requiring county commission be notified prior to employee discharge.	39					39
**95-	By Senators Miller and Beach: Creating felony offense for DUI causing serious bodily injury.	40	580, 786		965		40, 581, 857, 928, 965
96-	By Senators Miller, Unger, Laird, Plymale and Williams: Creating Creative Communities Development Act.	40	166, 621				40, 167, 622
97-	By Senators Miller and Laird: Relating to funding of civil legal services to low-income persons.	40					41

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
98-	By Senators Miller and Cann: Relating to student-school nurse staffing ratio.	41					41
99-	By Senators Miller, Cookman and Fitzsimmons: Relating to compensation and expenses for attorneys appointed in child abuse and neglect proceedings.	41					41
100-	By Senators Miller and Beach: Authorizing operation of low-speed vehicles on certain municipal roads.	41	455, 622		755		41, 455, 687, 722, 754-755
101-	By Senator Snyder: Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to regulation of chiropractic practice.	42	180				42, 181
102-	By Senator Snyder: Authorizing Board of Chiropractic Examiners promulgate legislative rule relating to fees pertaining to practice of chiropractic.	42	180				42, 181
103-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to board.	42	168				42, 170
104-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies.	42	168				43, 170
105-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to fees established by board.	43	168				43, 170
106-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations; dental practice ownership.	43	168				43, 170
107-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to dental advertising.	43	168				43, 170

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
108-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to practitioner requirements for accessing Controlled Substances Monitoring Program database.	43	168				44, 170
109-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to continuing education requirements.	44	168				44, 170
110-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to administration of anesthesia by dentists.	44	168				44, 170
111-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to expanded duties of dental hygienists and dental assistants.	44	168				44, 170
112-	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to mobile dental facilities and portable dental units.	44	169				44, 170
113-	By Senator Snyder: Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to policies regulating licensure of licensed practical nurse.	45	169				45, 170
114-	By Senator Snyder: Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to fees for services rendered by board and supplemental renewal fee for Center for Nursing.	45	169				45, 170
115-	By Senator Snyder: Authorizing Board of Examiners for Licensed Practical Nurses promulgate legislative rule relating to continuing competence.	45	169				45, 170

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
116-	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to continuing education for licensure of pharmacists.	45	181				45, 181
117-	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.	46	170, 233				46, 171, 234
118-	By Senator Snyder: Authorizing Board of Sanitarians promulgate legislative rule relating to practice of public health sanitation.	46	197				46, 197
119-	By Senator Snyder: Authorizing Board of Professional Surveyors promulgate legislative rule relating to examination and licensing of professional surveyors.	46	169				46, 170
120-	By Senator Snyder: Authorizing Board of Veterinary Medicine promulgate legislative rule relating to registration of veterinary technicians.	46	169				46, 170
121-	By Senator Snyder: Authorizing Board of Veterinary Medicine promulgate legislative rule relating to certified animal euthanasia technicians.	47	169				47, 170
122-	By Senator Snyder: Authorizing Board of Veterinary Medicine promulgate legislative rule relating to schedule of fees.	47	169				47, 170
123-	By Senator Snyder: Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to licensure of speech-language pathology and audiology.	47	169				47, 170
124-	By Senator Snyder: Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to speech-language pathology and audiology assistants.	47	170				47, 170

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
125-	By Senator Snyder: Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology.	48	170				48, 170
126-	By Senator Snyder: Authorizing Board of Examiners for Speech-Language Pathology and Audiology promulgate legislative rule relating to code of ethics.	48	170				48, 170
127-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to Wage Payment and Collection Act.	48	171				48, 172
128-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to employer wage bonds.	48	172				48, 172
129-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to ambient air quality standards.	49	216				49, 217
130-	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.	49	216				49, 217
131-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.	49	216				49, 217
132-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to control of air pollution from combustion of solid waste.	49	216				50, 217
*133-	By Senator Snyder: Authorizing DEP promulgate legislative rules.	50	217, 523- 525	610- 612, 2135- 2140	610, 2141	2134- 2135	50, 217, 558, 576, 610- 612, 2134-2141, 2588, 2599

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
134-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.	50	217				50, 217
135-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.	50	217				50, 217
136-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards.	50	263				51, 264
137-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to state certification of activities requiring federal licenses and permits.	51	431				51, 431
138-	By Senator Snyder: Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to assessing health and safety violation penalties.	51	217				51, 217
139-	By Senator Snyder: Authorizing Office of Miners' Health, Safety and Training promulgate legislative rule relating to program for sharing of information between employees.	51	455				51, 456
*140-	By Senator Snyder: Authorizing Department of Commerce promulgate legislative rules.	52	456, 819	2372-2380	966, 2380	2372	52, 456, 857, 928, 965-966, 2372-2381, 2587, 2597
141-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special motorboating.	52	182				52, 182
142-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to electronic registration of wildlife.	52	182				52, 182

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
143-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to voluntary remediation and redevelopment.	52	264				52, 264
144-	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to commercial feed.	53					53
145-	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to schedule of charges for inspection services: fruit.	53	218				53, 218
146-	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to auctioneers.	53	218				53, 218
147-	By Senator Snyder: Authorizing Commissioner of Agriculture promulgate legislative rule relating to inspection of meat and poultry.	53	341				53, 342
148-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to clinical laboratory technician and technologist licensure and certification.	54	172, 265				54, 173, 265
149-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to medication administration by unlicensed personnel.	54	198				54, 198
150-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to AIDS-related medical testing and confidentiality.	54	172, 265				54, 173, 265
151-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to Cancer Registry.	54	173, 265				55, 173, 265

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
152-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to Medical Examiner's rule for post-mortem inquiries.	55	197				55, 197
153-	By Senator Snyder: Authorizing Health Care Authority promulgate legislative rule relating to Health Information Network.	55	197				55, 197
154-	By Senator Snyder: Authorizing Bureau of Senior Services promulgate legislative rule relating to In-Home Care Worker Registry.	55	173, 265				55, 173, 266
*155-	By Senator Snyder: Authorizing DHHR promulgate legislative rules.	55	171, 234, 622-623	2142-2148	755, 2148	2141	56, 171, 234, 687, 723, 755-756, 2141-2149, 2588, 2599
156-	By Senator Snyder: Authorizing Fire Commission promulgate legislative rule relating to State Fire Code.	56	234				56, 234
157-	By Senator Snyder: Authorizing Fire Commission promulgate legislative rule relating to certification of home inspectors.	56	285				56, 285
158-	By Senator Snyder: Authorizing Regional Jail and Correctional Facility Authority promulgate legislative rule relating to determination of projected cost per day for inmates.	56	266				56, 266
159-	By Senator Snyder: Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to bureau.	56					57
160-	By Senator Snyder: Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to obtaining support from federal and state tax refunds.	57					57

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
161-	By Senator Snyder: Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to interstate income withholding.	57					57
162-	By Senator Snyder: Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to support enforcement activities undertaken by bureau.	57					57
163-	By Senator Snyder: Authorizing Bureau for Child Support Enforcement promulgate legislative rule relating to distribution of support payments.	57					57
164-	By Senator Snyder: Authorizing State Fire Marshal promulgate legislative rule relating to certification of electrical inspectors.	58	285				58, 285
*165-	By Senator Snyder: Authorizing Department of Transportation promulgate legislative rules.	58	374		440	2149	58, 404, 426, 440-441, 2577, 2596
166-	By Senator Snyder: Authorizing Tax Department promulgate legislative rule relating to municipal sales and service and use tax administration.	58	317				58, 318
*167-	By Senator Snyder: Authorizing Department of Revenue promulgate legislative rules.	58	317, 658-659	2149-2164	807, 2164	2149	58, 318, 723, 758, 806-807, 2149-2165, 2588, 2599
168-	By Senator Snyder: Authorizing Tax Department promulgate legislative rule relating to withholding or denial of personal income tax refunds from taxpayers who owe municipal or magistrate court costs.	58					59
169-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of funds in Treasurer's Office by state agencies.	59					59

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
170-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to procedure for deposit of moneys with office by state agencies.	59					59
171-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding.	59					59
172-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to selection of state depositories for receipt accounts.	59					60
173-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to reporting of debt capacity.	60					60
174-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to reporting debt.	60					60
175-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to procedures for fees in collections by charge, credit or debit card or by electronic payment.	60					60
176-	By Senator Snyder: Authorizing Treasurer's Office promulgate legislative rule relating to providing services to political subdivisions.	60					60
177-	By Senator Snyder: Authorizing Insurance Commissioner promulgate legislative rule relating to utilization review and benefit determination.	60	318				61, 319
178-	By Senator Snyder: Authorizing Insurance Commissioner promulgate legislative rule relating to health plan insurer internal grievance procedure.	61	318				61, 319

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
179-	By Senator Snyder: Authorizing Insurance Commissioner promulgate legislative rule relating to external review of adverse health insurance determinations.	61	318				61, 319
180-	By Senator Snyder: Authorizing Election Commission promulgate legislative rule relating to Supreme Court of Appeals Public Campaign Financing Pilot Program.	61					61
*181-	By Senator Snyder: Authorizing Department of Administration promulgate legislative rules.	61	181, 820	2165-2166	967, 2166	2165	62, 181, 857, 928, 966-967, 2165-2167, 2588, 2599
182-	By Senator Snyder: Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.	62	181				62, 181
183-	By Senator Snyder: Authorizing Commissioner of Highways promulgate legislative rule relating to transportation of hazardous wastes upon roads and highways.	62	173				62, 174
184-	By Senator Snyder: Authorizing Consolidated Public Retirement Board promulgate legislative rule relating to Public Employees Retirement System.	62	205, 431				62, 206, 432
185-	By Senator Snyder: Authorizing Infrastructure and Jobs Development Council promulgate legislative rule relating to council.	63	181				63, 181
186-	By Senator Snyder: Authorizing Real Estate Commission promulgate legislative rule relating to requirements in licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business.	63	181				63, 181
187-	By Senator Snyder: Authorizing Real Estate Commission promulgate legislative rule relating to schedule of fees.	63	499				63, 499

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
188-	By Senator Snyder: Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to private club licensing.	63	499				63, 499
189-	By Senator Snyder: Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to farm wineries.	64	218				64, 218
190-	By Senator Snyder: Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to sale of wine.	64	218				64, 218
191-	By Senator Snyder: Authorizing Alcohol Beverage Control Commission promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures.	64	499				64, 499
192-	By Senator Snyder: Authorizing Racing Commission promulgate legislative rule relating to thoroughbred racing.	64					64
193-	By Senator Snyder: Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to requirements for licensure and certification.	65	182				65, 183
194-	By Senator Snyder: Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to renewal of licensure or certification.	65	183				65, 183
195-	By Senator Snyder: Authorizing Massage Therapy Licensure Board promulgate legislative rule relating to schedule of fees.	65	181				65, 181
*196-	By Senator Snyder: Authorizing Division of Rehabilitation Services promulgate legislative rule relating to Ron Yost Personal Assistance Services Board.	65	197, 267		328	2167	65, 197, 298, 310, 328-329, 2577, 2596

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
197-	By Senator Snyder: Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation.	66	205, 431				66, 206, 432
198 -	By Senators Unger, Kessler (Mr. President), Jenkins, Cann, Cookman, Fitzsimmons and Nohe: Protecting confidentiality of applications, permits and renewal application for deadly weapons permits.	66					66
199 -	By Senators Unger and Cann: Allowing private property owner prohibit carrying firearms or deadly weapons on property.	66					66
200 -	By Senators Kirkendoll and Cookman: Authorizing circuit and magistrate courts collect bail bond surcharges to offset regional jail costs.	66					67
201-	By Senators Unger, Jenkins, Cann, Plymale and Williams: Requiring minimum number of state troopers; providing certain salary increases.	67					67
202-	By Senator Unger: Creating Benefit Corporation Act.	67	861		1044	2167	67, 944, 982, 1044-1045, 2588, 2599
203 -	By Senators Unger, Cann, Yost and Williams: Requiring State Police be compensated when on standby; housing stipend.	68					68
*204 -	By Senators Unger and Kessler (Mr. President): Relating to crime victims compensation awards.	68	846, 1010	1075-1076, 2481-2482	1165, 2483	2481	68, 847, 1011, 1075-1076, 1164-1165, 2481-2483, 2587, 2597
205 -	By Senator Kirkendoll: Granting county commissions advice and consent authority in discharge of county employees.	68					68

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
206 –	By Senator Plymale: Redistributing certain net terminal income from racetrack video lottery.	69					69
207 –	By Senators Plymale and Laird: Transferring Division of Early Care and Education and Head Start State Collaborative to Department of Education and Arts.	69					69
208 –	By Senator Plymale: Relating to Rural Health Initiative Act.	69	235	329	329		70, 235, 283, 297, 309, 329-330
209 –	By Senators Beach, Miller, Cookman, Walters and Fitzsimmons: Allowing special needs students to participate in graduation ceremonies.	70	235	1793-1796	330, 1797	1793	70, 283, 297, 309, 330-331, 1793-1797, 2588, 2598
210 –	By Senator Beach: Increasing membership of Board of Examiners for Registered Professional Nurses.	70					70
211 –	By Senator Beach: Relating to alternative nicotine products.	70					70
212 –	By Senators Beach, Fitzsimmons and Williams: Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.	71					71
213 –	By Senators Miller and Laird: Relating to residential solar energy tax credit.	71					71
214 –	By Senator Miller: Creating Citizens Elected County Officials Compensation Commission.	71	760				71, 760
215 –	By Senator M. Hall, Carmichael and Cole: Creating Intermediate Court of Appeals.	71-74					74
216 –	By Senator Nohe: Providing exemption allowing removal or burning of certain litter by county and municipal governments.	74					74

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
217 –	By Senators Blair, Jenkins, Carmichael and Nohe: Prohibiting public officials and employees from using public funds for self promotion.	74					75
218 –	By Senator Blair: Requiring bartenders have alcohol server permits.	75					75
219 –	By Senator Barnes: Establishing public competitive learning academies.	75					75
220 –	By Senators Barnes and D. Hall: Allowing local option election permitting Sunday hunting on private property.	76					76
221 –	By Senators Barnes, D. Hall, Jenkins, Nohe and M. Hall: Absolving landowner from civil liability for hunting injuries.	76					76
222 –	By Senators Barnes, Jenkins and M. Hall: Exempting certain motor vehicles from personal property tax; requiring antique licenses.	76					76
223 –	By Senators Barnes and M. Hall: Requiring all available fetal medical care following abortion.	76					77
224 –	By Senator Kirkendoll: Relating to service credit transfers from PERS to EMS Retirement System.	77					77
225 –	By Senator Kirkendoll: Relating to certain civil action filing fees.	77					77
226 –	By Senators Kirkendoll and D. Hall: Providing elected county officials receive raise based on Consumer Price Index.	77					78
227 –	By Senator Jenkins: Creating Higher Education Community School Law.	78					78

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
228 –	By Senators Jenkins and M. Hall: Exempting all military retirement income from state income tax.	78					78
229 –	By Senator Jenkins: Providing tax credit for fees paid for recycling residential household waste.	79					79
230 –	By Senator Jenkins: Permitting Boards of Medicine, Dentistry and Osteopathy initiate disciplinary proceedings in certain circumstances.	79					79
231 –	By Senator Jenkins: Mandating additional punishment for using minor in commission of crime.	79					79
232 –	By Senators Jenkins, Carmichael and Cole: Providing for nonpartisan election of Supreme Court justices.	79					80
233 –	By Senators Jenkins and Plymale: Extending civil liability immunity to operators of parks and recreation districts.	80					80
234 –	By Senators Jenkins and Miller: Requiring court conduct hearing at sentencing to determine defendant's ability to pay incarceration costs.	80					80
235 –	By Senator Jenkins: Expanding counties covered by Rt. 2 and I-68 Authority.	81					81
236 –	By Senators Yost, D. Hall, Cann and Nohe: Exempting all military, National Guard and reserve income from state income taxes.	81					81
237 –	By Senators Yost, Jenkins, D. Hall, Cann and Nohe: Increasing personal income tax exemption on military, National Guard and reserve retirement income.	81					81
238 –	By Senator Yost: Lowering threshold requiring low-bid government construction contractors submit subcontractor list.	81					81

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
239 –	By Senator Yost: Requiring workers painting state bridges complete SSPC Coating Application Specialist Program.	82					82
240 –	By Senator Yost: Relating to meeting and conference rights for members of municipal police or fire departments.	82					82
241 –	By Senator Yost: Creating Keep Jobs in West Virginia Act.	82					82
242 –	By Senator Yost: Creating State Labor Relations Act.	83					83
243 –	By Senator Yost: Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.	83					83
244 –	By Senators Yost, Cookman and Fitzsimmons: Facilitating compilation and availability of birth parents' social and medical histories prior to adoption.	83					84
245 –	By Senators Yost, Cookman and Fitzsimmons: Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.	84					84
246 –	By Senator Yost: Allowing real property co-owner become sole owner under certain circumstances.	84					84
247 –	By Senator Yost: Removing statutory salary provision of Executive Director of Women's Commission.	84					84
248 –	By Senator Yost: Creating Equal Pay Coordinator within Division of Personnel.	84					85
249 –	By Senators Yost, Miller, Cann and Fitzsimmons: Providing state park campground discounts for National Guard and reserve.	85					85

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
250 –	By Senators Palumbo and Jenkins: Adopting several liability in tortious conduct actions.	85					85
251 –	By Senators Palumbo, Cann and Cookman: Implementing terms of Uniform Arbitration Act.	85-86	218, 267		331		87, 219, 298, 310-311, 331-332
**252 –	By Senators Palumbo and Nohe: Allowing certain expelled students to return to school through Juvenile Drug Court.	87	457, 729	853, 2484-2494	911, 2494	2483	87, 457, 814, 853, 910-911, 2484-2494, 2587, 2597
*253 –	By Senators Palumbo and Laird: Clarifying code for Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.	87	789, 861	929, 2297-2298	968, 2298	2296-2297	87, 789, 928-929, 967-968, 2296-2298, 2582, 2596
*254 –	By Senator Unger: Regulating equine boarding facilities.	87	432, 862		1045		87, 433, 944, 982, 1045
*255 –	By Senators Plymale and Tucker: Increasing fire and casualty insurance policies surcharge to benefit fire departments.	88	730				88, 731
256 –	By Senator Tucker: Providing expiration date on lien instrument securing obligation payable on demand.	88					88
257 –	By Senators Palumbo and Cann: Relating to real property possessor's liability for harm to trespassers.	88	375		442		88, 404, 426, 441-442
258 –	By Senators Palumbo, Jenkins, Beach, Cookman, Tucker and Fitzsimmons: Prohibiting juveniles from manufacturing, possessing and distributing nude images of minors.	88					88
259 –	By Senator Chafin: Imposing telecommunications business tax benefitting outdoor activity promotion and maintenance.	89	166				89, 167
*260 –	By Senator Chafin: Relating to residential community waivers for salvage yard establishments.	89	821				89, 822

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
261 –	By Senators Chafin, Jenkins, D. Hall, Cole and M. Hall: Transferring portion of Parkways Authority revenues to Turnpike counties.	89					89
262 –	By Senators Cookman, Miller and Fitzsimmons: Prohibiting certain purchases by SNAP recipients.	89					90
263 –	By Senator Chafin: Clarifying continuous inactivity of demand, savings or time deposits under Uniform Unclaimed Property Act.	90	563				90, 564
264 –	By Senators Chafin and Jenkins: Authorizing issuance of ten-year Bronze Star Medal license plates.	90					90
265 –	By Senators Jenkins and Plymale: Creating misdemeanor offense of possession of burglar's tools.	90					90
266 –	By Senators Jenkins and Plymale: Criminalizing graffiti on real and personal property.	90					91
*267 –	By Senators Palumbo, Kessler (Mr. President), Cookman and Fitzsimmons: Ensuring state courts' jurisdiction of fraudulent or unauthorized purchasing card use.	91	268, 342	421, 422, 2298-2300	422, 2301	2298	91, 268, 389, 403, 420-423, 2298-2301, 2587, 2597
268 –	By Senators Jenkins and M. Hall: Providing appraisal method for affordable multifamily rental housing property.	91					91
269 –	By Senator Jenkins: Authorizing issuance of special license plates.	92					92
270 –	By Senators Jenkins, Carmichael, Cole and M. Hall: Creating Jobs Impact Statement Act.	92	166				92, 167
271 –	By Senator Cann: Allowing CPRB set employer contribution rate for PERS and SPRS without legislative approval.	92					92

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
272 –	By Senators Cann and D. Hall: Limiting health insurance coverage for elective abortions to supplemental policies.	92					93
273 –	By Senator Cann: Prohibiting increases in certain real property assessments.	93					93
274 –	By Senator Cann: Providing for college graduate tax credit.	93					93
275 –	By Senator Cann: Expanding qualified military service credit for PERS benefit purposes.	93					94
276 –	By Senators Cann and Beach: Providing salary increases for certain public school teachers and reading specialists.	94					94
277 –	By Senator Yost: Relating to temporary reassignment of injured or ill school service personnel.	94					94
*278 –	By Senator Palumbo: Redefining "scrap metal".	94	174		212		94, 192, 204, 212-213
279 –	By Senators Cann and Cookman: Relating to abortions performed on unemancipated minors.	94					95
280 –	By Senator Barnes: Expanding Military Incentive Program to all economically disadvantaged veterans.	95	319				95, 319
281 –	By Senators Palumbo, Miller, Cookman, Tucker and Fitzsimmons: Creating felony offense of DUI causing injury or death.	95					96
282 –	By Senator Barnes: Decreasing number of jurors in municipal criminal matters.	96					96
283 –	By Senator Wells: Prohibiting certain noncompetition clauses in broadcast industry employee contracts.	96					96

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
284 –	By Senator Wells: Relating to county board of education employee personal leave accrual.	96					96
285 –	By Senator Wells: Providing campsite rental discount to youth groups undertaking certain community service projects.	97					97
286 –	By Senator Carmichael: Relating to used motor vehicle warranties.	97					97
287 –	By Senator Carmichael: Relating to requirement of professional engineer serving on sanitary board.	97					97
288 –	By Senator Carmichael: Clarifying individual is disqualified from unemployment benefits while on strike.	98					98
289 –	By Senators Carmichael, Jenkins and M. Hall: Establishing comparative fault standard.	98					98
290 –	By Senator Carmichael: Relating to Municipal Home Rule Pilot Program.	98					98
291 –	By Senator Carmichael: Increasing threshold of defendant's liability in tort action involving multiple defendants.	98					99
292 –	By Senator Carmichael: Requiring prevailing hourly rates in public improvements construction.	99					99
293 –	By Senators Carmichael and Jenkins: Limiting punitive damages awarded in personal injury or wrongful death cases.	99					99
294 –	By Senators Carmichael, Jenkins and M. Hall: Relating to reduction in compensatory damages for collateral source payments.	99					99

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
295 –	By Senators Carmichael and Cole: Extending time period for wage payments after termination.	99					100
296 –	By Senator Cann: Relating to health insurance; benefits and services.	100					100
*297 –	By Senator Wells: Permitting certain state employees receive higher salary as appointive state officer.	101	499-500				101, 501
*298 –	By Senators Unger, D. Hall, Cookman, Tucker, Fitzsimmons, Williams and Cann: Clarifying distinction between hunters and shooters in the field.	101	624				101, 625
299 –	By Senators Carmichael and M. Hall: Creating loser-pays civil justice system.	101					101
300 –	By Senators Carmichael and Cole: Creating Intermediate Court of Appeals.	101					102
301 –	By Senators Carmichael, Jenkins, D. Hall and Nohe: Relating to drug testing of legislators and public assistance recipients.	102					102
302 –	By Senator Carmichael: Creating Tax Revenue Act.	102					103
303 –	By Senators Unger, D. Hall, Jenkins, Miller and Cann: Providing salary increase for teachers.	103					103
304 –	By Senator Palumbo: Limiting annual property reappraisal increase; exception.	103					103
305 –	By Senator Beach: Requiring certain post-mining land use reclamation utilize Clements State Tree Nursery.	103					104
*306 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Budget Bill.	111	1395	2559	1588, 2560	2253, 2575	111, 1395, 1457, 1587-1588, 2253, 2545, 2557-2558, 2558-2560, 2581, 2600-2618

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*307 –	By Senators Cann, Williams, Cookman and Palumbo: Relating to pretrial management of persons charged with committing crimes.	123	502, 564	2339-2356, 2563-2571	681, 2357, 2572	2338, 2534, 2575	123, 502, 615, 645, 681, 2338-2357, 2561, 2562-2572, 2588, 2599
308 –	By Senators Cann, Plymale, Williams, McCabe, Stollings and Fitzsimmons: Creating Shale Research, Education, Policy and Economic Development Center at WVU.	123					123
309 –	By Senator Cann: Redefining "eligible institutions" to receive PROMISE scholarship funds.	123					124
*310 –	By Senators Palumbo and Cookman: Adjusting penalties for willful failure to pay child support.	124	215		333		124, 261, 281-282, 297, 309-310, 332-333
311 –	By Senators Chafin, M. Hall, Jenkins, Miller, Laird and D. Hall: Transferring portion of Parkways Authority revenues to Turnpike counties.	124					124
*312 –	By Senators Cann, Williams, Wells, McCabe, Stollings and Palumbo: Creating Project Launchpad Act.	124-126	502				126, 505
*313 –	By Senators Snyder, McCabe and Miller: Requiring gubernatorial appointment of PSC Consumer Advocate Director to mirror Governor's term of office.	126	268				126, 269
314 –	By Senators Williams and Sypolt: Appropriating hotel occupancy tax proceeds to counties with no more than one hospital.	131	376	1422	443, 1423	1422	131, 376, 405, 426, 442-443, 1422-1423, 2556, 2561
*315 –	By Senator Wells: Clarifying use of certain funds under Military Authority Act.	131	236, 660		808	2301	131, 236, 723, 758, 807-808, 2301-2302, 2585, 2597
*316 –	By Senator Palumbo: Relating to tolling with regard to civil actions.	132	237	387	388		132, 283, 297, 310, 333, 369, 387-389

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**317 –	By Senators Unger, Nohe, Kessler (Mr. President), D. Hall, Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird, Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder: Relating to municipal firearm laws.	132	625, 818	1079-1101, 1102-1103	1102	2254	132, 626, 857, 929-940, 968, 1008, 1045-1046, 1079-1104, 2585, 2597
*318 –	By Senator Stollings: Setting fees for manufacture, distribution, dispensing and research of controlled substances.	132	237, 760		911		133, 238, 814, 853, 911
319 –	By Senator McCabe: Increasing membership of State Fire Commission.	133					133
320 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to "state of preparedness".	133					133
321 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Allowing Board of Public Works be represented by designees; proxy voting.	133-134					134
*322 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Providing state compensate officials, officers and employees every two weeks with certain exceptions.	134	269, 582		713	1797	134, 270, 646, 686, 712-713, 2556, 2561
323 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to professional board licensure requirements for military and spouses.	134	238				135, 239
324 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Requiring underground facilities operators participate in one-call system.	135					135

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
325 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Providing State Fire Marshal serve at will and pleasure of Fire Commission.	135	376	2495-2497	443, 2497	2494	135, 405, 426-427, 443, 2494-2497, 2585, 2597
326 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Fixing technical error relating to motor fuel excise tax.	135					135
327 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Updating terms in Corporation Net Income Tax Act.	135	565		682	1423	136, 615, 645, 681-682, 2556, 2561
328 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Terminating Strategic Research and Development Tax Credit.	136	377, 660		808	1423	136, 377, 723, 758, 808, 1423-1424, 2557, 2561
329 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Extending cessation period for deposits into Special Railroad and Intermodal Enhancement Fund.	136					136
330 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating Safe and Efficient Parkways Act.	136					137
331 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Requiring certain accelerated payment of consumers sales and service and use tax and employee withholding taxes.	137	626	1425	757, 1426	1424	137, 687, 723, 756-757, 1424-1426, 2588, 2598
332 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Reducing certain allowances in computation of local share.	137					137

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
333 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Updating terms in Personal Income Tax Act.	137					138
334 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Suspending certain refundable consumer sales and service tax exemptions to State Road Fund.	138					138
335 –	By Senators Fitzsimmons, Yost, Blair, D. Hall, Kessler (Mr. President), Unger and Miller: Requiring certain items purchased by state be manufactured in United States.	138					138
**336–	By Senators Stollings, Laird, Boley, Cole, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins and Cookman: Relating to possession and administration of opioid antagonist.	150	393, 433		540		150, 394, 493, 520, 539-540
337 –	By Senators Yost and Fitzsimmons: Authorizing DOH increase gross weight limitations on certain Brooke County roads.	151					151
338 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to Tourism Development Act.	153					153
339 –	By Senators Palumbo, Stollings and Jenkins: Adding tramadol and related salts and isomers to Schedule IV controlled substances.	153					154
*340 –	By Senator Snyder: Creating EMT-industrial certification.	154	394				154, 395
341–	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation from State Excess Lottery Revenue Fund to Division of Human Services.	154	270		333	495	154, 298, 311, 333-334, 619, 657

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
342 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of unappropriated moneys to DHHR, MAPS and Department of Veterans' Assistance.	154					155
343 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Commerce, Workforce Investment Act.	155					155
*344 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Expiring funds from State Fund, General Revenue, and making supplemental appropriations to various agencies.	155-160	1217-1223	2265-2278	1310, 2279	2264	160, 1223, 1280, 1310-1311, 2264-2279
*345 –	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 MAPS.	160	1223		1312	2254	160, 1224, 1281, 1311-1312, 2254-2257
346 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation from Lottery Net Profits to DNR and Bureau of Senior Services.	160-161	183		260	370	161, 204, 213, 231, 260-261, 453, 494
347 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Making supplementary appropriation of unappropriated moneys to various accounts.	161					161
348 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH.	162					162

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
349 –	By Senators Tucker, Palumbo, Cookman, Fitzsimmons, D. Hall, Snyder, Walters, Plymale and Miller: Prohibiting nonrenewal or cancellation of certain property insurance coverage policies.	162	320				162, 320
350 –	By Senators Miller, Stollings, Snyder, Plymale, Laird, D. Hall, Unger and Beach: Relating to Rural Rehabilitation Loan Program.	162	219	282, 3302	296, 2303	2302	162, 261, 282, 295-297, 2302-2303, 2586, 2597
351 –	By Senator Stollings: Requiring thoroughbred licensees pay portion of purse to Horsemen's Benevolent and Protective Association.	175					175
352 –	By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Stollings, Sypolt, Cann, D. Hall, Plymale, Tucker and Blair: Promoting development of corporate sponsorships for state parks and recreation areas.	175					175
**353 –	By Senators Williams, Beach, D. Hall, Miller, Sypolt, Stollings, Tucker and Plymale: Relating to timber theft from state forests.	175	377, 406	492, 519-520, 2304	519, 2305	2303-2304	175, 378, 447, 492-493, 519-520, 2303-2305, 2588, 2598
354 –	By Senators Yost, Walters, Kessler (Mr. President) and Unger: Requiring Workforce Investment Council provide local boards information about certain male-dominated jobs.	175	239				176, 239
355 –	By Senators Unger, Miller, Laird, Walters, Stollings, Beach, Kessler (Mr. President), Cann, Plymale and Edgell: Amending Water Resources Protection and Management Act.	176					176
**356 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to purchasing reform.	176	378-379, 565-567	2305-2326	683, 2327	2305	177, 380, 615, 645, 682-683, 2305-2327, 2586, 2597

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*357 –	By Senators Williams, Beach, D. Hall, Miller, Sypolt, Plymale and Tucker: Relating to Logging Sediment Control Act civil and criminal penalties.	177	380, 395		487	2167-2168	178, 380, 427, 446, 487, 2577, 2596
358 –	By Senators Walters, Blair, Cole, D. Hall, Nohe, Palumbo, Snyder, Sypolt and Wells: Requiring Purchasing Director approve certain change orders.	184					184
359 –	By Senators Beach, Palumbo, Cann, Cookman, Fitzsimmons, Jenkins, Kirkendoll, Carmichael, Nohe, Walters, Plymale, Stollings and Snyder: Reducing number of precincts for manual count in post-election canvass.	184	239	2328-2330	335, 2330	2327	184, 283, 297-298, 310, 334-335, 2327-2331, 2586, 2597
360 –	By Senators Cole, Barnes, Blair, Carmichael, Walters and Jenkins: Repealing article relating to wages for construction of public improvements.	184					185
361 –	By Senator Snyder: Relating to Office of Emergency Medical Services.	185					185
362 –	By Senator Beach: Relating to time restaurants, private clubs and wineries can sell alcoholic beverages on Sundays.	185					185
363 –	By Senator Beach: Repealing article allowing placement of roadside memorial markers.	185					185
364 –	By Senator Beach: Permitting candidate signs on road or highway rights-of-way.	186					186
*365 –	By Senators Miller, Snyder and Williams: Relating to administration of Conservation Agency programs.	186	240, 1011, 1104	1104-1106, 1166, 2331-2332	1166, 2333	2331	186, 240, 1011-1012, 1104-1107, 1165-1167, 2331-2333, 2586, 2597
366 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Transferring CHIP from Department of Administration to DHHR.	186	761, 862		969		186, 761, 940-941, 968-969

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
367 –	By Senators Palumbo, Kessler (Mr. President), Plymale, Fitzsimmons and Wells: Correcting internal code reference regarding judges and prosecutors carrying firearms.	186					187
368 –	By Senators Snyder, Blair, Unger, Kessler (Mr. President) and Cookman: Repealing article relating to unfair trade practices.	187					187
369 –	By Senators Snyder, Blair, Boley, Cann, Cookman, Green, Yost, Unger, Kessler (Mr. President), Palumbo and Stollings: Requiring state procurement by competitive bidding.	187					188
370 –	By Senator Palumbo: Relating to sentencing and parole of juveniles treated as adults.	188					188
371 –	By Senators Beach, Kessler (Mr. President), Fitzsimmons and Stollings: Prohibiting possession of wild and exotic animals.	188					189
372 –	By Senator Beach: Permitting certain auxiliary lighting on motorcycles.	189	241				189, 241
**373 –	By Senators Unger, Kessler (Mr. President), Palumbo, Plymale, Laird, Yost, Miller, Prezioso, Fitzsimmons, Wells, Cann, Chafin, Tucker, Stollings, Cookman and Snyder: Relating to water resources protection.	189	270-272, 285-287	311-315, 2030-2107, 2133-2134	336, 2107, 2134	2029, 2535	190, 272, 287, 311-315, 335-336, 2029-2107, 2132-2134, 2578, 2599
374 –	By Senators McCabe, Barnes, Beach, Cann, Green, D. Hall, Laird, Miller, Palumbo, Walters and Wells: Prohibiting special election by local levying body 180 days prior to scheduled election.	198					198
375 –	By Senators Cann and Snyder: Excluding certain real and personal property from TIF assessment.	199	621, 822	2498-2499	970, 2499	2497	199, 621, 858, 941, 969-970, 2497-2499, 2586, 2598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*376 –	By Senators Yost, Fitzsimmons, Kessler (Mr. President) and Wells: Requiring certain construction workers complete OSHA safety program.	199	241, 660-661	2168-2170	809, 2171	2168	199, 242, 723, 758, 808-809, 2168-2171, 2578, 2597
377 –	By Senator Jenkins: Creating Native American Tribes Unique Recognition, Authentication and Listing Act.	199					200
**378–	By Senator Cookman: Relating to special speed limitations as to waste service vehicles.	200	580, 863		1046	1797-1798	200, 581, 944, 982, 1046, 2588, 2598
**379 –	By Senators Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and Plymale: Reclassifying counties.	200	583, 893	1047-1055	1056	2382	200, 583, 894, 982, 1046-1057, 2382-2389
380 –	By Senators Beach and Stollings: Redefining "all-terrain and utility terrain vehicles".	206	343, 375	2334	444, 2334	2333-2334	206, 343, 405, 427, 443-444, 2333-2335, 2586, 2597
**381 –	By Senators Stollings, Plymale and Unger: Requiring CPR and care for conscious choking instruction in public schools.	206	242, 343	404, 423	423		206, 242, 389, 403-404, 423
382 –	By Senators Blair and Cookman: Exempting certain veterans' and active duty military organizations from indoor smoking regulations.	207					207
*383 –	By Senators Tucker, Barnes, D. Hall and Snyder: Permitting certain residential real estate owners limited exemptions from licensing requirements for self-financed mortgages.	207	525, 762		912	2171-2172	207, 527, 814, 853, 911-912, 2578, 2596
*384 –	By Senators Tucker, Stollings and Barnes: Prohibiting certain insurers require policyholders use mail-order pharmacy.	207	526, 581		714		207, 527, 646, 686, 713-714
385 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Reducing and redirecting lottery revenue distributions.	208					208

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
386 –	By Senators Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Barnes: Revising laws relating to DHHR and Bureau of Medical Services.	208	243				209, 243
*387 –	By Senators Cole, Blair, Carmichael, D. Hall, M. Hall, Jenkins, McCabe, Walters, Williams and Nohe: Clarifying duly authorized officers have legal custody of their prisoners while in WV.	220	396		488	1815	221, 397, 427, 446, 487-488, 2557, 2561
388 –	By Senators Prezioso, Blair, Walters, Carmichael and Cole: Creating Pain-Capable Unborn Child Protection Act.	221					221
389 –	By Senators Yost, Kirkendoll, Wells, Snyder, Beach and D. Hall: Regulating and legalizing sale of fireworks and imposing fee to benefit Veterans Program Fund.	221					221
390 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating criminal penalties for disseminating false information through automated phone calls during state of emergency.	222					222
**391 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Providing salary increase for teachers and school service personnel.	222	661-662, 894	1168-1169, 2399-2401	1170, 2402	2399	222, 663, 895, 982, 1057, 1167-1170, 2399-2402, 2588, 2599
392 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Providing salary increase for members of State Police.	222					222
**393 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Providing Governor may borrow revenue shortfall reserve funds prior to April 1, 2014.	222	380, 1012	2500-2504	1171, 2505	2499	223, 381, 1012, 1076, 1170-1171, 2499-2505, 2586, 2597

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
394 –	By Senators Laird, Stollings, Plymale, Wells, Beach, Chafin, Tucker, Boley, Carmichael and Jenkins: Redesignating Health Sciences Scholarship Program as Health Sciences Service Program.	223	287		389	1816	223, 288, 315, 336, 369, 389, 2589, 2598
**395 –	By Senator Palumbo: Relating to operation and oversight of certain human services benefit programs.	223	340, 397	446-447, 489	489	2535	224, 341, 427, 446-447, 488-489, 2578, 2597
396 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Eliminating certain unnecessary boards, councils, task forces and committees.	224					225
*397 –	By Senators Williams, Laird, Unger, Tucker, Plymale, Palumbo and Stollings: Expanding scope of activities considered financial exploitation of elderly.	225	434	2172-2174	541, 2175	2172	226, 493, 520, 540-541, 2172-2175, 2578, 2596
398 –	By Senator Cookman: Providing certain state public schools obtain impounded dogs and cats for curriculum furtherance.	226					226
399 –	By Senator Cookman (By Request): Providing mental hygiene commissioners are employees under PERS.	226					226
400 –	By Senators Laird, Miller and Unger: Relating to air-ambulance service fees under PEIA.	226					226
401 –	By Senators Cookman and Plymale: Relating to "out-of-home" child placement system.	244					245
402 –	By Senators Prezioso, Edgell and Plymale: Permitting Tax Commissioner recover financial institution charges and fees for all forms of payment.	245	320, 584		715	874	245, 320, 646, 686, 714-715, 1329, 2112

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
403 –	By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Miller and Beach: Regulating importation and possession of certain injurious aquatic species.	245	505		574	2175	245, 541, 558, 574, 2578, 2596
404 –	By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder, Unger, Yost, Miller, Plymale, Beach and Wells: Allowing reciprocal use of hunting and fishing licenses with Kentucky on Big Sandy and Tug Fork rivers.	245-246	505				246, 506
*405 –	By Senators Cookman, Miller and Plymale: Allowing presiding judge to release juror qualification forms after trial's conclusion.	246	344	1427	424, 1427	1426	246, 390, 404, 424-425, 1426-1428, 2589, 2598
406 –	By Senators Plymale and Jenkins: Creating Native American Tribes Unique Recognition, Authentication and Listing Act.	246					246
407 –	By Senator Tucker: Providing renewal of lapsed managing general insurance agent licenses.	246	527, 822				247, 527, 858, 941, 982-983
*408 –	By Senator Plymale: Relating to parole.	247	381		445	1798	247, 405, 427, 444-445, 2589, 2598
*409 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to education reform.	247	863-865		1057		247, 944, 983, 1057-1058
410 –	By Senators Unger, Miller, Beach and McCabe: Requiring public school screening for dyslexia.	247					247
411 –	By Senators Yost, Miller, Cookman, Kessler (Mr. President), Beach and Cann: Raising minimum wage.	248	458				248, 458
412 –	By Senators Unger, Yost, Miller and McCabe: Defining "dyslexia" for education purposes.	248	584				248, 584

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
413 –	By Senators Unger, Miller and McCabe: Requiring Department of Education provide professional development opportunities regarding dyslexia.	248					248
**414 –	By Senators Prezioso, Edgell and Plymale: Redirecting nonprobate appraisal filings.	248	272, 731	2175-2176	913, 2176	2175	249, 273, 405, 814, 853, 912-913, 2175-2177, 2578, 2596
415 –	By Senators Wells, McCabe and Palumbo: Changing due date of certain county commission tax reports.	249	382		446		249, 427, 445-446
*416 –	By Senators Prezioso and Edgell: Relating to tentative appraisals of natural resources property.	249	500, 626		758	1428	249, 501, 687, 723, 757-758, 2589, 2598
417 –	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating Source Water Protection Act.	249-251					251
*418 –	By Senator Stollings: Relating to medical and podiatry corporations.	273	506				273, 507
*419 –	By Senators Stollings, Laird, Boley, M. Hall, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Tucker, Walters, Yost, Jenkins, Cookman, Barnes and Fitzsimmons: Creating Overdose Prevention Act.	273	761, 847		1059	2279	274, 761, 944, 983, 1058-1059, 2279-2282
**420 –	By Senators Plymale, Kessler (Mr. President), Beach, Cann, Chafin, Cookman, Facemire, Edgell, Kirkendoll, Laird, McCabe, Miller, Palumbo, Prezioso, Snyder, Stollings, Tucker, Williams, Wells and Barnes: Relating to data sharing in P-20W Longitudinal Data System.	274	345, 585	715	716		274, 345, 646, 686, 715-716
421 –	By Senators Snyder, Blair, Beach and Barnes: Removing certain discounts from motor fuel excise tax.	274					274

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*422 –	By Senators Plymale, Kessler (Mr. President), Kirkendoll, Stollings and Cookman: Expanding state aid for students of certain health professions.	275	398, 586				275, 398, 646, 686, 716-717
423 –	By Senators Cookman, Miller and Edgell: Relating to expungement of certain felony convictions.	275					275
*424 –	By Senators Stollings and Kirkendoll: Regulating unlicensed off-road motorcycles within Hatfield-McCoy Regional Recreation Area.	276	762, 823		914		276, 763, 854, 914
**425 –	By Senators Stollings and Edgell: Relating to licensure, supervision and regulation of physician assistants.	276	586, 823-824		971	2535	276, 587, 858, 941, 970-971, 2587, 2597
426 –	By Senator Plymale: Relating to appointments to certain higher education commissions, councils and boards.	276	458	2506-2516	556, 2517	2505	277, 520, 541, 556-557, 2505-2517, 2589, 2623-2624
*427 –	By Senator Beach: Relating to motor vehicle insurance.	288	567, 663	2177-2178	810, 2178	2177	289, 567, 723, 759, 810, 2177-2178, 2578, 2598
428 –	By Senators Beach and Laird: Creating Dangerous Wild Animals Act.	289					289
429 –	By Senators Boley, Nohe, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Sypolt and Walters: Relating to public school curricular standards and assessments.	289					290
*430 –	By Senators Edgell, Green, Kirkendoll, Laird, McCabe, Snyder, Tucker, Unger, Yost and Stollings: Relating to receipting of state moneys.	290	500, 825		971		291, 501, 858, 941, 971-972
**431 –	By Senator Beach: Relating to issuance and renewal of certain driver's licenses and federal ID cards.	291	458, 825		972	2178	291, 459, 858, 941, 972, 2578, 2598
*432 –	By Senators Plymale, Kessler (Mr. President), Kirkendoll, Prezioso, Stollings, Edgell, Beach, Fitzsimmons, D. Hall, Williams, Yost and Wells: Relating to calculating local share.	300	346, 895		1059		301, 347, 895, 983, 1059-1060

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
433 –	By Senators Nohe and Tucker: Exempting certain precious metal sales from consumers sales tax.	301					301
*434 –	By Senator Beach: Eliminating revocation period for certain DUI offenders.	301	459, 581	2179	718, 2179	2178	301, 460, 647, 686-687, 717-718, 2178-2180, 2586, 2598
435 –	By Senators Palumbo, Kessler (Mr. President) and Beach: Correcting code reference relating to handgun safety training for certain court personnel.	301	347		425		301, 390, 404, 425-426
436 –	By Senators Laird, M. Hall, Miller, Plymale and Stollings: Providing Prosecuting Attorneys Institute executive council establish salary of director.	302					302
437 –	By Senators Tucker, McCabe, Palumbo and Plymale: Requiring mortgage brokers file certain reports with Division of Financial Institutions.	302	523, 826				302, 523, 858, 941-942, 983
438 –	By Senators Tucker, McCabe, Palumbo and Plymale: Revising regulatory structure of money transmitters.	302					303
*439 –	By Senators Fitzsimmons, Kessler (Mr. President), Beach, Edgell and Yost: Increasing acreage of Ohio County's Fort Henry Economic Opportunity Development District.	303	507, 895-897	2403	1060, 2404	2402-2403	303, 507, 897, 983, 1060-1061, 2402-2404, 2589, 2598
440 –	By Senators Palumbo, Cookman, Laird, Barnes, Unger, Kessler (Mr. President), Stollings, Wells, M. Hall and Chafin: Creating O. C. Spaulding Electronic Recording Act.	321					321, 428, 494
441 –	By Senator Beach: Increasing limit on size of voting precincts.	321					321

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
442 –	By Senators Beach, Kessler (Mr. President), Fitzsimmons and Williams: Permitting certain firearms in motor vehicles on Capitol Complex grounds.	322					322
443 –	By Senators Kirkendoll, Cann, Edgell and Carmichael: Relating to SPRS.	322	407, 568		684	838	322, 408, 615, 645, 683-684, 838-839, 1329, 2112
444 –	By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale: Relating to PERS.	322	407, 568		684	839	323, 408, 615, 645-646, 684, 839-840, 1329, 2112
445 –	By Senators Beach, Kessler (Mr. President), Fitzsimmons, Williams and Cann: Clarifying when person engaged in outdoor recreation may possess certain firearms.	323					323
446 –	By Senators Miller, Cann and Laird: Relating to public employee grievance procedure.	363					363
447 –	By Senators Chafin, Cole, Kirkendoll and Stollings: Authorizing additional circuit court judge.	363					364
448 –	By Senators Barnes, Beach, Blair, Boley, Cann, Carmichael, Cole, Cookman, Edgell, Fitzsimmons, D. Hall, M. Hall, Nohe, Sypolt, Tucker, Williams, Snyder, Stollings, Wells and Jenkins: Providing one-time supplement for certain PERS and STRS retirees.	364					364
*449 –	By Senators Wells, Yost, Jenkins and Fitzsimmons: Relating to power and authority of Secretary of Department of Veterans' Assistance.	364	587				364, 588
*450 –	By Senators Walters, Blair, Carmichael, McCabe, Palumbo and Wells: Relating to sale and consumption of alcoholic beverages in certain outdoor settings.	383	461	2518-2531	575, 2531-2532	2518	383, 520, 541, 557, 574-575, 2518-2533, 2589, 2598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
451 –	By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale: Relating to distribution of certain retirement benefits of deceased uniformed service officers under qualified domestic relations order.	383	408				384, 408
452 –	By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale: Relating to TRS annuity calculation of member with reciprocal service credit.	384	407, 568		685	840	384, 408, 615, 646, 684-685, 1330, 2112
453 –	By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale: Relating to TRS.	384	407, 568				385, 408, 615, 646, 685
454 –	By Senators Miller, Cookman, D. Hall, Laird, Tucker, Williams and Snyder: Defining dam "owner".	385	435, 507	2180-2181	576, 2182	2180, 2535	385, 435, 542, 558, 576, 2180-2182, 2586, 2597
*455 –	By Senators Unger, Stollings, Kessler (Mr. President), Yost, Edgell, Laird, Kirkendoll, Cann, Miller, Beach and Fitzsimmons: Creating Move to Improve Act.	385	398, 865		1061		385, 399, 615, 944, 983-984, 1061-1062
456 –	By Senator Stollings: Extending expiration date for health care provider tax on eligible acute care hospitals.	400	527, 763	854	915	1816	400, 528, 814, 854, 914-915, 2557, 2596
457 –	By Senators Cookman, Miller, Laird, Plymale, Kessler (Mr. President), Tucker and Snyder: Requiring programs for temporarily detained inmates in regional jails.	400	461, 660	1798-1799	811, 1800	1798	401, 461, 724, 759, 810-811, 1798-1800, 2589, 2599
*458 –	By Senators Kessler (Mr. President), Barnes, Fitzsimmons, Kirkendoll, Walters, Laird, Yost, Cookman and Stollings: Dedicating certain circuit court fees to fund low-income persons' civil legal services.	401	528	2433-2438	613, 2438	2433	401, 529, 558, 577, 612-613, 2433-2439, 2589, 2598
459 –	By Senators Tucker, Williams, Cookman and Jenkins: Removing severance tax on timber.	401					401

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
460 –	By Senators Miller, Laird, Unger, Beach, Snyder, Stollings and Jenkins: Permitting School of Osteopathic Medicine invest certain moneys in its foundation.	401	866, 1013	1350-1353	1172, 1353	1350	402, 866, 1076, 1171-1172, 1350-1353, 1989, 2112
*461 –	By Senators Kessler (Mr. President), Williams, Tucker, Plymale, Stollings, Snyder, Cookman, Palumbo, Fitzsimmons, Beach, Yost, Miller, D. Hall, Jenkins, McCabe, Wells, Edgell, Barnes, Blair, Boley, Cann, Chafin, Kirkendoll, Laird, Nohe, Prezioso, Sypolt, Unger, Walters, Green and M. Hall: Creating Future Fund.	402	504, 732	2357-2360	916, 2361	2357	402, 505, 814, 854, 915-916, 2357-2361, 2578, 2596
462 –	By Senator D. Hall: Providing surety relief of acting collateral upon securing bailpiece.	403					403
463 –	By Senators D. Hall and Kessler (Mr. President): Requiring certain percentage of insurance claims be performed by resident adjuster.	403					403
464 –	By Senators D. Hall and Green: Prohibiting law-enforcement officers or immediate family members from taking bonds for persons in custody.	408					409
465 –	By Senators Laird, Plymale, McCabe, Yost, Wells, Carmichael, Fitzsimmons and Edgell: Permitting counties to impose levy for public library funding.	409					409
466 –	By Senators D. Hall, Tucker, Barnes, Green, Cann, Carmichael, Nohe, Stollings, Williams, Beach and Kessler (Mr. President): Creating Storm Scammer Consumer Protection Act.	409					409
*467 –	By Senators Barnes and Sypolt: Updating code section relating to expungement of criminal convictions.	409	1013		1172		409, 1014, 1077, 1172-1173

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
468 –	By Senators Miller, Yost, Prezioso, Wells, Carmichael, Snyder, Fitzsimmons, Nohe, Jenkins, D. Hall and Edgell: Providing for Veterans Medal and Service Cross.	410	588, 764				410, 589, 814, 854, 916, 972-973, 1062
*469 –	By Senators Miller, Yost, Wells, Carmichael, Snyder, Nohe, Williams, Jenkins, D. Hall, Edgell, Stollings, Laird and Sypolt: Creating Veterans and Warriors to Agriculture Program.	410	568, 822	2533	973, 2534	2532	410, 569, 858, 942, 973, 2532-2534, 2589, 2598
470 –	By Senators Cookman, Miller, Snyder, Fitzsimmons, Williams, D. Hall and Stollings: Providing completed grand jury questionnaires are confidential.	410	462		557	1428	410, 521, 541, 557-558, 2557, 2561
471 –	By Senators Miller, Kessler (Mr. President), Cann, Edgell, Kirkendoll, Snyder, Unger, Walters, Williams, Yost, Wells, Cookman and Stollings: Relating to alternative and renewable energy portfolio standards.	411					411, 837
472 –	By Senators Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons and Cookman: Prohibiting discrimination in housing or employment based on age or sexual orientation.	411					411
*473 –	By Senators Sypolt, Blair, Cookman, Williams, Plymale, McCabe, Nohe and Stollings: Providing undesirable highway property be offered for public utility use.	411	1015	1077, 1174	1174		412, 1015, 1077, 1173-1174
474 –	By Senators Cann and D. Hall: Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.	412					412, 577, 724, 784
475 –	By Senators M. Hall and Carmichael: Authorizing additional circuit court judge.	412					412
476 –	By Senators Plymale and Chafin: Providing standards for conversion and retrofits of alternative-fuel motor vehicles.	412	764, 866		974		413, 765, 942, 973-974

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*477 –	By Senators Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings: Providing teachers determine use of time during planning period.	413	765	916, 2361-2364	917, 2365	2107, 2535	413, 814, 854-855, 916-917, 2107-2110, 2206-2207, 2263, 2361-2365, 2589, 2626-2627
478 –	By Senators D. Hall, Williams and Sypolt: Permitting sale of raw milk.	413					413
479 –	By Senators Unger, Kessler (Mr. President), Stollings, Cookman, Yost, Fitzsimmons, Wells and Cann: Providing vocational certification, licensure or college credit for military training and experience.	435					435
480 –	By Senators Tucker, Edgell, Palumbo, Cann, Fitzsimmons, Plymale and Chafin: Expanding period during which certain motor vehicle liens are valid.	436	567, 664		811		436, 567, 724, 759, 811-812
481 –	By Senators Wells, D. Hall, Tucker, Stollings, Cookman and Chafin: Requiring DOT place signs honoring fallen veterans and Gold Star Families.	436					436
482 –	By Senator Williams: Requiring food handler examinations and cards.	436					436
483 –	By Senators Laird, Plymale, Miller and Stollings: Renaming administrative heads of Potomac campus of WVU and WVU Institute of Technology.	436	529	1800-1803	614, 1804	1800	437, 559, 577, 613-614, 1800-1804, 2557, 2561
484 –	By Senators Palumbo, Williams, Cann, Kirkendoll, Tucker, Snyder and Barnes: Changing experience requirements of members of Ethics Commission.	437					437
485 –	By Senators Kirkendoll, Beach, D. Hall, Miller, Snyder, Barnes, Stollings and Plymale: Exempting DOH from certain permitting requirements of Natural Streams Preservation Act.	437	627, 762		918	2535-2536	437, 627, 814, 855, 917-918, 2589, 2599

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**486 –	By Senators Snyder, Unger, Kessler (Mr. President), Williams, Wells, Miller, D. Hall, Jenkins, Green and Barnes: Establishing certain salary increases for State Police civilian and forensic lab employees.	472	589, 1016	2405-2407	1175, 2408	2404	472, 590, 918-919, 1016, 1077, 1174-1175, 2404-2408, 2589, 2598
*487 –	By Senators Snyder and Miller: Authorizing municipal sales tax.	472	766				472, 766, 814, 855
488 –	By Senators Edgell, Prezioso, Unger, Kirkendoll, Beach, D. Hall, Miller, Snyder, Wells, Yost, Stollings, Williams and Barnes: Establishing WV Voluntary Employee Retirement Accounts Program.	472-473					473
489 –	By Senators D. Hall and Green: Providing county employees may run for vacant office without resigning.	473					473
*490 –	By Senators Tucker, D. Hall, Green and Barnes: Relating to noncovered insurance discounts by health care providers.	474	1032				474, 1033
491 –	By Senators Snyder, Kessler (Mr. President), Blair, Cookman, Unger, Plymale and Barnes: Exempting sales of motor fuel from unfair trade practices.	474					474
*492 –	By Senators Stollings, Laird, Miller, Cookman, Snyder and Prezioso: Requiring State Board of Pharmacy develop specialty drugs list.	474	590				475, 591
493 –	By Senators Palumbo, Tucker and Barnes: Excluding suspension days in determining student truancy.	475	665, 826	975	974		475, 665, 858, 942, 974-975
494 –	By Senators Edgell, Facemire, Snyder, Fitzsimmons, Yost and Miller: Authorizing additional methods of payment for lottery prizes.	475					475
*495 –	By Senator Edgell: Increasing collections into Land Division special revenue account.	475	732, 1017		1175		475, 733, 1017, 1078, 1175

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
496 –	By Senators Cann, D. Hall, Prezioso, Carmichael, Cookman, Jenkins, Green and Barnes: Limiting health insurance coverage for elective abortions to supplemental policies; exceptions.	476					476
497 –	By Senators Edgell, Facemire, Snyder, Yost and D. Hall: Removing restrictions where certain lottery games may be played.	476					476
498 –	By Senators Unger, Carmichael, Cookman, Beach, Fitzsimmons, D. Hall, Tucker, Williams, Green, Cole, Stollings, Plymale, Jenkins, Kessler (Mr. President), Blair, Laird, Nohe and Prezioso: Permitting persons to possess certain firearms in vehicle without concealed deadly weapons permit.	508					508
**499 –	By Senators Kirkendoll, McCabe, Edgell, Cann, M. Hall, Carmichael, Plymale, Palumbo and Nohe: Making Prudent Investor Act primary standard of care for Investment Management Board.	508	627-628, 848-849	1324-1328	1062, 1329	1324	509, 629, 944, 984, 1062, 1324-1329, 1989, 2555
500 –	By Senators Walters and D. Hall: Requiring public buildings have at least one ADA-compliant restroom.	509					509
501 –	By Senators Barnes, Yost and Blair: Relating to auctioneers and apprentice auctioneers.	509					510
502 –	By Senator Snyder: Updating Uniform Common Interest Ownership Act.	510					510
503 –	By Senators Stollings, Laird, Prezioso, Unger, Boley, M. Hall and Nohe: Revising Child Welfare Act.	510	591				510
*504 –	By Senators Edgell, Barnes, Facemire and Yost: Authorizing Auditor establish Debt Resolution Services Division.	511	628, 867		1063		511, 629, 944, 984, 1063
505 –	By Senators Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes: Requiring Office of Administrative Hearings receive appeal petitions.	511					511

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
506 –	By Senators Kirkendoll, Cann, Facemire, Green, D. Hall and Barnes: Clarifying term "agency" in code section relating to administrative hearings.	511					511
*507 –	By Senators Snyder and Plymale: Relating to Board of Barbers and Cosmetologists.	511	629, 733	2536	919	2110-2111, 2536	512, 629, 814, 855, 919-920, 2110-2111, 2590, 2599
508 –	By Senators Unger, Jenkins and Kessler (Mr. President): Establishing Volunteer Departments Loan Fund within Treasurer's Office.	530					531
509 –	By Senators Stollings, Laird and Miller: Regulating pharmacy benefits managers.	531					531
*510 –	By Senators Plymale, Stollings, D. Hall, Wells and McCabe: Including state land grant institutions in Research Trust Fund.	531	662				532, 663
511 –	By Senators M. Hall, Barnes, Blair, Carmichael, Cole, Jenkins, Nohe, Sypolt and Walters: Specifying Legislative Auditor's performance reviews and audits include Board of Public Works and Legislature.	532					532
512 –	By Senators Carmichael, M. Hall, Plymale, D. Hall and Nohe: Providing for personal income tax checkoff for Cedar Lakes Foundation.	532					532
*513 –	By Senators Cookman, Plymale, Wells, Edgell, Stollings, Beach and D. Hall: Relating to cost reimbursement of servicing high-cost/high-acuity special needs students.	532	662				533, 663
514 –	By Senators Carmichael and Cole: Eliminating expense of Meth lab cleanup from Crime Victims Compensation Act.	533					533
515 –	By Senator Plymale (Originating in Senate Education): Repealing section relating to state aid for students of veterinary medicine.	536	536				559

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
516 –	By Senator Yost: Modifying guidelines for medical treatment to injured workers.	545					545
517 –	By Senator Yost: Providing liberal weighing of evidence for workers' compensation claims.	545					545
518 –	By Senators Yost and Fitzsimmons: Relating to workers' compensation benefits for firefighters; other provisions.	545					546
519 –	By Senator Yost: Relating to workers' compensation benefits for occupational pneumoconiosis.	546					546
520 –	By Senator Yost: Declaring remedial component of workers' compensation laws receive liberal construction.	546					546
521 –	By Senator Yost: Relating to classification and criteria for disability benefits.	546					546
522 –	By Senator Yost: Relating to delivery of medical benefits to injured workers.	546					547
**523 –	By Senators Green, D. Hall, Facemire, Laird, McCabe, Miller, Prezioso, Wells, Plymale, Carmichael, Jenkins, Yost and Stollings: Providing for additional state veterans skilled nursing facility in Beckley.	547	592-867-868	2182-2185	1064, 2186	2182	547, 592, 945, 984, 1063-1064, 2182-2186, 2582, 2597
524 –	By Senator Yost: Requiring prompt payment of workers' compensation benefits.	547					548
525 –	By Senators Barnes, Blair, Boley, Carmichael, Green, M. Hall, Jenkins, Williams, Plymale, D. Hall, Cookman and Nohe: Exempting PERS and TRS pensions and annuities from state income tax.	548					548

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
526 –	By Senators Chafin, Fitzsimmons, Yost and Cookman: Giving railroad employees right to review and copy respective personnel files.	548					548
527 –	By Senators Wells, Kessler (Mr. President), Edgell, Fitzsimmons, Green, Laird, Miller, Snyder, Unger, Yost, D. Hall, Cookman, Nohe, Beach and Stollings: Prohibiting beer and wine sales at self-scan registers.	548					548
528 –	By Senator Laird: Requiring promulgation of legislative rule establishing level of capital project for certain higher education institutions.	549					549
529 –	By Senators Cole, Barnes, Blair, Carmichael, M. Hall, Nohe and Walters: Redefining "recreational purposes" as to limiting landowners' liability.	549					549
530 –	By Senators Cann, D. Hall, Kirkendoll, Yost, Tucker, Green, Plymale and Jenkins: Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units.	549					550
531 –	By Senator Stollings: Relating to licensing of funeral directors.	550					550
532 –	By Senators Unger and Stollings: Allowing certain military firefighters to become civilian firefighters.	550					550
533 –	By Senators Miller and Williams: Updating commercial feed laws; setting fees by rule.	550	734, 868		1064		550, 734, 945, 984, 1064-1065
534 –	By Senators Plymale, Prezioso, Kessler (Mr. President) and McCabe: Increasing excise tax on cigarettes and other tobacco products.	569					569
*535 –	By Senators Tucker, Laird, D. Hall and Miller: Clarifying definition of "ginseng".	569	827		975	2536	570, 858, 942, 975-976, 2596, 2598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
536 –	By Senators Stollings, Plymale, Unger, Yost, Kessler (Mr. President), Tucker, Cookman, Carmichael and Nohe: Granting in-state tuition to honorably discharged and injured veterans.	570					570
537 –	By Senators Edgell, Snyder and Kessler (Mr. President): Providing state institutions may apply for alternative fee and tuition schedule.	570	827				570, 828
*538 –	By Senators Snyder, Unger, Barnes, Cole and Carmichael: Adopting federal definition of "disabled veteran" for civil service and state contract bidding.	570					570
*539 –	By Senators Green, Stollings, D. Hall, Cookman, Barnes, Carmichael and Nohe: Providing certain law-enforcement officers employed as school security may be allowed to carry firearms.	571	869, 1014		1176		571, 869, 1014, 1078, 1175-1176
*540 –	By Senators Plymale, D. Hall, Green, Stollings and Jenkins: Requiring SSAC promulgate rules allowing college preparatory team recognition.	571	665		813		571, 666, 724, 759, 812-813
541 –	By Senators McCabe, Beach and Palumbo: Ensuring tenants with right to sublet have remedies for wrongful occupation of residential rental property.	593	869		1065		594, 945, 984, 1065
542 –	By Senators Wells, Unger, Jenkins, Plymale, Palumbo and Beach: Requiring notice to DEP for release of fluids or chemicals into groundwater, surface water or subsurface soils.	594					594
*543 –	By Senators Edgell, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Plymale, Blair, D. Hall, M. Hall, Sypolt, Wells, Walters, Boley, Beach and Nohe: Creating Jobs Impact Statement Act.	594	828				594, 829

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*544 –	By Senators Laird and Cookman: Allowing sharing of juvenile records under certain circumstances with reciprocal states.	594	734, 849				595, 735, 945, 984-985, 1066, 1176
545 –	By Senators Laird and Cookman: Authorizing Division of Juvenile Services establish Juvenile Trustee Fund and Juvenile Benefit Fund.	595					595
546 –	By Senators Wells, Jenkins, Carmichael, Williams and D. Hall: Granting in-state tuition to military eligible for Post-9/11 GI Bill.	595					595
547 –	By Senators Palumbo, Beach and Nohe: Relating to number of municipal wards or election districts and council members.	595	830		976	2536	596, 830, 858, 942, 976, 2590, 2598
548 –	By Senators Palumbo, Carmichael, Green, Stollings and Beach: Creating special one-day charitable event license to sell nonintoxicating beer.	596					596
549 –	By Senators Tucker, Palumbo, Plymale and Sypolt: Relating to child support obligations and orders.	596					596
550 –	By Senators Miller, Jenkins, Carmichael, D. Hall, Sypolt and Green: Providing annual salary increase to Division of Corrections employees.	596					596
551 –	By Senators Laird, Unger and Beach: Requiring municipal law-enforcement officers wear armored vests.	597					597
*552 –	By Senators Plymale, Tucker, D. Hall and Palumbo: Increasing penalty related to transporting illegal controlled substances into state.	597	830	1066	1067		597, 858, 942-943, 976, 1008-1009, 1018, 1066-1067
*553 –	By Senators Edgell, Fitzsimmons, Cookman, Yost and Beach: Relating to certificates of nomination for elected office.	597	831	1067, 1068	1068	2536	597, 858, 943, 977, 1067-1068, 2590, 2598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
554 –	By Senators Fitzsimmons and Yost: Providing for employees' health and safety in dry cutting and grinding of masonry.	597					598
555 –	By Senators Cookman and Plymale: Relating to appointment of counsel for alleged protected persons.	598					598
**556 –	By Senators Cookman and Yost: Providing complimentary certified veterans' death certificates under certain circumstances.	598	767, 1017				598, 767, 1018, 1078, 1176
557 –	By Senators Cookman and Unger: Authorizing additional circuit court judge.	598					598
558 –	By Senators Facemire, Edgell and Blair: Finding and declaring certain claims against state.	599	768	855	920	1816	599, 814, 855, 920-921, 2590, 2598
559 –	By Senators Edgell, Fitzsimmons, Cookman, Wells, Miller, Walters, Plymale and Yost: Eliminating annual report late fees charged by Secretary of State.	599	768		921		599, 815, 856, 921-922
560 –	By Senators Palumbo, Wells, D. Hall, Green, Stollings, Walters and McCabe: Including WVSU in Research Trust Fund; other provisions.	630					631
561 –	By Senator Beach: Clarifying authority and discretion of Dealer Recovery Board to hear claims.	631					631
*562 –	By Senators Chafin and Yost: Relating to training and compensation of county board of education members serving on RESAs.	631	870				631, 870
563 –	By Senators Chafin, Plymale, Fitzsimmons, Yost, D. Hall, Nohe, McCabe and Jenkins: Authorizing issuance of Autism Awareness license plates.	631					631

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
564 –	By Senators Jenkins, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Miller, Sypolt, Walters and Nohe: Providing consumer identity theft protection under Obamacare.	631					632
565 –	By Senators Plymale, Tucker and Barnes: Ensuring SWA Closure Cost Assistance Funds facilitate closure of certain county landfills.	632					632
*566 –	By Senators Barnes, Beach, Laird, Snyder, Tucker, Walters, Nohe and Sypolt: Relating to domestic violence victims' eligibility for unemployment compensation benefits.	632	832				633, 832-833
567 –	By Senator Cookman: Redesignating Division of Corrections as Department of Corrections.	633					633
568 –	By Senators Fitzsimmons, Unger, Yost and Kessler (Mr. President): Providing affirmative defense against mechanic's liens related to residential construction.	633					633
569 –	By Senators Fitzsimmons, Cookman, Wells, Miller and Walters: Eliminating notarization of articles of incorporation for cooperative associations.	634					634
*570 –	By Senators Edgell, Fitzsimmons, Cookman, Wells, Miller and Walters: Exempting certain foreign corporations, companies and partnerships from SOS certificate of authority requirement.	634	850		1069		634, 945, 985, 1068-1069
*571 –	By Senators Stollings and Snyder: Distributing portion of Greyhound Breeder Development Fund previously dedicated to training facility construction.	634	833				634, 834
572 –	By Senators Tucker, Fitzsimmons and Edgell: Relating to financing statements covering as-extracted collateral or timber to be cut.	635	834, 871		977	2536	635, 834, 943, 977-978, 2590, 2599

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
573-	By Senators Yost, Edgell, D. Hall, Kirkendoll, Stollings, Tucker, Fitzsimmons and Cookman: Establishing cook-meal ratios for full-day and half-day school cooks.	635					635
*574 -	By Senators Tucker, Fitzsimmons and Edgell: Clarifying mobile home permanently attached to real estate is not personal property under certain conditons.	635	848	2186-2188	1069, 2188	2186	635, 945, 985, 1069-1070, 2186-2189, 2590, 2598
575 -	By Senators Unger, Kessler (Mr. President), Laird, Kirkendoll, Edgell, Beach, Snyder, Facemire, Chafin, Green, Miller, Yost, D. Hall, Wells, Tucker, Jenkins and Fitzsimmons: Providing educational incentives and longevity pay for State Troopers.	666					666
576 -	By Senators Walters, Beach, Blair, Sypolt, Tucker, Williams, Wells and Miller: Providing for construction of statewide fiber optic broadband infrastructure network.	666					667
*577 -	By Senators Cann, Beach, Edgell, Facemire, Fitzsimmons, Green, D. Hall, Kirkendoll, Miller, Tucker, Williams, Yost, Plymale and Snyder: Making Department of Corrections and DHHR subject to OSHA.	667	1107				667, 1107
578 -	By Senators Kessler (Mr. President), Palumbo, Snyder, Edgell and Green: Providing for unitization of interests in horizontal oil and gas wells.	668					668
*579 -	By Senators Unger, Cookman, Edgell, Laird, Miller, Palumbo, Snyder, Stollings and Kessler (Mr. President): Creating Land Reuse Agency Authorization Act.	668	851	985-1006, 1071, 2189	1070, 2190	2189	669, 945, 985-1007, 1070-1071, 2189-2190, 2590, 2599
580 -	By Senators Beach, Williams, Kessler (Mr. President), Cann, Cookman, Edgell, Facemire, Green, D. Hall, Laird, Stollings, Sypolt, Tucker, Walters, Wells, Yost and Plymale: Permitting wine sales at certain college and university sports stadiums.	669	834				669, 835

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
581 –	By Senators Palumbo, M. Hall, Sypolt, Tucker and Williams: Relating to equipment movement in underground coal mines.	669					670
582 –	By Senators Beach and McCabe: Providing for closure and sale of Clements State Tree Nursery.	670					670
583 –	By Senators Miller, Snyder, Fitzsimmons, D. Hall and Yost: Permitting emergency rule-making authority to implement Spay Neuter Assistance Program.	670	735		923		670, 815, 856, 922-923
*584 –	By Senator Snyder: Relating to expiration and renewal of Board of Registration for Professional Engineers' certificates.	670	835		978		670, 859, 943, 978
585 –	By Senator Palumbo: Removing unconstitutional language regarding access to rail lines.	670	769		924	2536-2537	670, 815, 856, 923-924, 2590, 2598
586 –	By Senator Palumbo: Removing unconstitutional language regarding jurors and verdicts in certain civil litigation.	670	769		924	2537	671, 815, 856, 924, 2590, 2598
587 –	By Senators D. Hall and Tucker: Requiring licensing of athletic trainers by Board of Physical Therapy.	671					671
588 –	By Senators Palumbo and Plymale: Allowing law enforcement obtain DNA samples from certain arrestees.	671					671
589 –	By Senators Tucker, D. Hall, Fitzsimmons, Wells, Jenkins, Yost, Cann and Cookman: Authorizing issuance of Family of Fallen Hero license plates.	671					671
590 –	By Senators Stollings and Palumbo: Creating Clearance for Access: Registry and Employment Screening Act.	672					672
591 –	By Senators Unger, Kessler (Mr. President), Beach and Edgell: Updating obsolete definitions of "solid waste" in DEP and solid waste management statutes.	672					673

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
592 –	By Senators Yost, Beach, Fitzsimmons and Cann: Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.	673	951		979		673, 952, 978-979
593 –	By Senators Tucker and D. Hall: Authorizing issuance of limited lines travel insurance producer license.	673	786, 871				673, 787, 943
594 –	By Senators Kessler (Mr. President), Unger and Cann: Allowing disposal of drill cuttings from well sites in commercial solid waste facilities.	674					674
595 –	By Senators Green, Chafin, Facemire, D. Hall, Kirkendoll, Stollings and Tucker: Including waste management facilities and timber operations in facilities with protection against property crimes.	674					674, 1071-1072
596 –	By Senator Tucker: Modifying statute of limitations on demand note collections.	674	736, 849				674, 736, 945, 1007, 1177
597 –	By Senators Palumbo, Tucker, Snyder, D. Hall and Walters: Clarifying regulation of nonintoxicating beer brewers and distributors.	675					675
598 –	By Senators Snyder, Unger, Fitzsimmons, Kessler (Mr. President), Wells and Yost: Providing excess Courtesy Patrol funds revert to Tourism Promotion Fund.	675					675, 1018
*599 –	By Senators Stollings and Kirkendoll: Providing exemption from skilled nursing bed moratorium for speciality skilled nursing beds.	675	769				675, 770
*600 –	By Senators Yost, Snyder, Miller, Laird, Edgell and Fitzsimmons: Relating to municipal ordinance compliance regarding dwellings unfit for habitation and vacant buildings and properties.	675	770		925	1816	676, 815, 856, 924-925, 2590, 2598

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
601 –	By Senator Palumbo: Relating to property assessment appeals.	676	769		926	2537	676, 815, 856, 925-926, 2590, 2598
*602 –	By Senators Stollings, Beach, Jenkins and Laird: Requiring health care providers wear ID badges.	676	872		1072	1816	676, 945, 1007, 1072, 2591, 2598
*603 –	By Senators Kirkendoll, Stollings, Miller, Facemire, Cann, Edgell, Green, D. Hall, McCabe, Unger, Kessler (Mr. President), Plymale and Jenkins: Relating to testing for presence of methane in underground mines.	694	736	1805-1811	926, 1811	1804	694, 815, 857, 926, 1804-1811, 2591, 2598
604 –	By Senators Kirkendoll, Green, Miller, Facemire, Cann, Edgell, D. Hall, Stollings, Unger, Plymale and Jenkins: Creating Coal Employment Enhancement Act.	694	836				694, 836
605 –	By Senators Walters, McCabe, Palumbo and Wells: Creating Water Sustainability Institute.	694					694
606 –	By Senators Barnes, Tucker, Beach, Cann, Cookman, Edgell, Green, Laird, Miller, Palumbo, Sypolt, Plymale and Jenkins: Implementing exotic entertainment facility license surcharge.	695					695
607 –	By Senators Barnes, Cann, Carmichael, Edgell, Green, Jenkins, Laird, Palumbo, Sypolt, Tucker, Plymale, Fitzsimmons, Yost, M. Hall, Cookman, D. Hall and Wells: Providing act of domestic violence or sexual offense by strangling is aggravated felony.	695					695
608 –	By Senators Beach, Walters, Edgell, Unger, D. Hall and Wells: Relating to bicycle safety on roadways.	695					695

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
609 –	By Senators Fitzsimmons, Edgell, Yost, Kessler (Mr. President) and Jenkins: Requiring court-appointed special advocate program.	696					696
610 –	By Senator D. Hall: Requiring health insurance coverage for certain nonnarcotic pain relief systems.	696	787				696, 787
611 –	By Senator D. Hall: Increasing county solid waste assessment fee; exemption.	696					697
612 –	By Senators D. Hall, Williams and Stollings: Discontinuing moratorium on commercial rafting licenses on portion of New River.	697					697
613 –	By Senators Kirkendoll, Stollings, Kessler (Mr. President), Plymale and Jenkins: Expanding definition of "eligible safety property" in Innovative Mine Safety Technology Tax Credit Act.	697	836				697, 836
614 –	By Senators Barnes, D. Hall, Laird, Tucker, Stollings, Cookman and Wells: Providing standard for determining when grandparent has standing for child custody.	697					698
615 –	By Senators Fitzsimmons, Edgell, Yost and Kessler (Mr. President): Creating flood zone homestead property tax exemption.	698					698
616 –	By Senator Unger: Allowing receipt of gifts, donations and contributions by Division of Energy.	698	852		1073		698, 945, 1007, 1072-1073
617 –	By Senator Stollings: Terminating Medical Imaging and Radiation Therapy Technology Board of Examiners.	698					698
618 –	By Senator Wells: Creating special class of taxicabs.	699					699

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*619 –	By Senator Tucker: Exempting certain critical access hospitals from certificate of need requirement.	699	771	2389	927, 2390	2389	699, 815, 857, 926-927, 2389-2390, 2591, 2599
620 –	By Senators Palumbo, Williams and D. Hall: Authorizing State Police Superintendent to hire additional staff.	699					699
*621 –	By Senators Fitzsimmons, Kessler (Mr. President), Edgell, Yost and Cookman: Authorizing insurers offer flood insurance.	699	737		927	2190	700, 815, 857, 927-928, 2578, 2596
622 –	By Senators Wells, Palumbo, Walters and McCabe: Creating Water Sustainability Institute.	700					700
*623 –	By Senators Palumbo, Tucker and Snyder: Requiring notification of certain substance abuse screening of mine personnel.	700	738, 831	2283-2288	980, 2288	2282, 2537	701, 739, 859, 943, 979-980, 2282-2289, 2591, 2598
624 –	By Senator Yost: Establishing substance abuse screening circumstances requiring miner certification suspension or revocation.	701					701
625 –	By Senator Beach: Amending code relating to practice of psychology.	701					702
626 –	By Senators Unger and Wells: Creating Elk River Spill Victims' Compensation Act of 2014.	702					702
627 –	By Senator Miller: Creating Toxic Catastrophe Prevention Act.	702					703
*628 –	By Senators Unger, Yost and Stollings: Creating Healthy Children and Healthy Communities Act.	703	789, 897		1073		704, 790, 1007, 1073-1074
629 –	By Senators Chafin and Plymale: Creating misdemeanor offense for assault upon ABCC employee.	704					704

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
630 –	By Senators Tucker and Plymale: Updating code relating to motor vehicle dealers, distributors, wholesalers and manufacturers.	704					705
631 –	By Senator Snyder (Originating in Senate Government Organization): Extending time for Fayetteville City Council to meet as levying body.	898	898		1074	2537	898, 1007, 1074-1075, 2591, 2598

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
1 –	By Senators Sypolt and Boley: Proposing constitutional amendment designated Initiative, Referendum and Recall Amendment.	104						104
2 –	By Senators Sypolt and Miller: Proposing constitutional amendment designated Veto Session Amendment.	104						104
3 –	By Senators Sypolt, Jenkins and M. Hall: Proposing constitutional amendment designated Homestead Exemption Increase Amendment.	104						105
4 –	By Senators Snyder, Unger and Jenkins: Proposing constitutional amendment designated Homestead Exemption Calculation Amendment.	105						105
5 –	By Senator Sypolt: Proposing constitutional amendment designated Marriage Protection Amendment.	105						105
6 –	By Senators Barnes, Nohe and Jenkins: Proposing constitutional amendment designated Religious Freedom Guaranteed Amendment.	105						105
7 –	By Senators Wells and Carmichael: Proposing constitutional amendment designated Organization of Houses of Legislature Amendment.	106						106
8 –	By Senator Wells: Proposing constitutional amendment designated Veto Session Amendment.	126						126

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
9 –	By Senators Barnes, Blair, Cann, Carmichael, Cole, Facemire, Green, D. Hall, M. Hall, Kirkendoll, Laird, Plymale, Sypolt, Tucker, Walters, Wells, Williams, Yost, Prezioso, Nohe, Miller, Jenkins, Edgell and Stollings: Proposing constitutional amendment designated Right to Hunt and Fish in WV Amendment.	413						414
**10 –	By Senators Unger, Kessler (Mr. President), Jenkins, D. Hall, Tucker, Stollings, Cookman, Yost, Fitzsimmons, M. Hall, Beach, Prezioso, Miller, Laird, Cann and Williams: Proposing constitutional amendment designated Right to Hunt, Fish, Harvest Wildlife in WV Amendment.	437	658, 892, 1009	1155-1156	1157			437, 658, 892, 1010, 1075, 1155-1158
11 –	By Senators Wells and Plymale: Proposing constitutional amendment designated More Accessible Legislature Amendment.	476						476
*12 –	By Senators Unger, Beach, Cann, Cookman, Fitzsimmons, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Wells, Yost, Chafin, Carmichael, Stollings, Kessler (Mr. President) and Green: Proposing constitutional amendment designated Protecting and Conserving West Virginia's Water Resources for the Use and Benefit of its Citizens Amendment.	599	816, 892-893	1159	1160			599, 817, 981, 1018, 1044, 1158-1161, 2534
13 –	By Senators Boley, Blair, Cole, Jenkins, Nohe, Sypolt and Walters: Proposing constitutional amendment designated School Board Election Amendment.	635						636

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
*14 –	By Senators Kessler (Mr. President), Wells, Fitzsimmons, Beach, Plymale, D. Hall, Snyder, Yost, Cann, Cookman, Laird, Jenkins and Miller: Proposing constitutional amendment designated Future Fund Amendment.	676	860, 1030	1031-1032	1162			677, 860, 1031-1032, 1162-1164, 2534

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*1 –	By Senators Barnes and Tucker: Requesting DOH name Becky's Creek Bridge, Randolph County, "U. S. Army Sgt. Cecil W. Kittle, Jr., Memorial Bridge".	106- 109	347- 348	1257- 1260	363, 1261	1257	109, 130, 363, 1257- 1261
*2 –	By Senators Cann and Yost: Requesting DOH name bridge in Harrison County "U. S. Navy Petty Officer First Class Kevin S. Rux Memorial Bridge".	138	351		363	1019	139, 151, 363
*3 –	By Senators Cann and Yost: Requesting DOH name bridge in Gypsy, Harrison County, "U. S. Navy Seaman First Class Sam Lopez Bridge".	140	352- 353		363	1020	141, 151, 363
4 –	By Senators Cann and Yost: Requesting DOH name new bridge crossing West Fork of Monongahela River at Shinnston "Veterans Memorial Bridge".	141- 142	243		244	1020	143, 151, 244
5 –	By Senators Wells, McCabe, Palumbo, Walters, Yost and Stollings: Requesting DOH name bridge in Kanawha County "Army PFC William Floyd Harrison Memorial Bridge".	143	243		244	1020	144, 151-152, 244
6 –	By Senators Wells, Yost, Boley, Edgell, Fitzsimmons, Jenkins, Stollings, Plymale, Snyder, Laird, Miller and Cookman: Requesting Joint Committee on Government and Finance study veterans, active duty and National Guard members' issues.	162- 165	1359				165, 179, 1359
7 –	By Senators Beach, Unger, Kessler (Mr. President), Miller, Williams, Jenkins, Prezioso, Wells, D. Hall, Stollings and Cann: Requesting Star City interchange on I-79 in Morgantown be named "Michael A. Oliverio, Sr., Interchange".	190- 192	220		220	262	192, 204, 220
*8 –	By Senators Cann, Stollings, Plymale and Wells: Requesting DOH name bridge in West Milford, Harrison County, "USMC Cpl. Gene William Somers, Jr., Memorial Bridge".	200- 202	354		363	1020	202, 211, 363

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*9 –	By Senators Cookman, Stollings, Plymale, Wells and Jenkins: Requesting DOH name portion of U. S. Rt. 522 "Trooper First Class Thomas Dean Hercules and Trooper Charles Henry Johnson Memorial Highway".	202-204	356		363	1020	204, 211, 363
*10 –	By Senators Kirkendoll, Stollings, Plymale and Jenkins: Requesting DOH name bridge in Switzer, Logan County, "U. S. Army Cpl. James Melvin 'Pete' Spradlin Memorial Bridge".	226-228	358		363	1020-1021	228, 257, 363
*11 –	By Senators Kirkendoll, Stollings, Plymale and Jenkins: Requesting DOH name bridge in Logan "U. S. Army Major Thomas McElwain Memorial Bridge".	228-231	360		363	1021	231, 258, 363
12 –	By Senators Laird, Kessler (Mr. President), Palumbo, Unger and Plymale: Requesting Joint Committee on Government and Finance study funding sources for law-enforcement training and certification programs.	252	837				253, 281, 837
*13 –	By Senators Cann, Prezioso and Beach: Requesting DOH name bridge on Rt. 58 in Anmoore "U. S. Army PFC Nick A. Cavallaro Memorial Bridge".	253-255	462		471		255, 281, 471-472
*14 –	By Senators Kirkendoll, Stollings, Beach, Jenkins, Edgell and Plymale: Requesting DOH name bridge crossing Madison Creek, Logan County, "U. S. Army Sergeant Bernard C. Maynard Memorial Bridge".	277	464		471		278, 294, 471-472
*15 –	By Senators Plymale, Beach, Stollings, Jenkins and Edgell: Requesting DOH name bridge on Rt. 2, Cabell County, "U. S. Army PFC Homer 'Clyde' Farley and U. S. Army PFC Max O. Farley Memorial Bridge".	278-281	465-466		471	1816	281, 294-295, 471-472
16 –	By Senators Edgell, Kessler (Mr. President), Unger, Plymale, Stollings, D. Hall, Jenkins and Fitzsimmons: Urging Congress revise Biggert-Waters Flood Insurance Reform Act of 2012.	291-293					293, 308

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*17 –	By Senators Laird, Miller, Unger, Plymale, Stollings, Cole and Jenkins: Requesting DOH name bridge in Greenbrier County "U. S. Army Sgt. James Lee Holcomb Memorial Bridge".	293	468		471	1817	294, 308-309, 471-472
18 –	By Senators Prezioso, Plymale, Edgell, Unger, Stollings, Laird, Kessler (Mr. President), Snyder, Jenkins, McCabe, Beach, Fitzsimmons and D. Hall: Recognizing additional higher education funding cuts to be detrimental.	304	529				305, 327, 530
*19 –	By Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins: Requesting DOH name bridge in Lincoln County "U. S. Army Sergeant Paul Norman Chapman Memorial Bridge".	323	470		471	1817	324, 268, 471-472
20 –	By Senators Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall: Recognizing value and importance of state's innovation industry.	324-327	629		630	1817	327, 369, 630
*21 –	By Senators Green, Stollings, Cole, D. Hall and Jenkins: Requesting DOH name bridge in Raleigh County "U. S. Army PFC Shelby Dean Stover Memorial Bridge".	364-366	772		778	1817	366, 387, 778
22 –	By Senators Cookman, Plymale and Blair: Requesting DOH name section of Rt. 901 "Deputy John L. Burkett III Memorial Highway".	385-386	778	1354	779, 1355	1353-1354	387, 403, 779-780
*23 –	By Senators Stollings, Kirkendoll, Cole, Chafin, Jenkins and Wells: Requesting DOH name bridge in Boone County "USMC PFC Marshall Lee King Memorial Bridge".	414	773		778		415, 439, 778

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
24 –	By Senators D. Hall, Green, Jenkins, Tucker, Yost, Cole and Laird: Designating Raleigh County Veterans Museum as WV Veterans Museum.	438					439, 487
*25 –	By Senators Plymale, Unger, Stollings, Cole and Jenkins: Requesting DOH name portion of State Rt. 37 "U. S. Army SP4 Darrell W. Sanders Memorial Highway".	477	775		778		478, 518, 778
26 –	By Senators Plymale, Unger, Stollings, Cole and Jenkins: Requesting DOH rename County Rt. 35/3 in Wayne County "Stonewall Veterans Memorial Highway".	478	779		779		479, 518-519, 779-780
27 –	By Senators Unger, Kessler (Mr. President), Stollings, Plymale, Laird, McCabe, Prezioso, Yost, Wells, Miller, Cookman, Palumbo and Jenkins: Urging President and Congress establish provisions to prevent and respond to chemical spills in state and national waters.	479-481	593		593	1817	481, 519, 593
*28 –	By Senators Kirkendoll, Stollings, Unger and Jenkins: Requesting DOH name road in Logan County "Joshua Walls Memorial Highway".	533	776-777	2190-2191	778, 2191	2190	534, 554, 778, 2190-2191
*29 –	By Senators D. Hall, Green, Jenkins, Beach, Stollings and Cole: Requesting DOH erect sign in Raleigh County "Home of Bill Withers".	551-553	952-954		956		553, 573, 956-957
30 –	By Senators Williams, Unger, D. Hall, Sypolt and Edgell: Requesting DOH name bridge crossing Middle Fork River "Army Sergeant John A. Charnoplosky Memorial Bridge".	599-601					601, 644-645
31 –	By Senators Tucker, Barnes, Plymale, Stollings, Unger, Jenkins, Williams, D. Hall, Palumbo, McCabe, Beach and Fitzsimmons: Recognizing National Radio Astronomy Observatory's Center for STEM Education.	601-603	780		798		603, 645, 797-798

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
32 –	By Senators Beach, Unger, Kessler (Mr. President), Stollings and Plymale: Requesting DOH name bridge in Calhoun County "U. S. Army Sergeant Robert Odell Orders Memorial Bridge".	636-638	739		739	840	638, 680, 739
33 –	By Senators Chafin, Stollings, Cole, Plymale and Jenkins: Requesting DOH name County Rt. 15 in Mercer County "River Road Music Heritage Trail".	638-641					641, 680
*34 –	By Senators Edgell, Unger, Kessler (Mr. President), Stollings and Plymale: Requesting DOH name bridge in Tyler County "U. S. Army Staff Sgt. Jesse A. Ault Memorial Bridge".	641	954-956		956		642, 680-681, 956-957
35 –	By Senators Stollings, Kirkendoll, Plymale, Unger and Jenkins: Requesting DOH name portion of Rt. 17 in Boone County "Army Specialist 4 Larry E. Nunnery, Sr., Memorial Highway".	677					678, 711-712
*36 –	By Senators Palumbo, McCabe, Walters, Wells, Unger and Stollings: Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road".	705	1108		1115		706, 749, 1114-1115
*37 –	By Senators Kirkendoll, Stollings, Unger, Jenkins and Cole: Requesting DOH name Rt. 10 in Logan County "USMC Lance Corporal Larry G. Williamson Memorial Highway".	707	1110		1115		708, 749, 1114-1115
38 –	By Senators Plymale, Unger, Stollings, Prezioso, D. Hall and Wells: Requesting Joint Committee on Government and Finance study development of comprehensive early childhood program.	708-710	873				710, 749, 873
*39 –	By Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins: Requesting DOH name road in Boone County "U. S. Army Sgt. Andy Messer Memorial Highway".	740-742	1284-1285		1293		742, 798, 1293

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*40 –	By Senators Stollings, Kirkendoll, Unger, Plymale and Jenkins: Requesting DOH name Joe's Creek Road in Lincoln County "U. S. Army PFC John E. Runyan Memorial Road".	742	1111-1112		1115		743, 798, 1114-1115
*41 –	By Senators Chafin, Stollings, Jenkins, D. Hall and Cole: Requesting DOH name portion of Rt. 83 in McDowell County "U. S. Army MSGT Joe C. Alderman Memorial Road".	743-745	1113	2191-2193	1115, 2193	2191	745, 798, 1114-1115, 2191-2193
42 –	By Senators Miller, Williams, Laird, Cookman, Beach, Tucker, Sypolt and Nohe (Originating in Senate Agriculture and Rural Development): Requesting Joint Committee on Government and Finance study farmers market vendors.	780-782	780-782				783
*43 –	By Senators M. Hall, Carmichael and Stollings: Requesting DOH name bridge in Putnam County "U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge".	790-792	1287		1293		792, 852, 1293
*44 –	By Senators Prezioso, Stollings, Kessler (Mr. President), Cann, Beach and Edgell: Requesting DOH name bridge in Marion County "Sheriff Junior Slaughter Memorial Bridge".	792-794	1288		1293	1818	794, 852, 1293
*45 –	By Senators Kirkendoll, Stollings, Plymale and Jenkins: Requesting DOH name Smoke House Fork Crawley Creek Road in Logan County "U. S. Army Colonel Anna M. Butcher Road".	898-900	1290-1291		1293		900, 963, 1293
46 –	By Senators D. Hall, Stollings, Plymale, Tucker, Jenkins and Green: Requesting DOH renovate Toney's Fork Road for use as state road into Beckley.	900					901, 963
47 –	By Senators Laird, Stollings, Plymale and Jenkins: Requesting DOH rename Mill Road/Garden Ground Mountain Road "Jack Furst Drive".	901-904					904, 963-964

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
48 –	By Senators Kirkendoll, Stollings, Plymale and Jenkins: Requesting DOH name portion of Rt. 10 in Man, "U. S. Army SP4 Terry Robert Albright Memorial Road".	904- 906	1293		1294		906, 964, 1294
49 –	By Senators Stollings, Laird, Kirkendoll, Plymale, Tucker, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study responsibilities for child protection and care.	908- 910	908- 910				910
*50 –	By Senators Miller, Laird, Plymale, Jenkins, Green, Cole, Unger and Wells: Requesting DOH name portion of State Rt. 20, Hinton, Summers County, "USMC Sgt. Mecot E. Camara Memorial Highway".	957- 958	1431		1437	2257	959, 1043, 1437
51 –	By Senators Chafin, Plymale, Jenkins, Green and Cole: Requesting DOH name bridge in Wayne County "Wilburn George 'Button' Meredith Memorial Bridge".	959					960, 1043
*52 –	By Senators Wells, Kessler (Mr. President), Plymale, Jenkins, D. Hall, Green, Edgell, Cookman, Yost and Unger: Requesting DOH place signage along highways entering WV honoring fallen veterans and Gold Star Families.	960- 962	1433		1437	2258	962, 1043, 1437
53 –	By Senators Laird, Miller, Plymale, Jenkins, Green and Unger: Requesting DOH name portions of County Rt. 82, Fayette County, "Deputy Roger Lee Treadway Memorial Road".	962					963, 1043
54 –	By Senators D. Hall, Stollings, Plymale, Unger, Wells, Cole, Green and Jenkins: Requesting DOH name U. S. Rt. 54/6 in Wyoming County "Virginia & U. S. Army Major Woodrow Cook Memorial Road".	1033- 1035	1437		1438		1035, 1155, 1438

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
55 –	By Senators Laird, Miller, Stollings, Unger, Green and Jenkins: Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge".	1035	1437		1438		1036, 1155, 1438
56 –	By Senators Tucker and Fitzsimmons (Originating in Senate Banking and Insurance): Requesting Joint Committee on Government and Finance study consumer protection for residential roof storm damage.	1038-1040	1038-1040				1040
57 –	By Senators Tucker, Fitzsimmons, Barnes, Green, D. Hall, McCabe, Palumbo, M. Hall, 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 companies.	1041-1042	1041-1042				1042
58 –	By Senators Chafin, Cole, Stollings, Jenkins and Green: Requesting DOH name portion of Rt. 8 in Mingo County "Valentine 'Wall' Hatfield Road".	1137					1138, 1252
*59 –	By Senators Cann, Prezioso, Beach, Edgell, Plymale, Stollings, Unger and Green: Requesting DOH name bridge on I-79 in Harrison County south "U. S. Army PFC Nick A. Cavallaro Memorial Bridge" and north "U. S. Army SSGT Benjamin T. Portaro Memorial Bridge".	1138-1140	1434		1437		1140, 1252-1253, 1437
60 –	By Senators Prezioso, Edgell, Plymale, Stollings, Unger and Green: Requesting DOH name section of Rt. 1 in Marion County "USAF Sergeant Jerome E. Kiger Memorial Road".	1140-1143	1437		1438	2258	1143, 1253, 1438
61 –	By Senators Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study broadband middle mile.	1145	1145				1151

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
62 –	By Senators Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study naming transportation structures by resolution.	1147	1147				1151
63 –	By Senators Beach, Kirkendoll, Fitzsimmons, Williams, Barnes, Cole and Walters (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study discounts and credits to motor vehicle fuel suppliers.	1149	1149				1151
64 –	By Senators Snyder and Miller (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study elimination of extraneous boards, commissions, etc.	1151- 1152	1151- 1152				1153
65 –	By Senators Snyder and Miller (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study organization of DHHR.	1153	1153				1154
66 –	By Senators Stollings, Snyder and D. Hall: Requesting Joint Committee on Government and Finance study expansion of pari-mutuel wagering.	1237- 1238					1239, 1274
67 –	By Senators McCabe, Barnes, Beach, Blair, Cann, Carmichael, Cole, Cookman, Edgell, Facemire, Fitzsimmons, M. Hall, Laird, Palumbo, Plymale, Prezioso, Stollings, Tucker, Walters, Wells, Williams, Yost and D. Hall: Requesting Joint Committee on Government and Finance study probate process.	1239- 1240					1241, 1274

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
68 –	By Senators Unger, Palumbo, Plymale, Snyder, Stollings, McCabe, Wells, Jenkins, D. Hall and Laird: Requesting Joint Committee on Government and Finance study housing quality and affordability.	1241					1242, 1274
69 –	By Senators Stollings, Plymale, Unger, Wells, Jenkins, D. Hall and Laird: Requesting Joint Committee on Government and Finance study nurse staffing in health care facilities.	1242- 1244					1244, 1274
70 –	By Senators Stollings, Unger, Wells, D. Hall and Laird: Requesting Joint Committee on Government and Finance study certified professional midwives' licensing.	1244					1245, 1274
71 –	By Senators Snyder and Miller (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study State Building Code enforcement.	1251	1251				1252
*72 –	By Senators Chafin, Cole, Stollings, Jenkins, D. Hall, Green and Plymale: Requesting DOH name bridge on Rt. 16, War, McDowell County, "U. S. Army SFC Anthony Barton Memorial Bridge".	1269- 1271	1765- 1767		1769		1271, 1310, 1769
*73 –	By Senators Green and Jenkins: Requesting DOH name bridge in Raleigh County "U. S. Army PFC Arland W. Hatcher Memorial Bridge".	1298	1767- 1769		1769		1299, 1371, 1769
74 –	By Senators Cookman and Kirkendoll (Originating in Senate Pensions): Requesting Joint Committee on Government and Finance study mental hygiene commissioners' inclusion in PERS.	1303	1303				1304
75 –	By Senators Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study county participation in transportation infrastructure construction.	1304	1304				1309

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
76 –	By Senators Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study special class of taxicabs.	1306	1306				1309
77 –	By Senators Beach, Kirkendoll, Fitzsimmons, Plymale, Williams, Cole and Walters (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study land uses within airport runway protection zones.	1308	1308				1309
78 –	By Senators Tucker and McCabe (Originating in Senate Banking and Insurance): Requesting Joint Committee on Government and Finance study bank borrowing terms to insurance companies.	1330	1330				1331
79 –	By Senators Miller, Williams, Laird, Cookman, Beach, D. Hall, Nohe and Sypolt (Originating in Senate Agriculture and Rural Development): Requesting Joint Committee on Government and Finance study cottage food industries and small farms.	1332- 1333	1332- 1333				1334
80 –	By Senators Cann, Barnes, Boley, Facemire, Kirkendoll, Nohe, Snyder, Stollings and Sypolt (Originating in Senate Energy, Industry and Mining): Requesting Joint Committee on Government and Finance study electric power production.	1359- 1361	1359- 1361				1361
81 –	By Senators Williams, Barnes, Beach, Blair, Cann, Cookman, McCabe, Sypolt and Wells (Originating in Senate Economic Development): Requesting Joint Committee on Government and Finance study craft beer business.	1395- 1397	1395- 1397				1397

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
82-	By Senators Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study restructuring correctional agencies under MAPS.	1397-1399	1397-1399				1399
83-	By Senators Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study Purchasing Division's oversight of state contract change orders.	1399-1400	1399-1400				1400-1401
84-	By Senators Snyder, Miller, Blair, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study implementation of advertising program to promote tourism.	1401-1403	1401-1403				1403
85-	By Senators Unger, Kessler (Mr. President), Blair, Boley, Cann, Carmichael, Facemire, Green, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Nohe, Plymale, Snyder, Stollings, Walters, Wells, Williams, Yost and D. Hall: Requesting Joint Legislative Oversight Commission on State Water Resources study water infrastructure.	1562-1565					1565-1841
86-	By Senators Blair, Kessler (Mr. President), Barnes, Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost, Stollings and Prezioso: Requesting School Building Authority waive matching requirements and fund needed improvements for School for Deaf and Blind.	1565					1566, 1842

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
87-	By Senators Palumbo, Yost, Unger, D. Hall, Green and McCabe: Requesting Joint Committee on Government and Finance study behavioral health spending on community-based support services.	1566-1568					1568, 1842
88-	By Senators Laird, McCabe, Cookman, Facemire and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study financial aspects of state parks' and forests' amenities.	1570	1570				1574
89-	By Senators Laird, McCabe, Cookman, Facemire and Walters (Originating in Senate Natural Resources): Requesting Joint Committee on Government and Finance study reassignment of five wildlife management areas to DNR Wildlife Resources Section.	1572	1572				1574
90-	By Senators Snyder, Miller, Blair, Boley, Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Stollings, Sypolt, Williams and Yost (Originating in Senate Government Organization): Requesting Joint Committee on Government and Finance study moving Forensic Lab to Supreme Court.	1574-1575					1576
91-	By Senators Prezioso, Facemire, Edgell, Plymale, McCabe, Wells, Chafin, Yost, Unger, Stollings, Laird, M. Hall, Blair, Barnes, Boley and Sypolt (Originating in Senate Finance): Requesting Joint Committee on Government and Finance study group government-managed retirement savings plan.	1576-1580	1576-1580				1580
92-	By Senators Stollings, Yost and D. Hall: Requesting Joint Committee on Government and Finance study reimbursement rates for mental health therapy services.	1828					1829, 2208

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
93-	By Senators Stollings and Yost: Requesting Joint Committee on Government and Finance study effects of tanning beds use and cancer.	1829					1830, 2208
94-	By Senators Boley, Barnes, Blair, Carmichael, Cole, M. Hall, Jenkins, Nohe, Sypolt and Walters: Requesting Joint Committee on Government and Finance study Common Core Standards.	1830					1831, 2208
95-	By Senators Stollings, Laird, Kirkendoll, Miller, Palumbo, Plymale, Tucker, Yost, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study long-term care planning.	1836- 1837	1836- 1837				1839
96-	By Senators Stollings, Laird, Kirkendoll, Miller, Palumbo, Plymale, Tucker, Yost, Boley, Cole, M. Hall and Walters (Originating in Senate Health and Human Resources): Requesting Joint Committee on Government and Finance study air-ambulance companies.	1838- 1839	1838- 1839				1839
97-	By Senator Plymale (Originating in Senate Education): Requesting Joint Committee on Government and Finance study SSAC.	1840	1840				1841
98-	By Senators Unger, Kessler (Mr. President), Beach, Carmichael, Cole, Edgell, Facemire, Fitzsimmons, D. Hall, Laird, Miller, Palumbo, Sypolt, Wells, Yost and Tucker: Requesting Joint Committee on Government and Finance study investigation report on Bayer CropScience explosion.	2194					2195
99-	By Senators Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Fitzsimmons, D. Hall, M. Hall, Jenkins, McCabe, Nohe, Palumbo, Snyder, Sypolt, Williams, Tucker and Yost: Requesting Joint Standing Committee on Education study student- administrator ratio.	2195- 2196					2197

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
100-	By Senators Walters, Barnes, Blair, Boley, Carmichael, Chafin, Cole, Cookman, Fitzsimmons, M. Hall, Nohe, Sypolt and Tucker: Requesting Joint Standing Committee on Judiciary study summary jury trials.	2197					2198
101-	By Senator Unger: Requesting Joint Committee on Government and Finance study increasing physical activity required in schools.	2198- 2202					2202

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 -	By Senator Unger: Raising committee to notify House Senate has assembled.	2			2	2
2 -	By Senator Unger: Raising committee to notify Governor Legislature has assembled.	3			3	3
3 -	By Senators Williams, Sypolt, Cookman, Blair, Plymale, Prezioso, Yost, Beach, Jenkins, Green, Miller, Laird, McCabe, Stollings, D. Hall and Fitzsimmons: Honoring Harley Orrin Staggers, Sr.	127			128	128
4 -	By Senators Beach, Plymale, Prezioso, Yost, Williams, Green, Stollings, D. Hall and Palumbo: Celebrating Monongalia County.	128-130			130	130
5 -	By Senator Prezioso: Authorizing appointment of 2014 session employees.	144-149			149	149
6 -	By Senators Edgell, Kessler (Mr. President), Unger, Stollings, Yost, Williams, Beach, Sypolt, Cann, Jenkins, Laird, D. Hall, Plymale, Wells and Fitzsimmons: Designating Crime Victims Day at Legislature.	178			179	179
7 -	By Senators Palumbo, Kessler (Mr. President), Unger, Plymale, Stollings, Jenkins, Walters, Cole, Barnes and Carmichael: Designating Generation West Virginia Day.	209-211			211	211
8 -	By Senators Fitzsimmons, Kessler (Mr. President), Unger, Cookman, Stollings, Yost, Miller, Plymale, Jenkins, Prezioso, Beach, Cann and McCabe: Designating West Virginia Kids at Risk Day.	255-257			257	257
9 -	By Senators Green, D. Hall, Laird, Miller, Tucker, Yost, Wells, Stollings, Jenkins and Carmichael: Urging construction of state veterans' nursing home in Beckley.	305-306				307, 327

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
10 –	By Senators Unger, Kessler (Mr. President), Plymale, Snyder, Stollings, Beach and Williams: Recognizing Leadership Berkeley.	307			308	308
11 –	By Senators Kessler (Mr. President), Unger, Barnes, Blair, Cann, Carmichael, Cole, M. Hall, Kirkendoll, Laird, McCabe, Miller, Palumbo, Stollings, Sypolt, Walters, Wells, Williams, Yost, Snyder, Tucker, Plymale, Prezioso, Cookman, Fitzsimmons, Jenkins and D. Hall: Recognizing value and importance of state's innovation industry.	366-368			368	368
12 –	By Senators Walters, Barnes, Blair, Boley, Carmichael, Cole, M. Hall, Jenkins, Nohe and Sypolt: Amending Senate Rule No. 28 relating to setting committee agendas.	415-417	544			417, 545, 559-560
13 –	By Senators Barnes, Tucker, Plymale, Yost, Wells, D. Hall, Stollings, Williams, Miller and Sypolt: Designating Randolph County Day.	417-49			419	419
14 –	By Senators Unger, Plymale, Snyder, Yost, Prezioso, Wells, McCabe, Stollings, Williams and Miller: Recognizing Leadership Jefferson.	419			420	420
15 –	By Senators Stollings, Unger, Plymale, Kessler (Mr. President), Yost, McCabe, Wells, Miller, Laird, Snyder, Beach, D. Hall, Jenkins, Green and Barnes: Recognizing social workers in WV.	481-483			483	483
16 –	By Senators Sypolt, Unger, Stollings, Plymale, Kessler (Mr. President), Yost, Williams, Miller, Beach and Barnes: Designating Preston County Day.	483			484	484
17 –	By Senators Green, D. Hall, Unger, Stollings, Kessler (Mr. President), Cole, Wells, Miller, Jenkins and Barnes: Recognizing Pinnacle Blue Mine Rescue Team.	485			486	486

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
18 –	By Senators Unger, Stollings, Plymale, Laird, D. Hall, Miller and Fitzsimmons: Recognizing Community Development Hub's Communities of Achievement Program.	512-514			514	516
19 –	By Senators Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), Laird and Fitzsimmons: Recognizing organ procurement organizations.	514-516			516	516
20 –	By Senators Miller, Laird, Stollings, Plymale, Unger, Jenkins, Kessler (Mr. President), D. Hall, Prezioso, Beach, Green, McCabe and Fitzsimmons: Recognizing School of Osteopathic Medicine.	516-518			518	518
21 –	By Senators Plymale, Kirkendoll, Kessler (Mr. President), Wells, Stollings, Jenkins and Yost: Urging Supervalu, Inc., reconsider closing Milton warehouse.	534-536				536, 554
22 –	By Senators Stollings, Laird, Miller, Palumbo and Plymale (Originating in Senate Health and Human Resources): Urging Congress amend Food and Nutrition Act of 2008.	537-539	537-539			539
23 –	By Senators Kessler (Mr. President), Wells, McCabe, Snyder, Fitzsimmons, Cookman, Yost and Beach: Designating Fairness West Virginia Day.	553			554	554
*24 –	By Senators Green, D. Hall, Plymale, Unger, Stollings, Kessler (Mr. President), Jenkins, Williams, Tucker, Laird and Miller: Recognizing Steve Antoline, 2014 Outstanding Tree Farmer.	571-572			573	573
25 –	By Senators Kessler (Mr. President), Stollings, Unger, Jenkins, Williams, Plymale, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe, Beach and Fitzsimmons: Recognizing Women's Commission on Women's Day.	603-605			605	605

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
26 –	By Senators Plymale, Stollings, Unger, Kessler (Mr. President), Jenkins, Carmichael, Cole, Williams, Tucker, Yost, D. Hall, Palumbo, Green, Edgell, Wells, McCabe and Fitzsimmons: Designating Marshall University Day.	605-607			607	607
27 –	By Senators Fitzsimmons, Beach, Cann, Chafin, Cookman, Edgell, Facemire, Kirkendoll, Williams, Yost, Snyder and Green: Amending Rules of Senate relating to witnesses before committees.	607	788			608, 788
28 –	By Senator Chafin: Honoring Senator Jack Yost.	608-609			610	610
29 –	By Senators Stollings, Laird, Plymale, Kessler (Mr. President), Unger, Snyder, Yost and Jenkins: Recognizing Doc for a Day Program.	642-644			644	644
30 –	By Senators Laird, Stollings, Unger, Jenkins, Wells, D. Hall, Snyder, McCabe, Green, Beach, Kessler (Mr. President), Edgell, Fitzsimmons, Yost, Prezioso, Cookman and Miller: Designating Corrections Day.	678-680			680	680
31 –	By Senators Wells, Kessler (Mr. President), Plymale, Fitzsimmons, Snyder, Unger, Williams, Yost, Stollings, Prezioso, Jenkins, D. Hall and McCabe: Designating Veterans Visibility Day.	710			711	711
32 –	By Senators McCabe, Wells, Palumbo, Walters, Kessler (Mr. President), Barnes, Beach, Cann, Carmichael, Chafin, Cookman, Edgell, Green, M. Hall, Plymale, Sypolt, Unger, Williams, Snyder, Stollings, Fitzsimmons, Yost, Jenkins, Cole, D. Hall and Prezioso: Designating WV State University Day.	745-747			747	747
33 –	By Senators Walters, Stollings, Fitzsimmons, Yost, Plymale and D. Hall: Recognizing Linsly School.	747			748	749

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
34 –	By Senators Miller, Snyder, Stollings, D. Hall, Jenkins, Laird, Cole, Fitzsimmons and Green: Recognizing Greenbrier Valley Polar Bear Plunge Club.	794			795	795
35 –	By Senators Stollings, Snyder, Plymale, Kessler (Mr. President), Yost, D. Hall, Jenkins, Laird, Prezioso, Carmichael, Cole, Beach, Fitzsimmons, Edgell and Green: Designating Disability Advocacy Day.	796			797	797
36 –	By Senators Plymale, Wells, Kessler (Mr. President), Stollings, Williams, Tucker, Snyder, Cole, Jenkins, D. Hall, Green, McCabe and Prezioso: Designating Higher Education Day.	906			907	907
37 –	By Senators Wells, McCabe, Palumbo, Walters, Stollings, Plymale, Unger, Fitzsimmons, Green, Kessler (Mr. President), D. Hall and Jenkins: Recognizing Clay Center for the Arts and Sciences.	1036-1038			1038	1038
38 –	By Senators Beach, Stollings, Fitzsimmons, Miller, McCabe, Wells, Edgell, Plymale, Cann, Unger, Yost, Prezioso, Kessler (Mr. President), Snyder, D. Hall, Jenkins, Green and Williams: Designating Nurses Unity Day.	1143			1144	1144
39 –	By Senators Kessler (Mr. President), Plymale, Snyder, Stollings, Yost, Unger, Beach, McCabe, Wells, Fitzsimmons, D. Hall, Jenkins and Laird: Recognizing Community Action Agencies.	1245			1246	1246
40 –	By Senators Stollings, Kirkendoll, Plymale, Unger, D. Hall, Jenkins and Kessler (Mr. President): Recognizing Lincoln Public Service District.	1247-1248			1249	1249
41 –	By Senators Unger, Palumbo, Plymale, Snyder, Stollings, Yost, Beach, Kessler (Mr. President), McCabe, Wells, Fitzsimmons, Jenkins, D. Hall and Laird: Designating Housing Day.	1249			1250	1250

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
42 –	By Senators Wells, Stollings, Yost, Jenkins, D. Hall, Unger, Green, Plymale, Kessler (Mr. President) and Fitzsimmons: Memorializing life of Lance Corporal Adam Johnson Crumpler.	1272			1273	1273
43 –	By Senators Chafin, Cole, Williams, Plymale, Kessler (Mr. President), McCabe, Wells, Yost, Jenkins, Barnes, Beach, Blair, Boley, Cann, Carmichael, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, Miller, Nohe, Palumbo, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger and Walters: Memorializing life and public service of James Howard "Buck" Harless.	1299-1302			1842	1302, 1371, 1447, 1580, 1842
44 –	By Senators Laird, Miller, Unger, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Plymale, Green, D. Hall and Jenkins: Memorializing life of Honorable Robert K. "Bob" Holliday.	1364-1366			1366	1366
45 –	By Senators Plymale, Stollings, Yost, Wells, McCabe, Kessler (Mr. President), Unger, D. Hall and Jenkins: Recognizing Paul Wesley Ambrose Health Policy Fellows Program.	1366-1369			1581	1369, 1447-1448, 1580-1581
46 –	By Senators Williams, Beach, Prezioso, Sypolt, Stollings, Yost, Wells, McCabe, Snyder, Kessler (Mr. President), Unger, Plymale, Cookman, Green, Fitzsimmons, D. Hall, Jenkins and Laird: Designating WVU and WVU Extension Day.	1369			1370	1370
47 –	By Senators Palumbo, Cole, Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Tucker, Prezioso and Fitzsimmons: Designating March as American Red Cross Month.	1442			1443	1443

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
48 –	By Senators Kessler (Mr. President), Yost, Stollings, Plymale, Snyder, Beach, Carmichael, Laird, D. Hall, Green, McCabe, Wells and Prezioso: Recognizing sister-state relationship of WV with Republic of China.	1443-1445			1445	1445
49 –	By Senators Plymale, Yost, Stollings, Snyder, Beach, Carmichael, Laird, Jenkins, D. Hall, Green, McCabe, Wells, Prezioso and Fitzsimmons: Recognizing MU Forensic Science Center DNA Lab.	1445-1447			1447	1447
50 –	By Senators Stollings, Wells, Yost, Plymale, Snyder, Kessler (Mr. President), Unger, Carmichael, Prezioso, Laird, McCabe, Jenkins, D. Hall and Green: Designating Multiple Sclerosis Awareness Week.	1568-1569			1570	1570
51 –	By Senators Cann, Boley, Wells, Kessler (Mr. President), Plymale, Stollings, Jenkins and D. Hall: Recognizing Louis A. Johnson VA Medical Center.	1831-1833			1833	1833
52 –	By Senators Green, D. Hall, Wells, Kessler (Mr. President), Plymale, Stollings, Yost and Jenkins: Memorializing life of Jeffrey S. Taylor.	1833-1835			2208	1835, 2208
53 –	By Senators Cann, Yost, Prezioso, Unger and Kessler (Mr. President): Memorializing life of James Dominick LaRosa.	2202			2203	2203
54 –	By Senators Walters, Cole, Yost, Unger and Kessler (Mr. President): Honoring Dr. Rahul Gupta.	2204-2206			2206	2206
55 –	By Senator Unger: Raising committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> .	2575			2575	2575
56 –	By Senator Unger: Raising committee to notify Governor Legislature is ready to adjourn <i>sine die</i> .	2576			2576	2576

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2020 –	By Delegate Ellem: Relating to conditions of bond for defendants in cases of crimes between family or household members.	299					299
*2165 –	By Delegates Iaquina, Longstreth, Fleischauer, Jones, Stephens and Azinger: Relating to death certificates of military veterans.	725	1115	1178-1184, 1253-1254, 1355	1253, 1356	1355	725, 1115, 1178-1184, 1253-1254, 1355-1356, 2578, 2620
*2387 –	By Delegates Marshall and Moore: Relating to reasonable accommodations under the West Virginia Fair Housing Act for persons with disabilities who need assistive animals.	337-338	1403	2390, 2391	2391	2537	338, 1535, 1605, 1908, 2212, 2390-2391, 2583, 2597
*2446 –	By Delegates Hunt, Craig, Pino and P. Smith: Creating the crime of soliciting a minor.	1187					1188
2477 –	By Delegates Overington, Barill and Sobonya: Permitting certain auxiliary lighting on motorcycles.	299-300	1769-1770	1908-1910	2213	2538	300, 1770, 1908-1910, 2212-2213, 2583, 2597
*2606 –	By Delegates Hartman, Campbell, A. Evans, Rowan, Boggs and Lynch: Permitting the State Rail Authority to set the salary of the executive director.	1188	1403-1404, 1558		2214		1188, 1404, 1910, 2213-2214, 2538, 2583, 2596
*2757 –	By Delegates Sponaugle, Lynch, A. Evans and Andes: Private cause of action for the humane destruction of a dog.	284	1770	1910-1913, 2215	2215	2538	284, 1771, 1910-1913, 2214-2215, 2591, 2598
*2803 –	By Delegates Manchin, M. Poling, Iaquina, Guthrie and Manypenny: Requiring electric utilities to implement integrated resource plans.	1188	1404		1863		1189, 1405, 1536, 1605, 1862-1863, 2583, 2597
*2895 –	By Delegates Fleischauer, Barill, Iaquina, Lynch, Young, Pasdon, D. Poling and Ferro: Requiring display of POW/MIA flag on county courthouses and other government buildings.	725					726

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2954 –	By Delegates Caputo, Tomblin and R. Phillips: Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature.	370-371	740, 1558		2216		371, 740, 1559, 1913, 2215-2216, 2583, 2597
*2966 –	By Delegates Skinner, Lawrence, Barrett, Young, Sponaugle, Lynch, Tomblin, Eldridge, Poore and Caputo: Relating to employment and privacy protection.	371	1224				372, 1225
2981 –	By Delegates Howell, Paxton, Ashley, Iaquina, Eldridge, Longstreth, Storch, Azinger, Rowan and Manchin: Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.	1189					1189
*3011 –	By Delegates Manypenny, Walker, Swartzmiller, Canterbury and Ambler: Removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed.	1021	1771	1913, 2217	2217	2538	1021, 1771, 1913-1914, 2216-2217, 2583, 2596
*3108 –	By Delegates Campbell, Ellington and Perdue: Relating to criminal background checks on applicants for employment by nursing homes.	946	1540	1605-1607, 1864	1863	2258	946, 1541, 1605-1607, 1863-1864, 2591, 2598
*3156 –	By Delegates D. Poling, Caputo, Manypenny and Walker: Granting a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee.	1189	1438, 1990	1900-1993, 2392-2395, 2396	2396	2538	1189, 1439, 1990-1993, 2217-2218, 2392-2396, 2583, 2597
*4002 –	By Delegates Perry, Lawrence, Marshall, Morgan, Barrett, Barill, Lynch, Fleischauer, Craig, Eldridge and Barker: Relating to the computation of local share for public school support purposes.	372	1771-1772	1773	1773		373, 1772-1775

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4003 –	By Delegates Walker, Perry, Paxton, M. Poling and Pethiel: Granting dual jurisdiction to counties where a student who lives in one county and attends school in another in order to enforce truancy policies.	262	399, 1225		1374		262, 399, 1282, 1313, 1373-1374, 2579, 2596
*4004 –	By Delegates L. Phillips, Rowan, Fleischauer, Border, Lawrence, Guthrie, P. Smith, Marshall and Poore: Relating to criminal offenses for child abuse.	1189					1190
*4005 –	By Delegates L. Phillips, Rowan, Fleischauer, Border, Lawrence, Guthrie, P. Smith, Marshall and Poore: Relating to criminal offenses for child abuse and child neglect.	1190	1541	1608-1615, 1864-1865	1864	2539	1190, 1541, 1607-1615, 1864-1865, 2583, 2597
4006 –	By Delegates L. Phillips, Rowan, Fleischauer, Sobonya, Guthrie, Sumner, Lawrence, Miller, Poore, Border and Arvon: Relating to the possession and distribution of child pornography.	316	1542	1615-1617, 1866	1866	2258	316, 1542, 1615-1617, 1865-1866, 2583, 2597
*4010 –	By Delegates P. Smith, R. Phillips, Ellington, Ferro, Reynolds, Skinner and Storch: Creating the Uniform Real Property Electronic Recording Act.	543					544
*4012 –	By Delegates P. Smith, R. Phillips, Ellington, Ferro, Reynolds, Skinner and Storch: Relating to the Revised Uniform Law on Notarial Acts.	1190-1192	1361	1457-1499	1589	1818	1192, 1362, 1459-1499, 1588-1589, 2592, 2598
*4014 –	By Delegates R. Phillips, Tomblin, Marcum, Ferro, White, Eldridge, Diserio, Iaquina, Barker and Skaff: Increasing criminal penalties for littering.	214					214
*4039 –	By Delegates Poore, Marcum, Eldridge, Fleischauer and Frich: Authorizing miscellaneous boards and agencies to promulgate legislative rules.	1192-1195	1542	1761	1867	2539	1195, 1543, 1617, 1760-1762, 1866-1867, 2584, 2598

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4067 –	By Delegates Poore, Marcum, Eldridge, Fleischauer and Frich: Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules.	840	1264	1382	1448	1811	841, 1323, 1381-1382, 1448-1449, 2579, 2597
4135 –	By Delegates P. Smith, Perry, Pino, Walker, Young, Lynch, Hamilton, Hartman and Kinsey: Designating the first Thursday in May the West Virginia Day of Prayer.	233	1543		1868		233, 1543, 1617, 1868, 2584, 2597
*4137 –	By Delegates Lawrence, Fragale, Ambler, Cooper, D. Evans, Rowan, Perry and M. Poling: Relating to more equitable distribution to county boards of reimbursement of the costs of serving certain special needs students.	1021					1022
*4139 –	By Delegates Guthrie, L. Phillips, Rowan, Fleischauer, Border, Lawrence, Marshall, Stagers, Poore and P. Smith: Restricting parental rights of child custody and visitation when the child was conceived as a result of a sexual assault or sexual abuse.	373	1237, 1775	1914-1916, 2218-2219	2218	2539	373, 1237, 1775, 1914-1916, 2218-2219, 2584, 2597
*4141 –	By Delegates Hamilton, Miller, Storch, Ferro, A. Evans, Azinger, Lynch, Ambler, Canterbury, Iaquina and Marshall: Relating to licenses to sell paraphernalia for use with controlled substances.	1196					1196
*4147 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to emergency preparedness.	449	1226, 1405	1618-1626, 1869	1869	2258	449, 1226, 1536, 1617-1626, 1868-1870, 2584, 2597
*4149 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Allowing members of the Board of Public Works to be represented by designees and to vote by proxy.	726	1405, 1543		1870		726, 1406, 1626, 1870-1871, 2584, 2597

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4151 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to military members and their spouses who obtain licensure through professional boards.	726	1226	1314-1315	1375	1428	727, 1282, 1314-1315, 1374-1375, 2579, 2599
4154 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Fixing a technical error relating to the motor fuel excise tax.	648	1264		1449		648, 1323, 1382, 1449-1450, 1818, , 2579, 2596
*4156 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Electronic Toll Collection Act.	1196	1439	1626-1628	1871	2259	1197, 1439-1440, 1626-1628, 1871, 2584, 2598
4159 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms.	689	1264		1451		689, 1323, 1383, 1450-1451, 2579, 2596
*4168 –	By Delegates D. Poling, Diserio, Marshall, Walker, Poore, Young and Frich: Requiring materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States.	1197					1197
*4175 –	By Delegates Skaff, Barrett, Mr. Speaker (Mr. Miley), Boggs, Hartman, White, Skinner, Lane, Ellem, Ireland and Pasdon: West Virginia Small Business Emergency Act.	194	382, 1334	1335-1338, 1339, 1812-1813	1339, 1813	1812	194, 383, 1335-1340, 1812-1814, 2584, 2599
4177 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Making a supplementary appropriation to various agencies.	316-317	400		490		317, 427, 447, 489-490, 579, 657
4178 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia.	841	1227		1375		842, 1282, 1315, 1375-1376, 2579, 2597

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4182 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts.	338	400		491		339, 428, 447, 491-492, 579, 657
*4183 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.	1197	1544		1872		1198, 1544, 1628, 1871-1872, 2581, 2596
*4184 –	By Mr. Speaker (Mr. Miley) [By Request of the Executive]: Relating to the West Virginia Tourism Development Act.	1198	1406, 1993-1994	1994-2027, 2220	2220	2539	1198, 1406-1407, 1994-2027, 2219-2221, 2584, 2596
4186 –	By Delegates R. Phillips, White, Tomblin, Marcum, Hamilton, A. Evans, Ashley, Barker, Boggs, Hartman and Sponaule: Relating to the procedures for issuing a concealed weapon license.	450	1340		1590		450, 1386, 1499, 1589-1590, 2579, 2598
*4188 –	By Delegates Perdue, Fleischauer, Diserio, Eldridge, Kinsey, Lawrence, Marshall, Moore, Poore and Campbell: Updating the authority and responsibility of the Center for Nursing.	689	1265		1452		690, 1265, 1323, 1383, 1451-1452, 2579, 2596
*4196 –	By Delegates Marshall, Fleischauer and Cooper: Requiring the Workforce Investment Council to provide information and guidance to local workforce investment boards that would enable them to better educate both women and men about higher paying jobs.	495	1545		1873		496, 1545, 1628, 1873, 2584, 2597
*4204 –	By Delegates Hunt, Manchin, Manypenny, Skinner, Moore, Sponaule and Ireland: Relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years.	1198	1775	1916-1918	2221	2539	1198, 1776, 1916-1918, 2221, 2584, 2597

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4208 –	By Delegates Fleischauer, Barill, Marshall, Barker, Perdue, Kinsey, Ellem, Pasdon, Hunt, Marcum and Border: Banning synthetic hallucinogens.	616-617	1265, 1407	1629-1671, 1874, 2365-2367	1874, 2368	2365	617, 1266, 1536, 1628-1671, 1873-1874, 2242, 2259, 2289, 2365-2368, 2592, 2599
*4210 –	By Delegates Fleischauer, Skinner, Poore, Longstreth, Barill, Ellem, Sponaugle, Lynch, Manypenny, Hamilton and Pethtel: Juvenile sentencing reform.	1199	1545	1918-1922	2222	2540	1199, 1758, 1918-1922, 2222, 2592, 2598
*4214 –	By Delegates Perdue, Fleischauer, Diserio, Eldridge, Kinsey, Lawrence, Marshall, Moore and Poore: Relating to persons being discharged from mental health facilities.	561	1266				562, 1267
*4217 –	By Delegates Perdue, Fleischauer, Campbell, Ellington, Morgan and Stephens: Relating to Medicaid reports to the Legislature.	339	1407	1671-1675, 1875	1876	2259	339, 1536, 1671-1675, 1874-1876, 2592, 2599
*4220 –	By Delegates Staggers and Manchin: Relating to waiver of jury trial in claims arising from consumer transactions.	544	1776	1922-1923, 2223	2223	2540	544, 1776, 1922-1923, 2222-2223, 2592, 2598
*4221 –	By Delegates Sponaugle, Young, Lynch, Barrett, Perry, Skaff, Hartman, Reynolds, Guthrie, Pethtel and Williams: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits.	1199	1294				1199, 1295
*4225 –	By Delegates M. Poling, Perry and Marcum: Providing for emergency contact information on driver's license records with the Division of Motor Vehicles.	1200	1546				1200, 1546
*4228 –	By Delegates M. Poling, Perry, Lawrence, Barrett, Young, Tomblin, Barill, Moye, Campbell, Walker and Pethtel: Repealing or removing certain portions of education-related statutes that have expired.	1200	1777	1923, 2224-2225	2224	2540	1201, 1777, 1923, 2223-2225, 2592, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4236 –	By Delegates Fleischauer, Campbell, Pino, Longstreth, Ellem, L. Phillips, Hunt, Poore, Sobonya, Moore and Storch: Sexual assault nurse examination network.	496	1266, 1340	1499-1503, 1591, 2421-2425	1590, 2426	2420	496, 1266, 1386, 1499-1503, 1590-1591, 1818-1819, 2211, 2243, 2420-2426
*4237 –	By Delegates Lawrence, Barrett, Guthrie, Skinner, Perdue, Campbell, Marshall, Poore, Fleischauer, Staggers and A. Evans: Prohibiting the sale, distribution and use of electronic cigarettes, vapor products and other alternative nicotine products to persons under the age of eighteen.	648	1408, 1559	1924-1930, 2226	2226	2540	649, 1409, 1923-1930, 2226-2227, 2592, 2598
*4242 –	By Delegates Diserio, Jones, Swartzmiller, Ferro, Fleischauer, Perdue, Poore, Storch, D. Poling, Eldridge and L. Phillips: Increasing gross weight limitations on certain roads in Brooke County.	1202	1547		1877		1202, 1547, 1675, 1876-1877, 2592, 2598
*4245 –	By Delegates Fleischauer, Young, Iaquina, Barrett, Barker, Barill, Diserio, Perdue, Guthrie, Ellington and Miller: Relating to anticipated retirement dates of certain health care professionals.	1117	1409		1878		1117, 1409, 1536, 1676, 1877-1878, 2592, 2598
*4254 –	By Delegates Armstead, Mr. Speaker (Mr. Miley), Ashley, Cadle, Westfall, McCuskey, Butler, Manchin, Walters, Boggs and E. Nelson: Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency.	1202	1547		1878		1202, 1548, 1676, 1878-1879, 2592, 2624-2625
4256 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Amending the annual salary schedule for members of the state police.	1117	1341	1879-1885, 1886	1885	2259	1117, 1386, 1503, 1591, 1758-1759, 1879-1886, 2592, 2598

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4257 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Providing criminal penalties for the dissemination of false, misleading or deceptive information through automated telephone calls during a declared state of emergency.	874-875					875
4259 –	By Delegate Romine: Extending the time for the city council of the city of Sistersville, Tyler County, to meet as a levying body.	875	1227		1376		875, 1282, 1315, 1376-1377, 2592, 2598
*4267 –	By Delegates Iaquina, Boggs, Fleischauer, Longstreth, D. Poling, Moore, Williams, Azinger, Rowan, Ferro and R. Phillips: Legalizing and regulating the sale and use of fireworks and creating the West Virginia Veterans Program Fund.	1202					1203
*4268 –	By Delegates Iaquina, Boggs, Fleischauer, Longstreth, Perry, Morgan, Wells, Poore, D. Evans and Lane: Relating to the administration of veterans' assistance.	727	1548	1676-1684, 1886	1886	2259-2260	727, 1548, 1676-1684, 1886-1887, 2593, 2599
*4270 –	By Delegates Westfall, Boggs, Perry, M. Poling, Espinosa, Raines, Ashley, Hamrick, Tomblin, Cadle and Pasdon: Relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center.	1203	1341		1592		1203, 1386, 1503-1504, 1591-1592, 2579, 2596
*4278 –	By Delegates Perdue, Fleischauer, Morgan, Guthrie, Ellington, Staggers and Swartzmiller: Rewriting the procedure by which corporations may obtain authorization from the West Virginia Board of Medicine to practice medicine and surgery.	562	1228, 1549	1684-1689, 1888	1887	2260	562, 1228, 1549, 1684-1689, 1887-1888, 2593, 2599
*4283 –	By Delegates Barrett, Barill, Barker, Diserio, Lawrence, Manypenny, Marcum, D. Poling, Reynolds, Sponaule and Young: Raising the minimum wage.	617	1549	1689-1694, 1696, 2381	1889, 2382		617, 1550, 1689-1696, 1888-1889, 2381-2382, 2593, 2599

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*4284 –	By Delegates Perdue, Fleischauer, Barrett, Caputo, Sponaugle, Kinsey, Lawrence, Manchin, Skinner, Guthrie and Young: Pregnant Workers' Fairness Act.	496	1228, 1341		1592, 1596		496, 1229, 1386, 1504, 1592-1593, 1595-1596, 2579, 2597
4286 –	By Delegates Williams, Tomblin, R. Phillips, Eldridge, Hartman, Sponaugle, Walker, Pino, Craig, Miller and Anderson: Captive Cervid Farming Act.	1203	1560	1930-1947, 2228	2228		1204, 1560, 1930-1947, 2227-2228, 2289-2290
*4287 –	By Delegates Fleischauer, Marshall, Barill, Manypenny, Fragale, Campbell, Pasdon, Mr. Speaker (Mr. Miley), White, Pethtel and Tomblin: Administration of health maintenance tasks.	450	1267, 1342		1593		450, 1267, 1386, 1504, 1593-1594, 1819, 2579, 2598
*4290 –	By Delegates Moore, Campbell, Azinger and Reynolds: Revising the regulatory structure of money transmitters and other entities.	1022	1342		1594		1022, 1343, 1386, 1504, 1594-1595, 2579, 2597
*4294 –	By Delegates Ashley, Westfall, Manchin, Hunt, Skinner, Ellem, McCuskey, Shott, Morgan, Craig and Lane: Establishing standards for court reporters and entities that provide court reporting services.	842	1560	1947-1952	2229	2540	842, 1561, 1947-1952, 2228-2229, 2593, 2599
*4298 –	By Delegates Manchin and Morgan: Changing the experience requirements of the composition of the members of the West Virginia Ethics Commission.	690	1410	1696-1701, 1889-1890, 2426-2432	1889, 2433	2426	690, 1410, 1536, 1696-1701, 1889-1890, 2207, 2241-2242, 2290, 2426-2433, 2593, 2599
4301 –	By Delegates Eldridge, Wells, Craig, A. Evans, Hamilton, Paxton, White, Marcum, R. Phillips, Perry and Young: Allowing limited reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky.	690	1229	1315-1319, 1378	1377	1429	690, 1229, 1282, 1315-1319, 1377-1378, 2580, 2596
4302 –	By Delegates Skaff, Guthrie, Poore, Wells, Perry, Pasdon and Walters: Relating to elections for public school purposes.	785	1343	1504-1507, 1597	1596	1819	785, 1386, 1504-1507, 1596-1597, 2580, 2598

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*4304 –	By Delegates Wells, Guthrie, Skaff, Fleischauer, Skinner, Manypenny, Barill, R. Smith, Walters, Poore and McCuskey: Providing rules for motor vehicles passing bicycles on roadways.	1022	1264	1383, 1453	1453	1814	1022, 1323, 1383, 1452-1453, 2580, 2597
*4305 –	By Delegates Fragale, Iaquina, Diserio and Jones: Relating to the requirements of members of a building commission board be from the same political party.	1204	1410				1204, 1411
*4307 –	By Delegates Campbell, Perry, Barill, M. Poling, Pasdon, Hamrick, Sponaule, Hartman, Tomblin, Marcum and Storch: Relating to school celebrations, recognition programs and events.	1204-1205					1205
*4309 –	By Delegates R. Phillips, Hartman, Eldridge, Marcum, White, Barker, Tomblin, Craig, Sponaule, Diserio and Moore: Permitting a person to keep a firearm in his or her motor vehicle upon the grounds of the State Capitol Complex.	727	1230				727, 1230
4310 –	By Delegates R. Phillips, Marcum, White, Barker, Tomblin, Craig, A. Evans, Ashley, Sponaule, R. Smith and Diserio: Making gun permits and applications confidential except for law enforcement purposes.	1205					1205
*4312 –	By Delegates Staggers and Lawrence: Creating a certification for emergency medical technician-industrial.	1117-1118	1550	1702-1706, 1890	1890	2260	1118, 1550, 1701-1706, 1890-1891, 2593, 2599
*4316 –	By Delegates M. Poling, Perry, Moye, Tomblin, Young, Barrett, Barill, Walker, Pasdon, Pethel and Fragale: Creating the student data accessibility, transparency and accountability act.	1205	1777	1952-1953, 2397, 2399	2398	2541	1206, 1778, 1952-1954, 2229, 2396-2399, 2593, 2600
*4318 –	By Delegates Fleischauer, Longstreth, Campbell, Pethel, Barrett, Barill, Jones, Stephens, Iaquina, Rowan and Ireland: Continuing education of veterans mental health.	947	1230, 1551	1707-1710	1891	2260	947, 1231, 1551, 1706-1710, 1891-1892, 2593, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4327 –	By Delegates Tomblin, R. Phillips, Sponaugle, Lynch, Skaff, Boggs, Caputo, Marcum, White, Manchin and Mr. Speaker (Mr. Miley): Prohibiting health care practitioners from prescribing or administering drugs other than in a good faith, therapeutic manner.	1206					1206
4332 –	By Delegates Border, Anderson, Ellem, Azinger, Perdue, D. Poling, Staggers, Ellington, Cowles, Fleischauer and Lane: Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.	450	1411		1893		451, 1536, 1710, 1892-1893, 2593, 2599
*4333 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to the redirection of certain Lottery revenues to the State Excess Lottery Revenue Fund.	1206	1778	2408-2416, 2417, 2419, 2420	2419		1207, 1778-1779, 1954, 2229-2230, 2408-2420
*4335 –	By Delegates L. Phillips, Campbell, Guthrie, Poore, Staggers, Moore, Perdue, M. Poling, Eldridge, Fleischauer and Marshall: Relating to a child's right to nurse.	1207	1408, 1561	1954	2230	2541	1207, 1409, 1954, 2230-2231, 2593, 2599
*4336 –	By Delegates Marcum, White, M. Poling, Ferro, Pethtel, Perry, Moore, Reynolds, Caputo, Pino and Barrett: Relating to state control of county schools.	562					563
*4339 –	By Delegates Campbell, Hartman, Sponaugle, Manchin, White, Hamilton and Lynch: Ensuring that moneys from the Solid Waste Authority Closure Cost Assistance Fund are available to facilitate the closure of the Elkins-Randolph County Landfill and the Webster County Landfill.	842	1267, 1562	1955, 2231	2231	2541	842, 1268, 1562, 1955, 2231-2232, 2593, 2599
*4343 –	By Delegates Skaff, Mr. Speaker (Mr. Miley), Hartman, Miller, Barrett, Walters, Guthrie, Lawrence, Fragale, Young and Ashley: West Virginia Project Launchpad Act.	690-692	1779	1955-1960, 2233-2234	2233	2541	692, 1779, 1955-1960, 2232-2234, 2594, 2625-2626

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4346 –	By Delegates R. Phillips, Caputo, Andes, Craig, Sumner, Pethtel, Marcum, Lynch, Tomblin, Eldridge and Barker: Establishing separate standards of performance for carbon dioxide emissions.	1207	1362, 1780	1961-1964	2235	2541	1208, 1363, 1780, 1960-1964, 2235, 2594, 2600
*4347 –	By Delegates Shott, Sponaugle, Sobonya, Manchin, Lane, Poore and Pino: Relating to affirmative defenses against mechanics' liens.	727-728	1551, 1780		2236		728, 1552, 1964, 2235-2236, 2594, 2600
*4349 –	By Delegates Pethtel, Jones, Canterbury, Kump, Craig, Lynch and Ellem: Clarifying retirement dependent child scholarship and burial benefits under a Qualified Domestic Relations Order.	728	1781		2236		728, 1781, 1965, 2236, 2594, 2599
*4350 –	By Delegates Fleischauer, Ferro, Longstreth, Iaquina, Barill, Paxton, Rowan, Eldridge, L. Phillips, Reynolds and Jones: Providing for the awarding of a West Virginia Veterans Medal and ribbon, and a West Virginia Service Cross and ribbon to certain qualifying West Virginia Veterans.	875			1177		876, 1007-1008, 1078, 1177, 1557, 2112
*4354 –	By Delegates Fleischauer, Manypenny, Perdue, Ellem, Longstreth, Marshall, Miller, Guthrie and Lane: Requiring the reporting and publication of all compensation, including contingent compensation, paid to lobbyists.	1208					1208
4359 –	By Delegate Guthrie: Relating to licensure of managing general agents of insurers.	843			980		843, 943-944, 980-981, 1430, 2112
*4360 –	By Delegates Guthrie, L. Phillips, Poore, Sponaugle, Young, Skinner, Fragale, Skaff and Caputo: Relating to consumer credit protection.	1208	1781	1965-1967, 2237	2237	2542	1208, 1782, 1965-1967, 2236-2237, 2594, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4363 –	By Delegates Perdue, Ferro, Diserio and Poore: Creating an informal dispute resolution process available to behavioral health providers.	876	1266, 1343	1507-1512, 1762-1763	1597, 1763	2193	876, 1266, 1386, 1507-1512, 1597, 1762-1763, 2584, 2598
4365 –	By Delegates Pethel, Jones, Canterbury, Kump, Craig, Lynch and Ellem: Relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board.	843	1294		1454		844, 1295, 1383, 1453-1454, 2580, 2597
4372 –	By Delegates Moore, Campbell, Reynolds, Azinger and E. Nelson: Permitting the Commissioner of Financial Institutions to require the filing of certain reports, data or information directly with the Division of Financial Institutions.	844			981		844, 944, 981, 1430, 2112
*4373 –	By Delegates M. Poling, Barrett, Lawrence, Perry, Walker, Fragale, Campbell and Tomblin: Relating to driver education programs.	1023	1412		1894		1023, 1412, 1536, 1710, 1893-1894, 2594, 2599
*4375 –	By Delegates Reynolds, Skaff, Pethel, L. Phillips, Canterbury, Jones and Sponaugle: West Virginia Voluntary Employee Retirement Accounts Program.	1208	1295				1209, 1296
*4384 –	By Delegates Campbell, M. Poling, Perry, Tomblin, Young, Barrett, Lawrence, Hartman, L. Phillips, Ferro and Hunt: Requiring teachers of students with exceptional needs to either be present at an individualized education program meeting or to read and sign a copy of the individualized education program plan.	844	1231	1281-1282, 1313	1313	1429	844, 1231, 1281-1282, 1312-1313, 2580, 2597
*4392 –	By Delegates Morgan, Diserio, Jones, D. Poling and Barker: Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers.	1023	1412	1512-1531, 1598-1599	1598	1819	1024, 1413, 1512-1531, 1598-1599, 2594, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4393 –	By Delegates Swartzmiller, Wells, Manypenny, Ellem, Paxton, Fragale, Craig and Storch: Creating the Dangerous Wild Animals Act.	1024	1344	1531-1532	1600	1819	1024, 1344, 1386, 1531-1532, 1599-1600, 2580, 2597
*4394 –	By Delegates M. Poling, Perry, Barrett, Lawrence, Campbell, Williams, Moye, Walker, Fragale, Tomblin and Young: Relating to the filling of professional personnel positions in the public schools.	692					693
*4399 –	By Delegates Skaff, Poore, Lane, Guthrie, Wells, McCuskey, Storch and Lawrence: Prohibiting a local levying body from holding a special election under certain circumstances.	947					947
*4402 –	By Delegates Manchin, Skinner, Sponaugle, Longstreth, Marcum, Lynch, Wells, Caputo, Marshall and Barrett: Providing a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.	693	1232	1319-1321, 1378-1379	1378	1814	693, 1282, 1319-1322, 1378-1379, 2580, 2598
*4409 –	By Delegates Manchin, Skinner, Sponaugle, Fleischauer, Poore, Ferro, Longstreth, Marcum, Wells, Moore and Caputo: Creating the Valued Employee Retention program.	948	1345				948, 1345
*4410 –	By Delegate Hartman: Redefining auctioneer exceptions.	1024-1025	1552	1710-1724, 1894-1895	1894	2260	1025, 1552, 1710-1725, 1894-1895, 2594, 2599
*4411 –	By Delegates R. Phillips, Ashley, Barker, Craig, Eldridge, A. Evans, Ferro, Hamilton and Skaff: Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities.	1209	1440	1725-1736, 1896	1896		1210, 1440, 1725-1736, 1895-1896, 2242-2243, 2289

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4412 –	By Delegates Skaff, Barrett, Walters, Guthrie, Sponaugle, E. Nelson, R. Phillips, Gearheart and Reynolds: Relating to special one-day licenses for charitable events to sell nonintoxicating beer or wine.	649	1232				649, 1233
*4414 –	By Delegates Manchin, Longstreth, Lynch, Jones, Diserio, Caputo, Young and Barrett: Relating to the solicitation of public employees by a candidate for an elective office.	617					618
*4416 –	By Mr. Speaker (Mr. Miley), Delegates Fragale and Iaquina: Exempting certified professional estimator services from consumers sales tax.	1210					1210
4421 –	By Delegates White, Skaff, Boggs, Barrett, Craig, A. Evans, Manchin, Reynolds, Storch, Swartzmiller and Marcum: Allowing the lottery to pay prizes utilizing other payment methods in addition to checks.	618	1225		1380		618, 1282, 1322, 1379-1380, 2594, 2599
*4425 –	By Delegates White, Marcum, Ferro, Manchin, D. Poling, Caputo, Boggs, Swartzmiller, Craig, Barker and Skaff: Giving the Superintendent of State Police authority to hire additional staff.	876	1341		1601		876, 1386, 1532, 1600-1601, 2580, 2620-2621
4431 –	By Delegates Swartzmiller, Diserio, D. Poling, Jones, Boggs, Lynch, Young, R. Phillips, Marcum, Manypenny and Ferro: Clarifying that persons who possess firearms, hunting dogs or other indicia of hunting do not necessarily need to have a hunting license.	877	1413		1897		877, 1536, 1736, 1896-1897, 2594, 2599
*4432 –	By Delegates Guthrie, Hartman, Perry and Ashley: Adopting Principle Based Reserving as the method by which life insurance company reserves are calculated.	1210	1345, 1782		2238		1211, 1346, 1967, 2237-2238, 2594, 2600
4437 –	By Delegates Perry, Morgan, Eldridge, Campbell and M. Poling: Relating to the Division of Juvenile Services.	948	1233	1322, 1380	1380	1429	948, 1283, 1322, 1380-1381, 2580, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4445 –	By Delegates Eldridge, Hartman, Barrett, Fleischauer, Campbell, Hamilton, Lynch and Sponaugle: Modifying the definition of "battery" and "domestic battery".	844-845	1225	2574	1381, 2574	2573	845, 1283, 1322-1323, 1381, 2557, 2572-2574, 2595, 2599
*4449 –	By Delegates R. Phillips, Lynch, Tomblin, Eldridge, Barker, Marcum, White, Caputo, Skaff, Craig and Sumner: Including proximity detection systems and cameras used on continuous mining machines and underground haulage equipment for tax credit purposes.	1211	1363	1601			1211, 1363-1364, 1532, 1601, 2580, 2597
4453 –	By Delegates Manchin, Longstreth, Ferro, Pino, Sponaugle and Manypenny: Relating to the calculation of child support obligations.	728					728
4454 –	By Delegates Manchin, Skinner, Caputo, Guthrie, Hunt, Lawrence, Skaff, Sponaugle, Wells, E. Nelson and Ambler: Relating to the sale of alcoholic beverages on Sundays by private licensees.	729	1233, 1553	1897-1900	1900		729, 1234, 1553, 1736, 1897-1901
*4455 –	By Delegates Manchin, Skinner, Caputo, Guthrie, Hunt, Skaff, Sponaugle, Wells, Ambler and E. Nelson: Relating to the sale of wine and alcoholic liquors by licensed wineries, farm wineries, distilleries and mini-distilleries.	877	1553	1737	1902		877, 1554, 1736-1737, 1901-1903
4457 –	By Delegates Lawrence, Raines, Staggers, Fleischauer, Longstreth, Marshall, Hunt, Barrett, Moore, L. Phillips and Skinner: Authorizing a legislative rule for the Council of Community and Technical College Education regarding WV EDGE program.	949	1268		1455		949, 1323, 1383-1384, 1454-1455, 2580, 2597
4460 –	By Delegates Caputo, Swartzmiller, Eldridge, Storch, Azinger, D. Poling, Jaquinta and Ellem: Relating to violating provisions of the civil service law for paid fire departments.	1025	1413		1903		1025, 1536, 1737, 1903, 2595, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4473 –	By Delegates Fleischauer, Manypenny, Poore, Marshall, Iaquina, Skinner and Hamilton: Relating to establishing voting precincts and changing the composition of standard receiving boards.	949	1414	1737-1743, 1904	1904	2260-2261	949, 1536, 1737-1743, 1903-1905, 2595, 2599
*4480 –	By Delegates Craig and Skaff: Relating to investment of the Acid Mine Drainage Fund.	1211	1783		2238		1211, 1783, 1967, 2238-2239, 2595, 2599
4488 –	By Delegates Morgan, Poore, D. Poling, Fleischauer, Manypenny and Sponaule: Eliminating the requirement for notarization of the articles of incorporation for cooperative associations.	1025	1268		1456		1025, 1323, 1384, 1455-1456, 2581, 2597
*4490 –	By Delegates Sponaule, Reynolds, Skinner, Poore, Wells, Ferro, Moore, Marcum, Pino, Manchin and Hunt: Attorney General Ethics and Accountability Act.	1026					1026
*4496 –	By Delegates Skaff, Mr. Speaker (Mr. Miley), Armstead, Lane, E. Nelson, Fragale, Moore, McCuskey and Poore: Providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund.	1211-1212	1346	1533	1602	1819-1820	1212, 1386, 1533, 1601-1602, 2585, 2598
4500 –	By Delegates Morgan, Poore, D. Poling, Manypenny and Sponaule: Relating to requirements for business registration.	1212					1212
*4501 –	By Delegates Sumner, Cooper, O'Neal, Arvon, Shott, Moye, Ambler, Gearheart, Staggers, Miller and Sobonya: Providing that law-enforcement officers employed as school security be allowed to carry firearms on school property under certain conditions.	1212					1213
4503 –	By Delegates Marshall, Iaquina, Williams, Anderson and A. Evans: Declaring certain claims against the state and its agencies to be moral obligations of the state.	1026	1346		1603		1027, 1387, 1533, 1602-1603, 2581, 2597

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4504 –	By Delegates Perry, Morgan, Campbell and Ellem: Providing for sharing juvenile records in certain circumstances with another state.	1027		1185, 1255	1255	1283-1284	1027, 1184-1186, 1254-1255, 1557, 2112
*4510 –	By Delegates Lawrence, Poore, L. Phillips, Cowles, Sponaugle, Fleischauer, Kinsey, Perdue, Young, Reynolds and Marshall: Relating to goals for the care of foster children.	1213					1213
4529 –	By Delegates Manchin, Ferro, Lawrence, Pethel, Boggs and Skaff: Relating to the sale of wine.	1027	1546		1905		1027, 1546, 1743, 1905, 2595, 2599
*4537 –	By Delegates Williams, Perdue, Arvon, Morgan, Guthrie, Fleischauer and Campbell: West Virginia CARES Act.	1213	1414				1214, 1415
*4538 –	By Delegates Staggers, Morgan and Stephens: Relating to the Board of Dentistry.	1214	1554		1906		1214, 1554, 1743, 1905-1906, 2595, 2599
4549 –	By Delegates Manchin, Moore, Eldridge and Skaff: Clarifying the regulation of nonintoxicating beer brewers and distributors, agreements, networks, products, brands and extensions of a line of brands.	1214	1555	1743-1757, 1907	1907	2261	1215, 1555, 1743-1757, 1906-1907, 2595, 2599
*4552 –	By Delegates Hunt, Sponaugle, Wells and Manypenny: Relating to the court of claims.	1215	1555	1757-1758, 1764, 2028	1908, 2029	2261	1215, 1556, 1757-1758, 1907-1908, 2028-2029, 2595, 2599
*4555 –	By Delegates Caputo, Longstreth, Manchin, Fleischauer, Marshall, Perry, M. Poling, White, Williams, Boggs and Fragale: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office.	1215					1216
*4560 –	By Delegates Manchin, Caputo, Longstreth, Skinner, Moore, Wells, M. Poling and Sponaugle: Relating to reimbursement for copies of medical records.	1027-1028	1783	1968-1971	2239	2542	1028, 1784, 1967-1971, 2239, 2595, 2599

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4588 –	By Delegates Perry, Reynolds, Skaff, P. Smith, Pino, Moye, Eldridge, Campbell, Stephens, Marcum and Barker: Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks.	1118	1408, 1784	1971-1976, 1978, 2210	2210	2542	1118, 1409, 1971-1978, 2209-2211, 2595, 2621-2623
4601 –	By Delegates White (By Request), Boggs and Skaff: Relating to fiscal management and regulation of publicly-owned utilities.	1216	1784-1785	1978-1988, 2240	2240	2542	1216, 1785, 1978-1989, 2239-2240, 2595, 2600
*4608 –	By Delegates Barrett, Lawrence, Young, Tomblin and Campbell: Defining dyslexia and dyscalculia.	1216-1217	1785		2241		1217, 1785, 1989, 2240-2241, 2595, 2600
4618 –	By Delegates Perry, Young, Tomblin, Fragale, Williams, Walker, Espinosa, Cooper, Moye, Sumner and D. Evans (Originating in House Education): Establishing transformative system of support for early literacy.	1028	1269	1384	1456	1814	1028, 1323, 1384-1385, 1456, 2585, 2598
4619 –	By Delegates M. Poling, Perry, Pethel, Lawrence, Barrett, Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler (Originating in House Education): Authorizing innovation school districts.	1217	1415	1533-1535, 1604, 2368-2371	1604-2372	2368	1217, 1415, 1533-1535, 1603-1604, 1820, 2211-2212, 2243, 2368-2372, 2596, 2600
4621 –	By Delegates Boggs, Guthrie, Iaquinta, Perdue, Pethel, R. Phillips, D. Poling, Williams, Canterbury, Cowles and Gearheart (Originating in House Finance): Expiring funds to the Board of Risk and Insurance Management, Patient Injury Compensation Fund from the Board of Risk and Insurance Management Medical Liability Fund.	1820			1821		1820-1822, 2581, 2596

Number	TITLE OF HOUSE JOINT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
108 –	By Mr. Speaker (Mr. Miley), Delegates Armstead, Manchin, Boggs, Young, White, Barker, Sponaugle, Diserio, Ashley and O' Neal: Nonprofit Youth Organization Tax Exemption Support Amendment.	1187	1334, 1540	1759- 1760, - 1859- 1860, 2335- 2336	1861, 2336	2335	1187, 1334, 1540, 1604- 1605, 1759-1760, 1859- 1862, 2335-2338

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. Miley): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.	4			5		5
*2 –	By Delegates R. Phillips, Tomblin and Marcum: The "USMC CPL Larry G. Carnutte Memorial Bridge".	649	1234		1234		649, 1234-1235
*3 –	By Delegates R. Phillips, Marcum and Tomblin: The "Army Captain Thomas McElwain Memorial Bridge".	649					650
*4 –	By Delegates Tomblin, R. Phillips and Marcum: The "Army Corporal Eldred Jennings Hensley Memorial Bridge".	650	1235	1275	1275	1356- 1357	650, 1275
*5 –	By Delegates R. Phillips, Tomblin and Marcum: The "Sergeant Elzie Mundy, Jr. Bridge".	650	1235	1276	1276	1357	650, 1275-1276
*6 –	By Delegates R. Phillips, Tomblin and Marcum: The "Marine LCpl Benny A. Gilco Bridge".	650	1236	1276- 1278	1278	1357	651, 1276-1279
7 –	By Delegates R. Phillips, Tomblin and Marcum: The "Kerry Albright Road".	651	1234		1234		651, 1234-1235
*8 –	By Delegates R. Phillips, Marcum and Tomblin: The "Oral Gene Castle Bridge".	651	1236	1279	1279	1357	651, 1279
*9 –	By Delegates Perry and Staggers: The "Army S/SGT Raymond Lawrence Berry Memorial Bridge".	1357	1786		1787		1357, 1787
*10 –	By Delegates Walker, Perry, Pino and Staggers: The "Veterans Memorial Bridge".	451	779		779		451, 779-780
11 –	By Delegates A. Evans and Sponaugle: The "Pendleton County Union Veterans Memorial Bridge".	877- 878	1296	1371	1371	1429	878, 1371

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
12 –	By Delegates Sponaugle and A. Evans: The "Pendleton County Confederate Veterans Memorial Highway".	878	1293		1294		878, 1294
*13–	By Delegates Perry, Pino and Staggers: The "Thomas H. Stafford Memorial Bridge".	391	779		779		391, 779-780
14 –	By Delegate Walker: The "Army Specialist Fifth Class Elton Dale Workman Memorial Bridge".	451	783	799	799	878	451, 798-799
*17 –	By Delegates A. Evans and Sponaugle: The "Captain Isaac Alt West Virginia Militia Memorial Bridge".	878	1787	1843	1843	2261	878, 1842-1843
*18 –	By Delegates Sponaugle and A. Evans: The "Dr. H. Luke Eye Bridge".	879					879
*19 –	By Delegates Hamilton and Azinger: The "Army Specialist 4 William Lewis Reger Memorial Bridge".	451	783	800-801	801	879	451, 799-801
*20 –	By Delegates A. Evans, Staggers and Lynch: The "Army Corporal William Eugene Shank Memorial Bridge".	1357-1358	1786		1787		1358, 1787
*23–	By Delegate Hamilton: Army Sgt. Walter William Smith Memorial Bridge.	452	783	802-803	803	879	452, 802-803
*24 –	By Delegates Marcum, White, Moore, Tomblin and R. Phillips: Fredrick Dempsey Bridge.	651					651

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
25 –	By Delegates Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Ellem, Faircloth, Ferns, Householder, Raines, Sobonya and Westfall (Originating in House Senior Citizen Issues): Urging the West Virginia Governor's Office and the Senate and House Finance Committees to include sufficient funds in the budget to eliminate the wait list for the Aged and Disabled Waiver program.	497	1789		1789		497, 1789
26 –	By Delegates Marcum, White, R. Phillips, Barill, Skinner, Pethel, Ireland, Perdue, Householder, Kinsey and M. Poling: Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School.	652					652
*27 –	By Delegates M. Poling and Hamilton: The Audra Park Bridge in Memory of Army Sergeant John A. Charnoplosky.	391	783	803-804, 950	804, 950		391, 803-804, 949-950
*28 –	By Delegates Marcum, White, R. Phillips, Moore and Raines: William S. (Bill) Croaff Memorial Bridge.	652	1787	1844	1844	2261	652, 1843-1844
*30 –	By Delegates Marcum and White: Everett Ronnie Fields, Sr. Memorial Bridge.	652					652
31 –	By Delegates Fragale, Mr. Speaker (Mr. Miley) and Iaquina: Rosaly Queen Alonso Bridge.	391					392
*32 –	By Delegates R. Phillips, Tomblin, Barker and Eldridge: Joe "Toby" Slade Memorial Bridge.	652	1235	1280	1280	1358	653, 1279-1280
*33 –	By Delegates R. Phillips, Tomblin, Barker and Eldridge: Army Sergeant Andrew Clark Bridge.	653					653
*34 –	By Delegates R. Phillips, Tomblin, Barker and Eldridge: Marine Private Rudy Varney Bridge - Purple Heart Recipient.	653	1787	1844-1846	1846	2261-2262	653, 1844-1846

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*35 –	By Delegate M. Poling: The Arden Bridge in Memory of Abbie Gall.	392	783	804- 805, 950	805, 950		392, 804-805, 950
*36 –	By Delegates R. Phillips, Tomblin, Marcum, Eldridge and Barker: Army Sergeant Billy E. Vinson Memorial Bridge.	653	1441	1581	1582	1822	653, 1581-1582
*37 –	By Delegate Pethtel: Army Sergeant Charles Leo Dulaney Memorial Bridge.	392	784	805- 806	806	879	392, 805-806
*38 –	By Delegates Wells, Guthrie and Skaff: W. T. (Big Bill) Elswick Memorial Bridge.	654	1296	1372	1372	1429	654, 1372
*39 –	By Delegates R. Phillips, Tomblin, Marcum, White, Eldridge and Barker: Army LTC Robert "Bob" Marslender Bridge.	1261	1786		1787		1261, 1787
40 –	By Delegates Gearheart, Arvon, Moore, Staggers, Ambler, Cooper, Sponaule, Barrett, Hamrick, Overington and Ellington: Designating "Take Me Home Country Roads" an official state song.	452	1827		1827		452, 1827-1828
42 –	By Mr. Speaker (Mr. Miley), Delegates Swartzmiller, Ambler, Anderson, Armstead, Ashley, Azinger, Barill, Barker, Barrett, Boggs, Border, Cadle, Campbell, Canterbury, Caputo, Craig, Diserio, Eldridge, Ellem, Ellington, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquina, Jones, Kinsey, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miller, Moore, Morgan, Moye, Pasdon, Overington, Paxton, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Reynolds, Romine, Rowan, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Staggers, Stephens, Storch, Sumner, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young: Biggert-Waters Flood Insurance Reform Act of 2012.	262	530	554- 555	555	578	263, 554-555

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*43-	By Delegates Shott, Gearheart, Ellington and Moore: Dr. William Prudich Memorial Highway.	845	1293		1294		845, 1294
*44 -	By Delegates Moore, L. Phillips, Marcum and White: Carnie L. Spratt Memorial Bridge.	654	1786		1787		654, 1787
*45 -	By Delegates Miller, Craig, Eldridge, R. Phillips, Morgan, Barker and Sobonya: U.S. Army SFC Bob L. VandeLinde Bridge.	879- 880	1293		1294		880, 1294
46 -	By Delegates Marcum, White, Eldridge, R. Phillips, Tomblin and Barker: Ingram's Way.	654					654
*47 -	By Delegates L. Phillips, Moore and White: Army SFC Michael Joe "Joey" Marushia Memorial Bridge.	1261	1786		1787		1261, 1787
*48 -	By Delegates L. Phillips, Moore and White: Corporal Tracy Thurman Walls Memorial Bridge.	1261- 1262	1786		1787		1262, 1787
49 -	By Delegates Barker, R. Phillips, Tomblin, Eldridge, Barill, Marcum and White: Army PFC Lilborn Dillon Memorial Road.	654- 655	1788	1847	1847	2262	655, 1846-1847
*50 -	By Delegates Eldridge, R. Phillips, Tomblin, Morgan, Stephens, Barker, Craig, Miller, Sobonya and Reynolds: Fleming Drive.	655					655
*52 -	By Delegates Arvon, Staggers, O'Neal, Sumner, Moyer, Perry and Pino: Kenneth A. Chapman Sr. Memorial Bridge.	655	1788	1848- 1849	1850		655, 1847-1850
*53 -	By Delegates Barker, Eldridge, R. Phillips, Tomblin, Barill and Marcum: Julian, Earl and Edward Hill Brothers Memorial Bridge.	880					880

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*54 –	By Delegates Caputo, Longstreth and Manchin: Chief Denzil O. Lockard Memorial Bridge.	452	779		779		452, 779-780
*55 –	By Delegates Caputo, Longstreth and Manchin: Alex Angelino Memorial Bridge.	452-453	779		779		453, 779-780
*56 –	By Delegates Romine, A. Evans, Hartman, Campbell, Sponaugle and Pethtel: Army SSG Jesse Adam Ault Memorial Bridge.	880	1296	1373	1373	1430	880, 1372-1373
57 –	By Delegates Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya, Westfall and Ellington (Originating in House Senior Citizen Issues): Providing for the licensing of adult day health centers that implement a hybrid model of care.	497	1790		1790		497, 1790
58 –	By Delegates Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya and Westfall (Originating in House Senior Citizen Issues): Requesting a study on the growing needs for in-home care and personal services for West Virginia's aging population.	497	1791				497, 1791
59 –	By Delegates Williams, Moye, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Pethtel, Perry, Pino, Stephens, Young, Rowan, O'Neal, Armstead, Ashley, Border, Faircloth, Ferns, Sobonya and Westfall (Originating in House Senior Citizen Issues): Urging the Governor to direct the Bureau of Senior Services to issue a report on the needs for in-home care.	498	1791	1850-1852	1852	2262	498, 1850-1852

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*60 –	By Mr. Speaker (Mr. Miley), Delegates Iaquina, Fragale and Hamrick: Lester W. 'Cappy' Burnside, Jr. Bridge.	655	1788	1852- 1854	1854	2262	656, 1852-1854
61 –	By Delegates Hartman, Campbell, Sponaugle, R. Phillips, Iaquina, Perry, Craig, Guthrie, Lynch, M. Poling, Poore, Skaff, P. Smith, Staggers, Stephens, Tomblin, Walker, Wells and Young: Restoring federal funding for the National Radio Astronomy Observatory in Green Bank, Pocahontas County.	656					656
*62–	By Delegates Fleischauer, Marshall, Manypenny, Pethel, Williams, Iaquina, Frich, Pasdon, Manchin, Caputo and Fragale: John W. Pyles Bridge.	656	1297				656, 1297
*63 –	By Delegates Hunt and Manchin: Army SPC Gary Wayne Hudnall Memorial Bridge.	656	1786		1787		657, 1787
*64 –	By Delegate P. Smith: SSG Earl F. (Fred) Brown Memorial Bridge.	951	1788	1855	1855	2262	951, 1855
*65 –	By Delegates Paxton, Longstreth, Iaquina, Andes, McCuskey, Guthrie, Wells, Young, Tomblin, Perdue, P. Smith and Boggs: Army SP4 Harold "Skip" Grouser Memorial Bridge.	657	1788	1856	1856	2262	657, 1856
*66 –	By Delegates Paxton, Marshall, Craig, Young, Stephens, Westfall, Hamilton, Iaquina, Kinsey, Barker and Reynolds: Quentin H. Wickline Memorial Bridge.	657	1788	1857	1857	2263	657, 1856-1857
68 –	By Delegates Boggs and Reynolds: Requesting the Joint Committee on Government and Finance to undertake a study of the development of a high speed commuter rail system in West Virginia.	1028	1792				1028, 1792

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*69 –	By Delegates Cadle, Hartman, P. Smith, Butler, Andes, Arvon, Azinger, Cooper, Ellem, Ellington, Hamrick, Espinosa, A. Evans, Faircloth, Folk, Householder, Howell, Iaquina, Ireland, Miller, Pasdon, Paxton, Poore, Romine, Rowan, Shott and Westfall: U.S. Army Corporal John L. Gibbs Memorial Bridge.	1028-1029	1441	1582	1583	1822	1029, 1582-1583
*70–	By Delegates Ferns, Storch, D. Evans, Ferro and Diserio: U.S. Army Sgt. Matthew D. Hunter Memorial Bridge.	951	1441	1583	1584	1822-1823	951, 1583-1584
*71–	By Delegate Wells: Army Private William C. Bias Memorial Bridge.	1262	1788	1658	1858	2263	1262, 1857-1858
*72–	By Delegates Perdue and Kinsey: Roy Elmer "Doc" Moon Bridge.	880-881					881
*73–	By Delegates Ferns and Storch: U.S. Army Captain David Van Camp Memorial Bridge.	1029	1441	1584	1584	1823	1029, 1584
*74 –	By Delegates Perry, Staggers and Pino: Deputy Roger Lee Treadway Memorial Bridge.	1029	1786		1787		1029, 1787
75 –	By Delegates Armstead and Walker: Army SPC 4 Marvin Dewayne Canterbury Memorial Highway.	881	1441	1585-1586	1586	1823	881, 1585-1586
*76 –	By Delegates Perdue and Kinsey: Army PFC Richard Lee Lakin Memorial Bridge.	881	1441	1586-1587	1587	1823	881, 1586-1587
*77–	By Delegates Ambler and Canterbury: U. S. Army Private Eskridge A. Waggoner Memorial Bridge.	1358					1358
*79 –	By Delegates Cadle, Arvon, Boggs, Butler, Espinosa, A. Evans, Folk, Householder, Howell, Ireland, Romine, Rowan, Shott and Sumner: Ord Brothers Memorial Bridge.	693	1437		1438		693, 1438
*82–	By Delegates Skaff, Wells, Guthrie, Poore, Armstead, E. Nelson, Lane, Hunt, Walters and McCuskey: U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge.	1029	1437		1438		1030, 1438

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
83-	By Delegates Azinger, Iaquina, Cooper, Paxton, Williams, Sobonya, Frich, Rowan, A. Evans, Romine, Hamilton, Eldridge, Kinsey, Ambler, Anderson, Arvon, Ashley, Barker, Barrett, Butler, Cadle, Campbell, Cowles, D. Evans, Canterbury, Guthrie, Lawrence, Diserio, Ellington, Espinosa, Faircloth, Ferns, Folk, Gearheart, Hartman, Householder, Howell, Hunt, Ireland, Lynch, Marshall, McCuskey, Miller, Moore, Morgan, Moye, E. Nelson, Overington, Pasdon, Perdue, Perry, Pethel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Reynolds, Shott, Skaff, Skinner, P. Smith, R. Smith, Sponaugle, Stephens, Storch, Sumner, Walker, Walters, Wells, Westfall and Young: Requesting Congress erect a national monument to motherhood.	881	1556		1587		882, 1587
84-	By Delegates Marcum, White, Moore, Kinsey, Barker, Tomblin, R. Phillips, Eldridge, Hunt, Caputo and D. Poling: The Baisden Family Memorial Bridge.	1358					1358
85-	By Delegates Pasdon, Frich, Barill, Fleischauer, Marshall, Pethel, Williams, Iaquina, Skaff, Westfall, Sponaugle, Arvon, Butler, Diserio, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Hamrick, Howell, Ireland, McCuskey, Miller, E. Nelson, R. Phillips, Rowan, Romine, R. Smith and Walters: Requesting the Joint Committee on Government and Finance to schedule the October, 2014, Legislative Interim Committee meetings in Morgantown.	1823					1823
87-	By Delegates R. Smith and Williams: Army Sgt. Everett Wayne "Bud" Sell Memorial Bridge.	618					618

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
90-	By Delegates Marcum, Armstead, Campbell, Caputo, Craig, Diserio, Eldridge, Ellem, Ferro, Fleischauer, Fragale, Frich, Hamilton, Hartman, Hunt, Iaquina, Jones, Kinsey, Lynch, Manypenny, Moore, Morgan, Moye, O'Neal, Perdue, R. Phillips, Pino, Poore, Reynolds, Shott, Skinner, R. Smith, Sponaugle, Staggers, Stephens, Swartzmiller, Tomblin, White and Young: Requesting the West Virginia Department of Education and the School Building Authority to athletic facilities at Tug Valley High School.	1823- 1824					1824
92-	By Delegates Boggs, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barker, Barrett, 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, Kinsey, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Mr. Speaker (Mr. Miley), Miller, Moore, Morgan, Moye, E. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethel, L. Phillips, R. Phillips, Pino, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young: Requesting that the West Virginia School Building Authority waive local matching requirements and fund all needed improvements for the West Virginia School for the Deaf and the Blind.	845	1236				845, 1237
94-	By Delegates Campbell, Hunt, Hartman, Sponaugle, Skaff, Eldridge, Walker, Sobonya, Moore, Diserio and Kinsey: Designating April 2 as West Virginia Autism Awareness Day.	1824					1824

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
95-	By Delegates R. Phillips and Tomblin: Betty Jo DeLong Memorial Bridge.	1030					1030
96-	By Delegates Perry, Lynch, Wells, Poore, R. Smith, Cooper, Border, Diserio, Jones, Guthrie, Ambler, Anderson, Andes, Ashley, Barrett, Butler, Campbell, Canterbury, Caputo, Cowles, Eldridge, Ellem, Ellington, Espinosa, Faircloth, Ferro, Fragale, Gearheart, Hamrick, Hartman, Iaquina, Lane, Lawrence, Longstreth, Manchin, Manypenny, Marcum, Marshall, Moore, Morgan, Moye, Pasdon, Pethel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Skaff, Skinner, Sponaule, Staggers, Stephens, Sumner, Swartzmiller, Tomblin, Walker, Westfall, White, Williams and Young: Requesting the Joint Committee on Government Organization and Finance study policies ensuring that licensed athletic trainers are available during practices and games to all interscholastic student athletes in West Virginia.	1824					1824
100-	By Delegates Staggers, Longstreth, Lynch, Moye, D. Poling, P. Smith, Stephens, Walker, Wells, Young, Ambler, Arvon, Butler, Cadle, Cowles, Espinosa, D. Evans, Gearheart, Hamrick, Howell and Shott (Originating in House Roads and Transportation): Requesting the Joint Committee on Government and Finance study ways to improve the efficiency of and find other cost saving measures within the West Virginia Division of Highways.	1824					1825
101-	By Delegates Westfall, Ashley, Walker, Campbell, Hartman, Boggs, Sponaule, Cadle, Householder, Espinosa and P. Smith: The Historic Blue-Gray Highway.	1262					1262

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
102-	By Delegates R. Phillips, Tomblin, L. Phillips, Moore, Marcum, White and Barker: Urging the West Virginia Division of Natural Resources to continue indefinitely its regulatory policy of permitting only bow hunting during designated deer hunting seasons in Logan, McDowell, Mingo and Wyoming counties.	1825					1825
105-	By Delegate Swartzmiller: Urging Congress to pass the Safe Freight Act.	1284	1792	1858-1859	1859	2263	1284, 1858-1859
106-	By Mr. Speaker (Mr. Miley), Delegates Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barker, 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, Jones, Kinsey, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miller, Moore, Morgan, Moye, O'Neal, Pasdon, Paxton, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sobonya, Sponaule, Staggers, Stephens, Storch, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young: Requesting the Joint Committee on Government and Finance conduct a study concerning the potential implementation of a Deferred Retirement Option Plan for troopers and employees of the West Virginia State Police.	1825					1825
107-	By Delegates White and R. Phillips: "William Dakota "Kody" Faine Memorial Bridge".	1284	1786		1787		1284, 1787

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
108-	By Delegates Morgan, Stephens, Howell, Border, Arvon, Azinger, Barker, Cadle, Caputo, Diserio, Eldridge, Faircloth, Ferns, Folk, Hartman, Jones, Kinsey, Kump, Romine, P. Smith, R. Smith, Staggers and Swartzmiller (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance authorize a study on repealing unnecessary or obsolete boards, councils, committees, panels, task forces and commissions.	1825					1825
109-	By Delegates Morgan, Stephens, Howell, Border, Arvon, Azinger, Barker, Cadle, Caputo, Diserio, Eldridge, Faircloth, Ferns, Folk, Hartman, Jones, Kinsey, Romine, R. Smith, Staggers and Swartzmiller (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance authorize a study on the State Athletic Commission.	1826					1826
117-	By Delegates Boggs, Staggers and Lawrence: Requesting the Joint Committee on Government and Finance authorize a study on continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety.	1826					1826
118-	By Delegates Skaff and Ellington: Requesting the Joint Committee on Government and Finance to study the allocation of behavioral health spending on community-based support services.	1826					1826

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
119-	By Delegates Fleischauer, Marshall, Lawrence, Pasdon, Barker, Manypenny, Perdue, Skinner, Guthrie, Sponaugle, Skaff, Wells, Householder and Cowles: Requesting the Joint Committee on Government and Finance to study the authorization of cities and municipalities to provide a private-public financing option for small businesses and commercial property owners in West Virginia.	1826-1827					1827
140-	By Delegates Manchin, Iaquina, Fragale, Mr. Speaker (Mr. Miley), Hamrick, Caputo and Longstreth: James D. LaRosa Memorial Bridge.	2204			2204		2204

JOURNAL
of
THE SENATE
State of West Virginia

EIGHTY-FIRST LEGISLATURE

First Extraordinary Session, 2014

March 14, 2014



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2014 (convened by the Governor on March 14 and adjourned *sine die* on March 14) are shown hereinafter.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2014

FRIDAY, MARCH 14, 2014

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Earl Ray Tomblin, dated the fourteenth day of March, two thousand fourteen, convening the eighty-first Legislature of West Virginia in extraordinary session today (Friday, March 14, 2014), 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 Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

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 West Virginia Legislature to convene in Extraordinary Session immediately upon the conclusion of its extended Regular Session on the fourteenth day of March, Two Thousand Fourteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: A supplemental appropriation bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, from Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, from Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, from the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704; and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services;

SECOND: A supplemental appropriation bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, from the Department of Commerce, West Virginia Development Office, fund

0256, fiscal year 2001, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, from the Department of Health and Human Resources,

Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund

2461, fiscal year 2014, organization 0211, from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707; 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 2014, organization 0221, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2014, organization 0310, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal

year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2014, organization 0606, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2014, organization 0703, to the Bureau of Senior Services, fund 0420, fiscal year 2014, organization 0508, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441;

THIRD: A bill providing for the computation of local share in the state aid formula for public school support purposes;

FOURTH: A bill redirecting certain revenue derived from lottery activities;

FIFTH: A bill authorizing drill cuttings and associated drilling waste generated from well sites to be disposed into certain commercial solid waste facilities under specific conditions;

SIXTH: A bill providing for reclassifying counties;

SEVENTH: A bill providing that lottery revenue bonds for Cacapon Resort State Park and Beech Fork State Park, and infrastructure lottery revenue bonds for watershed compliance projects, are secured by a second lien on the State Excess Lottery Revenue Fund and by a back-up pledge from the State Lottery Fund;

EIGHTH: A bill authorizing increased annual deposits into the Department of Agriculture, Land Division's special revenue account and redirecting deposits in excess of the annual deposit threshold;

NINTH: A bill establishing a regulatory system for sexual assault forensic examinations; and

TENTH: Legislation authorizing and appropriating the expenditure of public funds 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 fourteenth day of March, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-First 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 Beach, Cookman and Blair.

Subsequently, Senator Beach, 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 L. Phillips, Ferro and Ellem, 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 Fitzsimmons, Stollings and Sypolt.

A message from the House of Delegates, by

Delegates Campbell, Moore and Border, 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 Fitzsimmons 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, 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. 1001—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the transfer of certain revenues derived from lottery activities generally; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2015 and increasing

the percentage of funds available for grants therefrom; reducing the amount that may be transferred to the Racetrack Modernization Fund to \$9 million; transferring certain revenues derived from racetrack video lottery, lottery racetrack table games and lottery historic resort hotel gaming activities to the State Excess Lottery Revenue Fund for appropriation; reducing statutory distributions to capital reinvestment, purse funds and development funds by ten percent; and authorizing distributions to be paid on a pro rata basis.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1002—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, in the amount of \$9,293,000 from the Joint Expenses, fund 0175, fiscal year 2008, activity 642, in the amount of \$20,000,000 from Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, in the amount of \$5,707,000 from Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, in the amount of \$5,000,000 from the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, and in the amount of \$10,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1003—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, and in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, and in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, and in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, and in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131, and in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, and in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, and in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, and in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131, and in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, and in the amount of \$65,804.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, and in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266,

and in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, and in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, and in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, and in the amount of \$25,265 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, and in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, and in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, and in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, and in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, and in the amount of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, and in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, and in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, and in the amount of \$742,930.92 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, and in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, and in the amount of \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, and in the amount of \$650,000 from the Department of Commerce, West Virginia

Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, and in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, and in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, and in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, and in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, and in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, and in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, and in the amount of \$6,600.22 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, and in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, and in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, and in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, activity 803, and in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, and in the amount of \$1,974.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, and in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity

953, and in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, and in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, and in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, and in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, and in the amount of \$1,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, and in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, and in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, and in the amount of \$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, and in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, and in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, and in the amount of \$500,000 from the Department of Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, and in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, and in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, and in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund

3041, fiscal year 2014, organization 0303, and in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, and in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1004—A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to increasing

the annual cap for collections into the Land Division special revenue account of the Department of Agriculture; and depositing half of any excess funds collected into the special revenue account and half into the General Revenue Fund.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1005—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 authorizing an increase in the salaries of county commissioners and elected county officials; revising legislative findings; requiring the State Auditor to consider certain factors when certifying whether a county has an amount sufficient for payment of the salary increases; providing that the State Auditor may not be held liable for relying upon information and data provided by a county commission in assessing a county's fiscal condition or annual budget; requiring submission of a written request for a salary increase; providing salary ranges for county commissioners and other county officials for the time period beginning July 1, 2014; and requiring certain prosecuting attorneys to be devoted full time to public duties.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1006—A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22-18f; to amend and reenact §31-15-16b of said code; and to amend and reenact §31-15A-17b of said code, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; clarifying the timing of debt service payments to the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund; providing a backup pledge of bonds supported by the State Lottery Fund and State Excess Lottery Revenue Fund; clarifying priority and method of payment of debt service; and making technical corrections.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1007—A Bill to amend and reenact §22-15-8 and §22-15-11 of the Code of West Virginia, 1931, as amended, all relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities; allowing for the receipt of additional drilling waste at certain commercial solid waste facilities above the facility's existing tonnage limit if certain conditions are met; recognizing the facility's continuing obligation to receive municipal solid waste while exceeding its permitted tonnage caps; requiring radiation and leachate monitoring at all facilities receiving drill cuttings and drilling waste; establishing minimum requirements for the monitoring program; requiring the investigation and report by the Department of Environmental Protection to the Legislature on specified issues associated with the disposal of drill cuttings and drilling wastes at landfills; required scope of study; establishing deadlines; effective dates; creating a special revenue fund in the State Treasury; establishing an additional solid waste fee; and requiring the promulgation of emergency and legislative rules.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1008—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; creating the Sexual Assault Forensic Examination Commission; setting forth its membership; authorizing certain additional members; requiring the commission to establish mandatory statewide protocols for conducting sexual assault forensic examinations; setting forth other powers and responsibilities of the commission; authorizing rulemaking; requiring county prosecutors to convene and chair local

sexual assault forensic examination boards; authorizing counties to combine to form regional boards; and setting forth minimum requirements for local plans developed by county or regional boards.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 1009—A Bill to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-9A-2a of said code; to amend and reenact §11-3-1 of said code; and to amend and reenact §18-9A-2 and §18-9A-11 of said code, all relating to the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions requiring the use of assumed assessed real property values that are based upon an assessment ratio study instead of actual real property values for the purpose of the computation of local share for public school support purposes; repealing, retrospectively to June 30, 2013, provisions that require that the annual amount of local share for which a county board of education is responsible be increased where, during the prior year, the real property assessments in that county were not at least fifty-four percent of market value as indicated by the assessment ratio study; requiring the Tax Commissioner to appoint special assessors to appraise and assess property in any county whenever property in that county is found to be assessed at less than sixty percent of its fair market value for two consecutive years; providing that appointment of special assessors is not required where a county meets certain criteria prescribed by rule; requiring Tax Commissioner to promulgate rules; providing that the county bear the expense of such special assessors; revising definitions; specifying that for fiscal years beginning after June 30, 2014, the State Board of Education shall use ninety-six percent of total assessed public utility valuation in the calculation of local share; specifying a four percent loss deduction in computation of local share for the fiscal year beginning on July 1, 2014, and for each fiscal year thereafter; expressing legislative intent to continue the computation of local share for public school support based upon

actual real property values rather than assumed assessed real property values; expressing legislative intent that the annual amount of local share for which a county board of education is responsible continue to be computed without reference to whether the real property assessments in that county were at least fifty-four percent of market value in the prior year; and removing provisions requiring county school boards to provide funding for public libraries from discretionary retainage.

Referred to the Committee on Finance.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Unger, the Senate recessed until 3:30 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 Prezioso, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 1001, Relating to transfer of certain revenues derived from lottery activities.

Senate Bill No. 1004, Relating to special revenue account of Department of Agriculture, Land Division.

Senate Bill No. 1005, Authorizing salary increase for county commissioners and elected county officials.

And,

Senate Bill No. 1006, Relating to debt service on state park bonds secured by State Excess Lottery Revenue Fund.

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 Unger, unanimous consent being granted, Senate Bill No. 1005 contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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.

Senators Barnes and Sypolt, respectively, moved to be excused from voting on any matter pertaining to the bill under rule number forty-three of the Rules of the Senate, which motions prevailed.

On the passage of the bill, the yeas were: Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Blair and Nohe—2.

Absent: None.

Excused from voting: Barnes and Sypolt—2.

So, a majority of all the members present and voting 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: Beach, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Blair and Nohe—2.

Absent: None.

Excused from voting: Barnes and Sypolt—2.

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.

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. 1002, Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 1002 (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2014, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2006, organization 2300, activity 642, in the amount of \$10,000,000 from the Joint Expenses, fund 0175, fiscal year 2007, organization 2300, activity 642, in the amount of \$5,293,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, in the amount of \$20,000,000 from Joint Expenses, Joint Expense Lottery Fund, fund 1736, fiscal year 2014, organization 2300, in the amount of \$5,707,000 from Joint Expenses, Tax Reduction and Federal Funding Increased Compliance, fund 1732, fiscal year 2014, organization 2300, in the amount of \$9,000,000 from the Attorney General, Consumer Protection Fund, fund 1509, fiscal year 2014, organization 1500, and in the amount of \$10,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2014, organization 0704, and 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 Military Affairs and Public Safety, Division of Corrections - Correctional Units, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, by

supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 1002) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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 Committee Substitute for Senate Bill No. 1002 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. Com. Sub. for S. B. No. 1002) 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. 1002) takes effect from passage.

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 Bill No. 1003, Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 1003 (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, 2014, in the amount of \$4,057,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, activity 642, and in the amount of \$409,167.60 from the Department of Commerce, Division of Tourism, fund 0246, fiscal year 2005, organization 0304, activity 859, and in the amount of \$261,246.01 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 075, and in the amount of \$5,999.39 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2000, organization 0307, activity 131, and in the amount of \$58,527.20 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 131, and in the amount of \$154,061.74 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 131, and in the amount of \$257,617.06 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 131, and in the amount of \$209,609.04 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 131, and in the amount of \$145,560.18 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 131, and in the amount of \$131,792.70 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 131,

and in the amount of \$198,809.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 266, and in the amount of \$65,804.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 266, and in the amount of \$26,183.53 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 266, and in the amount of \$250,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 266, and in the amount of \$11,758.05 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 480, and in the amount of \$62,039.15 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 480, and in the amount of \$25,265 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 480, and in the amount of \$124,338.34 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 480, and in the amount of \$123,100 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 480, and in the amount of \$140,830.80 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 480, and in the amount of \$47,113.16 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2001, organization 0307, activity 819, and in the amount of \$223,665.85 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 819, and in the amount of \$44,007.60 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2003, organization 0307, activity 819, and in the amount of \$123,230.47 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2004, organization 0307, activity 819, and in the amount of \$742,930.92 from the Department of Commerce, West

Virginia Development Office, fund 0256, fiscal year 2005, organization 0307, activity 819, and in the amount of \$539,290.37 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2006, organization 0307, activity 819, and in the amount of \$334,180.67 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2002, organization 0307, activity 900, and in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, activity 941, and in the amount of \$461.83 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2002, organization 0506, activity 803, and in the amount of \$10,489.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2003, organization 0506, activity 803, and in the amount of \$8,056.23 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2004, organization 0506, activity 803, and in the amount of \$13,718.82 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2005, organization 0506, activity 803, and in the amount of \$0.70 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2006, organization 0506, activity 803, and in the amount of \$24,307.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2007, organization 0506, activity 803, and in the amount of \$6,600.22 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2008, organization 0506, activity 803, and in the amount of \$76,423.45 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2009, organization 0506, activity 803, and in the amount of \$211,730.74 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2010, organization 0506, activity 803, and in the amount of \$150,334.97 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal

year 2011, organization 0506, activity 803, and in the amount of \$136,909.29 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, activity 803, and in the amount of \$1,974.51 from the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, activity 803, and in the amount of \$15,640.96 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2009, organization 0601, activity 953, and in the amount of \$240,051.69 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2010, organization 0601, activity 953, and in the amount of \$215,075.18 from the Department of Military Affairs and Public Safety, Office of the Secretary, fund 0430, fiscal year 2011, organization 0601, activity 953, and in the amount of \$871,905.27 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2012, organization 0621, activity 818, and in the amount of \$870,992.77 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2013, organization 0621, activity 818, and in the amount of \$2,250,000 from the Auditor's Office, Purchasing Card Administration Fund, fund 1234, fiscal year 2014, organization 1200, and in the amount of \$3,000,000 from the Secretary of State, General Administrative Fees Account, fund 1617, fiscal year 2014, organization 1600, and in the amount of \$200,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2014, organization 0201, and in the amount of \$200,000 from the Department of Administration, Division of General Services, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2014, organization 0211, and in the amount of \$4,737,257 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2014, organization 0218, and in the amount of \$500,000 from the Department of Administration, Surplus Property, Sale of State Surplus Property Fund, fund 2281, fiscal year 2014, organization 0214, and in the amount of \$500,000 from the Department of

Administration, Division of Purchasing, Purchasing Improvement Fund, fund 2264, fiscal year 2014, organization 0213, and in the amount of \$2,000,000 from the Department of Administration, Division of Personnel, Division of Personnel Fund, fund 2440, fiscal year 2014, organization 0222, and in the amount of \$45,607.91 from the Department of Military Affairs and Public Safety, Office of the Secretary, Secretary of Military Affairs and Public Safety Lottery Fund, fund 6005, fiscal year 2014, organization 0601, and in the amount of \$200,000 from the Department of Revenue, Division of Financial Institutions, Assessment and Examination Fund, fund 3041, fiscal year 2014, organization 0303, and in the amount of \$724,487.42 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2014, organization 0705, and in the amount of \$7,500,000 from the Department of Revenue, Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2014, organization 0705, and in the amount of \$2,008,911.50 from the Department of Revenue, Racing Commission, Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2014, organization 0707, 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 2014, organization 0221, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2014, organization 0310, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2014, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia Parole Board, fund 0440, fiscal year 2014, organization 0605, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2014, organization 0606, to the Department of Military Affairs

and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2014, organization 0608, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2014, organization 0703, to the Bureau of Senior Services, fund 0420, fiscal year 2014, organization 0508, and to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2014, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2014.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (Com. Sub. for S. B. No. 1003) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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 Committee Substitute for Senate Bill No. 1003 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. Com. Sub. for S. B. No. 1003) 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. 1003) takes effect from passage.

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 Bill No. 1009, Relating to computation of local share for public school support purposes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

At the request of Senator Unger, unanimous consent being granted, the bill (S. B. No. 1009) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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. 1009 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, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Barnes, M. Hall and Nohe—3.

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. 1009) 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, Jenkins, Kirkendoll, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Barnes, M. Hall and Nohe—3.

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. 1009) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 101—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the transfer of certain revenues derived from lottery activities generally; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2015 and increasing the percentage of funds available for grants therefrom; reducing the amount that may be transferred to the Racetrack Modernization Fund to \$9 million; transferring certain revenues derived from racetrack video lottery, lottery racetrack table games and lottery historic resort hotel gaming activities to the State Excess Lottery Revenue Fund for appropriation; reducing statutory distributions to capital reinvestment, purse funds and development funds by ten percent; and authorizing distributions to be paid on a pro rata basis.

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, Walters, Wells, Williams, Yost and Kessler (Mr. President)—33.

The nays were: Unger—1.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 101) 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, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Walters, Wells, Williams and Kessler (Mr. President)—29.

The nays were: Barnes, Fitzsimmons, Snyder, Unger and Yost—5.

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. 101) 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, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Walters, Wells, Williams and Kessler (Mr. President)—29.

The nays were: Barnes, Fitzsimmons, Snyder, Unger and Yost—5.

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. 101) 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 104—A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture; and depositing half of any excess funds collected into the special revenue account and half into the General Revenue 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. 104) 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. 104) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 106—A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22-18f; to amend and reenact §31-15-16b of said code; and to amend and reenact §31-15A-17b of said code, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; clarifying the

timing of debt service payments to the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund; providing a backup pledge of bonds supported by the State Lottery Fund and State Excess Lottery Revenue Fund; clarifying priority and method of payment of debt service; and making technical corrections.

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. 106) 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. 106) 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. 106) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 107—A Bill to amend and reenact §22-15-8 and §22-15-11 of the Code of West Virginia, 1931, as amended, all relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities; allowing for the receipt of additional drilling waste at certain

commercial solid waste facilities above the facility's existing tonnage limit if certain conditions are met; recognizing the facility's continuing obligation to receive municipal solid waste while exceeding its permitted tonnage caps; requiring radiation and leachate monitoring at all facilities receiving drill cuttings and drilling waste; establishing minimum requirements for the monitoring program; requiring the investigation and report by the Department of Environmental Protection to the Legislature on specified issues associated with the disposal of drill cuttings and drilling wastes at landfills; required scope of study; establishing deadlines, effective dates; creating a special revenue fund in the State Treasury; establishing an additional solid waste fee; and requiring the promulgation of emergency and legislative rules.

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. 107) 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, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Cookman, Sypolt and Unger—3.

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. 107) 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, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Tucker, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: Cookman, Sypolt and Unger—3.

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. 107) 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 108—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; creating the Sexual Assault Forensic Examination Commission; setting forth its membership; authorizing certain additional members; requiring the commission to establish mandatory statewide protocols for conducting sexual assault forensic examinations; setting forth other powers and responsibilities of the commission; authorizing rule-making; requiring county prosecutors to convene and chair local Sexual Assault Forensic Examination Boards; authorizing counties to combine to form regional boards; and setting forth minimum requirements for local plans developed by county or regional boards.

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. H. B. No. 108) was then read a second time.

On motion of Senator Palumbo, 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 9B. SEXUAL ASSAULT EXAMINATION NETWORK.

§15-9B-1. Sexual Assault Forensic Examination Commission.

(a) There is hereby created within the Governor's Committee on Crime, Delinquency and Correction the Sexual Assault Forensic Examination Commission. The purpose of the commission is to establish, manage and monitor a statewide system to facilitate the timely and efficient collection of forensic evidence in sexual assault cases. As used in this article, the word "commission" means the Sexual Assault Forensic Examination Commission.

(b) The commission shall be chaired by the director of the Division of Justice and Community Service. Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorneys Association;

(2) A representative chosen from the membership of the West Virginia Association of Counties;

(3) The Commissioner of the Bureau for Public Health, or his or her designee;

(4) A representative from the State Police Forensic Laboratory;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;

(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program; and

(9) A representative of the Marshall University Forensic Science Center.

(c) If any of the representative organizations listed in subsection (b) of this section cease to exist, the director may select a person from a similar organization.

(d) The director may appoint the following additional members of the commission, as needed:

(1) An emergency room physician;

(2) A victim advocate from a rape crisis center;

(3) A sexual assault nurse examiner;

(4) A law-enforcement officer with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise; and

(6) A director of a child advocacy center.

(e) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic examinations, establishing minimum qualifications and procedures for performing forensic examinations and establishing protocols to assure the proper collection of evidence.

§15-9B-2. Powers and duties of the commission.

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers to receive training and support services, advocating the fair and reasonable reimbursement to exam providers and facilitating transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state on a county or regional basis. If the commission deems it necessary, it may add or remove a county or portion thereof from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided by the rules authorized pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission thirty days advance notice of their intent to withdraw from the plan. If there is a change of circumstances that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may propose rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, as are necessary to implement this article.

§15-9B-3. Local Sexual Assault Forensic Examination Boards.

(a) Each county prosecutor, or his or her designee, shall convene a Sexual Assault Forensic Examination Board, or may, as an alternative, convene and chair the sexual assault response team in the county to act as the Sexual Assault Forensic Examination Board. If a regional board is authorized, all county prosecutors from the designated area shall be members of the board. The prosecutors shall assure that each board be proportionally representative of the designated region. Each board may vary in membership, but should include representatives from local health care facilities, local law enforcement, multidisciplinary investigative teams, county and municipal governments and victims advocates. Each county or regional board shall develop a local plan and protocols for the area, which will address, at a minimum, the following:

(1) Identifying facilities that are appropriate for receipt and treatment of sexual assault victims;

(2) Evaluating the needs and available resources of the area, including the number of qualified physicians or nurses, or both, to facilitate and encourage 24-hour, seven-day-a-week coverage; and

(3) Developing an alternative plan in case there is a change in circumstances to ensure continuity of service.

(b) If availability of services are limited, or the remoteness of the region causes lack of adequate examination facilities or personnel, the local boards may designate local government or other resources to provide appropriate transport of victims to facilities where the victim can receive a timely and appropriate forensic examination.

The bill, as amended, was then ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 108) 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. 108) 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 5:45 p.m. today.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

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. 1002, Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS.

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. 1003, Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill No. 1005, Authorizing salary increase for county commissioners and elected county officials.

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. 1009, Relating to computation of local share for public school support purposes.

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. 108, Establishing a regulatory system for sexual assault forensic examinations.

The Senate again proceeded to the sixth order of business.

Senator Unger offered the following pre-adjourning 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 adjournment:

Senators Beach, Cookman and Blair.

Subsequently, Senator Beach 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 L. Phillips, Jones and Ellem, 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 Fitzsimmons, Stollings and Sypolt.

Delegates Campbell, Moore and Border, 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 Fitzsimmons, Stollings and Sypolt, 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 Fitzsimmons, 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 Fitzsimmons then reported this mission accomplished.

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 fourteen, 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 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 19th day of March, 2014, 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. 1002), Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS.

And,

(Com. Sub. for S. B. No. 1003), Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts.

Respectfully submitted,

Robert J. Fitzsimmons,
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 27th day of March, 2014, 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. 1005), Authorizing salary increase for county commissioners and elected county officials.

And,

(S. B. No. 1009), Relating to computation of local share for public school support purposes.

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 28th day of March, 2014, 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. 101), Relating to the transfer of certain revenues derived from lottery activities.

(H. B. No. 104), Increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture.

(H. B. No. 106), Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund.

(H. B. No. 107), Relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities.

And,

(H. B. No. 108), Establishing a regulatory system for sexual assault forensic examinations.

Respectfully submitted,

Corey Palumbo,
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 March 19, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 1002** and **Enr. Committee Substitute for Senate Bill No. 1003**; and on March 31, 2014, he had approved **Enr. Senate Bill No. 1005, Enr. Senate Bill No. 1009, Enr. House Bill No. 101, Enr. House Bill No. 104, Enr. House Bill No. 106, Enr. House Bill No. 107** and **Enr. House Bill No. 108**.

On motion of Senator Unger, the first extraordinary session of the Senate in the year two thousand fourteen adjourned *sine die*.

SENATE ABSTRACT INDEX
First Extraordinary Session, 2014

1. Senate Bills Passed by Legislature (total of 4)	58
2. House Bills Passed by Legislature (total of 5)	58-59
3. Senate Bills Introduced	59-60
4. Senate Resolutions Offered	60
5. House Bills Communicated to Senate	61

HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

- *1002. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS** - Passed 3/14/2014; Effective from passage - To Governor 3/16/14 - Approved by Governor 3/19/14 - Chapter 2, Acts,1st Extraordinary Session, 2014
- *1003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts** - Passed 3/14/2014; Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 3, Acts,1st Extraordinary Session, 2014
1005. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Authorizing salary increase for county commissioners and elected county officials** - Passed 3/14/2014 - Effective ninety days from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 4, Acts,1st Extraordinary Session, 2014
1009. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to computation of local share for public school support purposes** - Passed 3/14/2014; Effective from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 5, Acts,1st Extraordinary Session, 2014

HOUSE BILLS PASSED LEGISLATURE

101. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the transfer of certain revenues derived from lottery activities** - Passed 3/14/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 7, Acts, 1st Extraordinary Session, 2014
104. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture** - Passed 3/14/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 1, Acts, 1st Extraordinary Session, 2014

106. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund** - Passed 3/14/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 6, Acts, 1st Extraordinary Session, 2014
107. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities** - Passed 3/14/2014; Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 9, Acts, 1st Extraordinary Session, 2014
108. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Establishing a regulatory system for sexual assault forensic examinations** - Passed 3/14/2014 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 8, Acts, 1st Extraordinary Session, 2014

SENATE BILLS INTRODUCED

1001. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to transfer of certain revenues derived from lottery activities** - Introduced 3/14/14 - To Finance - On 1st reading 3/15/14
- *1002. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS** - Introduced 3/14/14 - To Finance - Com. sub. reported 3/14/14 - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To House 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective from passage - To Governor 3/16/14 - Approved by Governor 3/19/14 - Chapter 2, Acts, 1st Extraordinary Session, 2014
- *1003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts** - Introduced 3/14/14 - To Finance - Com. sub. reported 3/14/14 - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To House 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective from passage - To Governor 3/19/14 - Approved by Governor 3/19/14 - Chapter 3, Acts, 1st Extraordinary Session, 2014
1004. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to special revenue account of Department of Agriculture, Land Division** - Introduced 3/14/14 - To Finance - On 1st reading 3/15/14

1005. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Authorizing salary increase for county commissioners and elected county officials** - Introduced 3/14/14 - To Finance - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To House 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective ninety days from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 4, Acts, 1st Extraordinary Session, 2014
1006. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund** - Introduced 3/14/14 - To Finance - On 1st reading 3/15/14
1007. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to disposal of drill cuttings at commercial solid waste facilities** - Introduced 3/14/14 - To Judiciary
1008. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Creating sexual assault examination network** - Introduced 3/14/14 - To Judiciary
1009. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to computation of local share for public school support purposes** - Introduced 3/14/14 - To Finance - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To House 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective from passage - To Governor 3/27/14 - Approved by Governor 3/31/14 - Chapter 5, Acts, 1st Extraordinary Session, 2014

SENATE RESOLUTIONS OFFERED

101. By Sen. Unger - **Raising committee to notify House of Delegates Senate has assembled in extraordinary session** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14
102. By Sen. Unger - **Raising committee to notify Governor Legislature has assembled in extraordinary session** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14
103. By Sen. Unger - **Raising committee to notify House of Delegates Senate is ready to adjourn sine die** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14
104. By Sen. Unger - **Raising committee to notify Governor Legislature is ready to adjourn sine die** - Introduced 3/14/14 - Committee reference dispensed - Adopted 3/14/14

HOUSE BILLS COMMUNICATED TO SENATE

101. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the transfer of certain revenues derived from lottery activities** - Introduced 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective from passage - To Senate 3/14/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 7, Acts, 1st Extraordinary Session, 2014
104. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture** - Introduced 3/14/14 - Reference dispensed - Passed House 3/14/14 - To Senate 3/14/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 3/14/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 1, Acts, 1st Extraordinary Session, 2014
106. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund** - Introduced 3/14/14 - Reference dispensed - Passed House 3/14/14 - Effective from passage - To Senate 3/14/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 6, Acts, 1st Extraordinary Session, 2014
107. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities** - Introduced 3/14/14 - Reference dispensed - Passed House 3/14/14 - Title amended - Effective from passage - To Senate 3/14/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 3/14/14 - Effective from passage - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 9, Acts, 1st Extraordinary Session, 2014
108. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Establishing a regulatory system for sexual assault forensic examinations** - Introduced 3/14/14 - Reference dispensed - Passed House 3/14/14 - To Senate 3/14/14 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate 3/14/14 - House concurred in Senate amendment and passed 3/14/14 - To Governor 3/28/14 - Approved by Governor 3/31/14 - Chapter 8, Acts, 1st Extraordinary Session, 2014

INDEX TO SENATE JOURNAL

FIRST EXTRAORDINARY SESSION, 2014

INDEX TO SENATE JOURNAL

FIRST EXTRAORDINARY SESSION, 2014

ABSTRACT (Digest of All Legislation in Journal Proper):	
measures that passed both houses (Senate and House bills)	58-59
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.	58-61
BARNES, CLARK S., a Senator from the Fifteenth District:	
excused from voting.	22
BEACH, ROBERT D., a Senator from the Thirteenth District:	
appointed to select committee to notify House of Delegates	
Senate has assembled in extraordinary session (S. R. No. 101).	9
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 103).	50
BILL HISTORY.	58-61
BLAIR, CRAIG, 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).	9
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 103).	50
CLERK OF THE SENATE (Joseph M. Minard):	
executive communications presented by.	54
proclamation from Governor, read by.	2
COMMITTEES, SELECT:	
to inform Governor Legislature has assembled.	10
to inform House of Delegates Senate has assembled.	9
to notify Governor Legislature is ready to adjourn <i>sine die</i>	51
to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	50
COMMITTEES, STANDING:	
on finance	
reports from.	20, 23, 25-31, 33
on enrolled bills	
post-session reports from.	52-54
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).	9

appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 103).....	50
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).....	10
appointed to select committee to notify Governor Legislature is ready to adjourn <i>sine die</i> (S. R. No. 104).....	51
reports by, as member of joint committee on enrolled bills.	52
GOVERNOR:	
action on bills.....	54
proclamation convening first extraordinary session of 2014.....	2-8
HALL, MIKE, a Senator from the Fourth District:	
bills introduced by request of executive.	10-20
KESSLER, JEFFREY V., a Senator from the Second District: (see President of the Senate)	
MISCELLANEOUS:	
constitutional rule suspension; prevailed.....	21, 24, 31, 33, 35, 37, 39, 41, 43
quorum roll call.	1
PALUMBO, COREY, a Senator from the Eighth District:	
reports by, as member of joint committee on enrolled bills.	52-54
PRAYER:	
daily.	1
PRESIDENT OF THE SENATE (Jeffrey V. Kessler):	
appointed select committees.	9, 10, 50, 51
bills introduced by request of executive.	10-20
called Senate to order.....	1
declared presence of a quorum.	1
laid Governor's proclamation convening first extraordinary session of 2014 before Senate.	2
PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:	
reports by, as chair of committee on finance.	20, 23, 25-31, 33
SENATE RULE NO. 43:	
excused from voting.....	22

STOLLINGS, RON, a Senator from the Seventh District:	
appointed to select committee to notify Governor	
Legislature has assembled in extraordinary session (S. R. No. 102).....	10
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 104).....	51
SYPOLT, DAVE, a Senator from the Fourteenth District:	
appointed to select committee to notify Governor	
Legislature has assembled in extraordinary session (S. R. No. 102).....	10
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 104).....	51
excused from voting.....	22
UNGER, JOHN R., II, a Senator from the Sixteenth District:	
main motion.....	54
resolutions offered.....	8, 9, 49, 50

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]: Relating to transfer of certain revenues derived from lottery activities.	10	20				11
*1002-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Expiring funds in State Fund, General Revenue, and making supplementary appropriation to MAPS.	11	23		25	48	12, 24-25, 52, 54
*1003-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Expiring funds in State Fund, General Revenue, and making supplementary appropriation to various accounts.	12-16	26-31		32	48-49	16, 31-33, 52, 54
1004-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to special revenue account of Department of Agriculture, Land Division.	16	20				17
1005-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Authorizing salary increase for county commissioners and elected county officials.	17	20		22	49	17, 21-23, 52, 54
1006-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund.	17	20-21				18
1007-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to disposal of drill cuttings at commercial solid waste facilities.	18					18
1008-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Creating sexual assault examination network.	18					19

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
1009-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to computation of local share for public school support purposes.	19	33		34	49	20, 33-35, 53, 54

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 in extraordinary session.	8			9	9
102 –	By Senator Unger: Raising committee to notify Governor Legislature has assembled in extraordinary session.	9			10	10
103 –	By Senator Unger: Raising committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> .	49			50	50
104 –	By Senator Unger: Raising committee to notify Governor Legislature is ready to adjourn <i>sine die</i> .	50			50	50

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
101 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to the transfer of certain revenues derived from lottery activities.	35			36		35-37, 53, 54
104 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Increasing the annual cap for collections into the Land Division special revenue account of the Department of Agriculture.	37			38		37-38, 53, 54
106 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to debt service on bonds secured by the State Excess Lottery Revenue Fund.	38			40		39-40, 53, 54
107 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to the disposal of drill cuttings and associated drilling waste generated from well sites at commercial solid waste facilities.	40			42		41-42, 53, 54
108 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Establishing a regulatory system for sexual assault forensic examinations.	42-43		44-47	48	49	43-48, 53, 54

JOURNAL
of
THE SENATE
State of West Virginia

EIGHTY-FIRST LEGISLATURE

Second Extraordinary Session, 2014

May 19-21, 2014



NOTE: The proceedings of the Second Extraordinary Session of the West Virginia Legislature in the year 2014 (convened by the Governor on May 19 and adjourned *sine die* on May 21) are shown hereinafter.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2014

MONDAY, MAY 19, 2014

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Earl Ray Tomblin, dated the nineteenth day of May, two thousand fourteen, convening the eighty-first Legislature of West Virginia in extraordinary session today (Monday, May 19, 2014), 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 at 12 o'clock Noon, and was called to order by its President, the Honorable Jeffrey V. Kessler.

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.

On the call of the roll, the following answered to their names:

Senators Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President).

Thirty-two 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 West Virginia Legislature to convene in Extraordinary Session at noon on the nineteenth day of May, Two Thousand Fourteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: A supplemental appropriation bill appropriating monies from the State Fund, State Excess Lottery Revenue Fund, and supplementing and amending Chapter 13, Acts of the Legislature, Regular Session, 2014, known as the Budget Bill, by amending and replacing Title II, section five, to supplement and amend the appropriations for the Fiscal Year ending June 30, 2015, according to the provisions of HB 101, First Extraordinary Session, 2014, by reducing the appropriation to the West Virginia Infrastructure Council, fund 3390, Fiscal Year 2015, organization 0316, adding a new fund to distribute Excess Lottery Revenue previously not appropriated, and making an appropriation to the Division of

Human Services for Medical Services, fund 5365, Fiscal Year 2015, organization 0511;

SECOND: A bill amending an Act contained in Chapter 124, Acts of the Legislature, Regular Session, 2014, and to amend and reenact Section 6, Article 5C, Chapter 21 of the West Virginia Code to modify the definition of “employer” to exempt certain employers from State maximum hour and overtime requirements; clarify the effective date of January 1, 2015, for minimum wage, maximum hour, and overtime standards; clarify the definition of “hours worked”; and authorize the Commissioner of the Division of Labor to establish emergency rules prior to January 1, 2015, to implement and administer the labor standards at issue;

THIRD: A bill amending an Act contained in Chapter 115, Acts of the Legislature, Regular Session, 2014, to establish a July 1, 2015, effective date for the affirmative defense of payment or partial payment to a contractor in an action to enforce a mechanic’s lien;

FOURTH: A bill amending the Michael Cunningham Act in the West Virginia Code to establish a December 31, 2014, deadline for electrical inspections and compliance;

FIFTH: A bill amending Section 12, Article 2, Chapter 5B of the West Virginia Code to permit up to \$4,700,000 of the monies deposited into the Tourism Promotion Fund to be deposited into the Courtesy Patrol Fund based on an expenditure schedule set by the State Budget Office; and

SIXTH: Legislation authorizing and appropriating the expenditure of public funds 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 nineteenth day of May, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-First 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. 201—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 Beach, Cookman and Blair.

Subsequently, Senator Beach, 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 Fleischauer, Diserio and Ellem, 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. 202—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 Fitzsimmons, Stollings and Sypolt.

A message from the House of Delegates, by

Delegates Campbell, Moore and Border, 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. 202. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Fitzsimmons reported that the joint Senate and House committee had performed the duty assigned to it.

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 West Virginia State Police, submitting its Post Exchange annual report as required by chapter fifteen, article two-e, section six 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.

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

May 19, 2014

Senate Executive Message No. 1

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 Executive Director, Real Estate Division, The Honorable Constantino Amores II, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

2. For Member, Economic Development Authority, Jeff Vickers, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

3. For Member, Investment Management Board, Judy Hale, Winfield, Putnam County, for the term ending January 31, 2019.

4. For Member, Investment Management Board, Roger Hunter, Lewisburg, Greenbrier County, for the term ending January 31, 2018.

5. For Member, Investment Management Board, Marie Prezioso, Charleston, Kanawha County, for the term ending January 31, 2016.

6. For Member, Investment Management Board, David Haney, Hurricane, Putnam County, for the term ending January 31, 2018.

7. For Member, Mine Safety Technology Task Force, Terry Osborne, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.

8. For Member, West Virginia State University Board of Governors, E. Gail Pitchford, Charleston, Kanawha County, for the term ending June 30, 2015.

9. For Member, Shepherd University Board of Governors, Chad Robinson, Charleston, Kanawha County, for the term ending June 30, 2014.

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.

On motion of Senator Green, consideration of the nominations immediately hereinbefore reported was made a special order of business for 2 p.m. today.

The following communication from His Excellency, the Governor, was next reported by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

May 19, 2014

Senate Executive Message No. 2

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

The following amends and replaces the “Excess Lottery Fund – Statement of Revenues, Expenditures and Changes in Cash Balance” which I submitted to you on March 11, 2014, as part of my recommended budget for the fiscal year ending June 30, 2015:

**Excess Lottery Fund
Statement of Revenues, Expenditures and Changes in Cash Balance
(Nearest Dollar)**

	Balance @ July 1, 2012	\$ 126,802,497
Less:	Reserve for Cash Flow / Contingencies	(5,300,000)
Less:	Catastrophic Event Contingency	(30,000,000)
Plus:	FY 2013 Actual Revenue	<u>295,588,465</u>
	Available for FY 2013 Appropriations	\$ 387,090,962
Less:	FY 2013 Appropriations (net of vetos)	(290,564,890)
Plus:	Cash not needed for FY 2013 Appropriations	<u>17,899</u>
	Unappropriated Balance @ June 30, 2013	\$ 96,543,971
Plus:	FY 2014 Revenue Estimate	\$ 256,522,000
Less:	FY 2014 Regular Appropriations	(256,522,000)
Less:	FY 2014 Appropriations from available surplus	(29,111,465)
Plus:	Cash not needed for FY 2014 Appropriations	20,217
Less:	FY 2014 Supplemental Appropriation (2014 Regular Session):	
	SB341 DHHR - Medicaid - Basebuilding funding	<u>(67,432,506)</u>
	Estimated Unappropriated Balance @ June 30, 2014	\$ 20,217
Plus:	FY 2015 Revenue Estimate ¹	\$ 318,918,433
Less:	FY 2015 Regular Appropriations	
	(2014 Regular Session)	(241,651,000)
Less:	Recommended FY 2015 Supplemental Appropriation (net)	
	(2014 Second Extraordinary Session)	<u>(77,267,433)</u>
	Estimated Unappropriated Balance @ June 30, 2015	<u><u>20,217</u></u>

¹ FY 2015 revenue estimate revised from \$241,651,000 to \$318,918,433 – increase of \$77,267,433 due to passage of HB101 during the 2014 First Extraordinary Legislative Session.

Thank you for your cooperation in this matter.

Sincerely,

Earl Ray Tomblin,
Governor.

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were 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 Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2001—A Bill to amend and reenact §38-2-21 and §38-2-34 of the Code of West Virginia, 1931, as amended, as contained in chapter one hundred fifteen, Acts of the Legislature, regular session, 2014, all relating to delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2002—A Bill to amend and reenact §20-9-3 and §20-9-4 of the Code of West Virginia, 1931, as amended, all relating to boat dock and marina safety; extending the deadline for electrical inspection; and extending the deadline for compliance with article.

Referred to the Committee on the Judiciary.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2003—A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, by supplementing and amending chapter thirteen, Acts of the Legislature, regular session, 2014, known as the Budget Bill, by supplementing and amending Title II, section five.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2004—A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to the distribution of Excess Lottery Revenue funds from the Tourism Promotion Fund to the Courtesy Patrol Fund; authorizing up to \$4,700,000 of moneys deposited into the Tourism Promotion Fund be deposited in the Courtesy Patrol Fund; providing that the expenditure schedule for these funds be set by the State Budget Office in consultation with the Division of Tourism; and clarifying the authority of the Secretary of Commerce under article.

Referred to the Committee on Finance.

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2005—A Bill to amend and reenact §21-5C-1, §21-5C-2 and §21-5C-4 of the Code of West Virginia, 1931, as amended, as contained in chapter one hundred twenty-four, Acts of the Legislature, regular session, 2014; and to amend and reenact §21-5C-6 of said code, all relating to the application of minimum wage and maximum hour standards; modifying definition of “employer”; clarifying definition of “hours worked”; clarifying operative dates; requiring legislative rules; and authorizing promulgation of emergency rules.

Referred to the Committee on Finance.

Petitions

Senator M. Hall presented a petition from Brenda Nott and one thousand thirty-eight West Virginia residents, requesting the Legislature to prohibit large utility vehicles from parking within six feet of a road.

Referred to the Committee on Transportation and Infrastructure.

On motion of Senator Green, the Senate reconsidered the vote by which it adopted Senator Green's motion that consideration of the executive nominations reported in earlier proceedings today be made a special order of business for 2 p.m. today.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Green's motion that consideration of the executive nominations reported in earlier proceedings today be made a special order of business for 2 p.m. today.

At the request of Senator Green, and by unanimous consent, his aforestated motion was withdrawn.

Thereafter, on motion of Senator Green, consideration of the executive nominations reported in earlier proceedings today was made a special order of business for 4 p.m. today.

Pending announcement of meetings of standing committees of the Senate, including majority and minority party caucuses,

On motion of Senator Unger, the Senate recessed until 4 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 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. 1, dated May 19, 2014, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message No. 1 is submitted:

1. For Executive Director, Real Estate Division, The Honorable Constantino Amores II, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

2. For Member, Economic Development Authority, Jeff Vickers, Lewisburg, Greenbrier County, for the term ending June 30, 2015.

3. For Member, Investment Management Board, Judy Hale, Winfield, Putnam County, for the term ending January 31, 2019.

4. For Member, Investment Management Board, Roger Hunter, Lewisburg, Greenbrier County, for the term ending January 31, 2018.

5. For Member, Investment Management Board, Marie Prezioso, Charleston, Kanawha County, for the term ending January 31, 2016.

6. For Member, Investment Management Board, David Haney, Hurricane, Putnam County, for the term ending January 31, 2018.

7. For Member, Mine Safety Technology Task Force, Terry Osborne, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.

8. For Member, West Virginia State University Board of Governors, E. Gail Pitchford, Charleston, Kanawha County, for the term ending June 30, 2015.

9. For Member, Shepherd University Board of Governors, Chad Robinson, Charleston, Kanawha County, for the term ending June 30, 2014.

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, the special order thereon was called by the President.

Thereupon, Senator Kessler (Mr. President) laid before the Senate the following executive message:

Senate Executive Message No. 1, dated May 19, 2014 (*shown in the Senate Journal of today, pages 7 and 8*).

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, except the nomination of Marie Prezioso to the Investment Management Board (being nomination number 5 in Executive Message No. 1).

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, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Facemire and Jenkins—2.

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 that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Marie Prezioso to the Investment Management Board (being nomination number 5 in Executive Message No. 1) had been confirmed.

Senator Green then moved that the Senate advise and consent to the nomination of Marie Prezioso to the Investment Management Board (being nomination number 5 in Executive Message No. 1).

Prior to the call of the roll, Senator Prezioso moved to be excused from voting under rule number forty-three of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Barnes, Beach, Blair, Boley, Cann, Carmichael, Chafin, Cole, Cookman, Edgell, Fitzsimmons, Green, D. Hall, M. Hall, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Wells, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Facemire and Jenkins—2.

Excused from voting: Prezioso—1.

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 Marie Prezioso to the Investment Management Board had been confirmed.

Consideration of executive nominations having been concluded, the Senate resumed business under the fourth order.

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. 2003, Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund.

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. 2003) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Facemire and Jenkins—2.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill No. 2003 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, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Facemire and Jenkins—2.

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. 2003) 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, 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: None.

Absent: Facemire and Jenkins—2.

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. 2003) takes effect from passage.

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 Bill No. 2004, Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget Office.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 2004 (originating in the Committee on Finance)—A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to the distribution of Excess Lottery Revenue funds from the Tourism Promotion Fund to the Courtesy Patrol Fund; authorizing up to \$4,700,000 of moneys deposited into the Tourism Promotion Fund be deposited in the Courtesy Patrol Fund; and clarifying the authority of the Secretary of Commerce under article.

With the recommendation that the 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 S. B. No. 2004) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator 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, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Facemire and Jenkins—2.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill No. 2004 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, Fitzsimmons, Green, D. Hall, M. Hall, 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: None.

Absent: Facemire and Jenkins—2.

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. 2004) 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, 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: None.

Absent: Facemire and Jenkins—2.

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. 2004) takes effect from passage.

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 Bill No. 2005, Relating to application of minimum wage and maximum hour standards.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Chair.

On motion of Senator Unger, the Senate adjourned until tomorrow, Tuesday, May 20, 2014, at 12 Noon.

TUESDAY, MAY 20, 2014

The Senate met at 12 Noon.

(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 Monday, May 19, 2014,

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 third order of business.

Executive Communications

Senator Kessler (Mr. President) laid before the Senate the following supplement to the proclamation dated May 19, 2014, from His Excellency, the Governor, 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 AMEND the Proclamation dated the nineteenth day of May, two thousand fourteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on that date, by adding a seventh item, as follows:

SEVENTH: A bill authorizing the Common Council of the City of Richwood, Nicholas County, to extend the time for its meeting as a levying body until the thirtieth day of June, two thousand fourteen, for the purpose of placing a general levy on the ballot, to be considered by the voters of the City of Richwood, on the question of supplementing the City's budget.

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 twentieth day of May, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-First year of the State.

EARL RAY TOMBLIN,
Governor.

By the Governor:

NATALIE E. TENNANT,
Secretary of State.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bill was introduced and read by its title:

By Senators Kessler (Mr. President) and M. Hall (By Request of the Executive):

Senate Bill No. 2006—A Bill to extend the time to May 31, 2014, for the Common Council of the City of Richwood, Nicholas County, to meet as a levying body for the purpose of placing a general levy on the ballot on the question of supplementing the city's budget.

At the request of Senator Unger, unanimous consent being granted, 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 (S. B. No. 2006) was then read a second time.

On motion of Senator Tucker, 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:

**THE COMMON COUNCIL OF THE CITY OF RICHWOOD
MEETING AS A LEVYING BODY EXTENDED.**

§1. Extending time for the Common Council for the City of Richwood to meet as a levying body for an election supplementing the city's budget; setting levy rate; certifying actions to the State; and for the purpose of paying all costs incurred in the laying of the additional levy.

Notwithstanding the provisions of article eight, chapter eleven of the Code of West Virginia, 1931, as amended, the Common Council of the City of Richwood, Nicholas County, is authorized to extend the time for its meeting as a levying body, setting the levy rate and certifying its actions to the State Auditor and the State Tax Commissioner by June 30, 2014, for the purpose of submitting to the voters of the City of Richwood the question of supplementing the city's budget and for the purpose of paying all costs incurred in the laying of this additional levy.

The bill, as amended, was ordered to engrossment and third reading.

Engrossed Senate Bill No. 2006 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. 2006) passed.

On motion of Senator Tucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill No. 2006—A Bill to extend the time for the Common Council of the City of Richwood, Nicholas County, to meet as a levying body for the purpose of presenting to the voters of the city an election supplementing the city's budget; setting the levy rate; certifying actions to State Auditor and State Tax Commissioner; and paying all costs incurred in the laying of this additional levy.

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. 2006) 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 tenth order of business.

Senate Bill No. 2005, Relating to application of minimum wage and maximum hour standards.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

On motion of Senator Unger, the Senate adjourned until tomorrow, Wednesday, May 21, 2014, at 11 a.m.

WEDNESDAY, MAY 21, 2014

The Senate met at 11 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 Tuesday, May 20, 2014,

On motion of Senator Kirkendoll, 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 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. 2003, Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund.

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 seven, line eighteen, by striking out “15,649,886” and inserting in lieu thereof “14,581,522”;

On page seven, line nineteen, by striking out “71,039,015” and inserting in lieu thereof “69,970,651”;

On page ten, after line nine, by inserting the following:

2	Family Resource Networks.	27400	150,464
3	Domestic Violence Legal Services		
4	Fund.	38400	30,000
5	In-Home Family Education.	68800	250,000
6	Grants for Licensed Domestic		
7	Violence Programs and		
8	Statewide Prevention.	75000	357,900
9	Children’s Trust Fund - Transfer.	95100	<u>80,000</u>
	Total.		\$ 27,096,782

The above appropriation for Domestic Violence Legal Services Fund (fund 5365, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455). From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 5365, appropriation 75000), fifty percent of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 5365, appropriation 75000) shall be distributed according to the formula established by the Family Protection Services Board.

The above appropriation for Children's Trust Fund - Transfer (fund 5365, appropriation 95100), shall be transferred to the Children's Fund (fund 5469, org 0511).;

And,

On page ten, after line sixteen, by inserting the following:

314a-Division of Justice and Community Services

(WV Code Chapter 15)

Fund __ FY 2015 Org 0620

1 Child Advocacy Centers. 45800 \$ 200,000.

Senator Unger moved that the Senate concur in the House of Delegates amendments to the bill.

Following extended discussion,

The question being on the adoption of Senator Unger's aforestated motion, the same was put and prevailed.

Engrossed Senate Bill No. 2003, 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, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Williams, Yost and Kessler (Mr. President)-30.

The nays were: Snyder-1.

Absent: Blair, Cann and Wells-3.

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. 2003) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, Boley, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Tucker, Unger, Walters, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Snyder—1.

Absent: Blair, Cann and Wells—3.

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. 2003) 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. 2004, Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget 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:

On page two, section twelve, lines eight and nine, by striking out the words “in accordance with appropriations from the State Excess Lottery Revenue Fund”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 2004—A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to the distribution of funds from the Tourism Promotion Fund; authorizing the transfer of up to \$4,700,000 of moneys from the Tourism Promotion Fund to the Courtesy Patrol Fund; and designating the Secretary of Commerce as the approving authority for the expenditure of certain funds to effectively promote and market the state’s parks, state forests, state recreation areas and wildlife recreational resources.

On motion of Senator Unger, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 2004, 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, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

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. 2004) 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, Carmichael, Chafin, Cole, Cookman, Edgell, Facemire, Fitzsimmons, Green, D. Hall, M. Hall, Jenkins, Kirkendoll, Laird, McCabe, Miller, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Tucker, Unger, Walters, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

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. 2004) 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. 2006, Extending time for Richwood Common Council to meet as levying body.

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. 201—A Bill to amend and reenact §21-5C-1, §21-5C-2 and §21-5C-4 of the Code of West Virginia, 1931, as amended, as contained in chapter one hundred twenty-four, Acts of the Legislature, regular session, 2014, and to amend and reenact §21-5C-6 of said code, all relating to the application of minimum wage and maximum hour standards; modifying the definition of the term “employer”; clarifying the definition of the term “hours worked”; clarifying operative dates; requiring legislative rules; and authorizing promulgation of emergency rules.

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, 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, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 201) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, 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, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes—1.

Absent: Blair, Cann and Wells—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 201) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, 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, Williams, Yost and Kessler (Mr. President)—30.

The nays were: Barnes—1.

Absent: Blair, Cann and Wells—3.

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. 201) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 202—A Bill to amend and reenact §38-2-21 and §38-2-34 of the Code of West Virginia, 1931, as amended, as

contained in chapter one hundred fifteen, Acts of the Legislature, regular session, 2014, all relating to delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien.

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, 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, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 202) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barnes, Beach, 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, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 202) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Barnes, Beach, 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, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

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. 202) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill No. 203—A Bill to amend and reenact §20-9-3 and §20-9-4 of the Code of West Virginia, 1931, as amended, all relating to boat dock and marina safety; extending the deadline for electrical inspection; and extending the deadline for compliance with this article.

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, 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, Williams, Yost and Kessler (Mr. President)—31.

The nays were: None.

Absent: Blair, Cann and Wells—3.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. No. 203) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, 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, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes and Sypolt—2.

Absent: Blair, Cann and Wells—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 203) passed with its title.

Senator Unger moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, 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, Williams, Yost and Kessler (Mr. President)—29.

The nays were: Barnes and Sypolt—2.

Absent: Blair, Cann and Wells—3.

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. 203) 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. Senate Bill No. 2005, Relating to application of minimum wage and maximum hour standards.

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.

Senator Unger offered the following pre-adjournalment resolution:

Senate Resolution No. 203—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 Beach, Cookman and Carmichael.

Subsequently, Senator Beach reported that the duties assigned by Senate Resolution No. 203 had been performed.

Thereafter, a three-member delegation from the House of Delegates, namely

Delegates Fleischauer, Jones and Hamrick, 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. 204—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 Fitzsimmons, Stollings and Sypolt.

Delegates Campbell, Moore and Border, 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 Fitzsimmons, Stollings and Sypolt, 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 Fitzsimmons, 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 Fitzsimmons then reported this mission accomplished.

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 second extraordinary session of the eighty-first Legislature in the year two thousand fourteen, 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 report of the Joint Committee on Enrolled Bills was 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 May, 2014, 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. 2003), Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund.

(Com. Sub. for S. B. No. 2004), Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget Office.

(S. B. No. 2006), Extending time for Richwood Common Council to meet as levying body.

(H. B. No. 201), Relating to the application of minimum wage and maximum hour standards.

(H. B. No. 202), Delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien.

And,

(H. B. No. 203), Relating to boat dock and marina safety.

Respectfully submitted,

Corey Palumbo,
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 May 26, 2014, he had approved **Enr. Senate Bill No. 2003**; and on May 29, 2014, he had approved **Enr. Committee Substitute for Senate Bill No. 2004, Enr. Senate Bill No. 2006, Enr. House Bill No. 201, Enr. House Bill No. 202 and Enr. House Bill No. 203.**

On motion of Senator Unger, the second extraordinary session of the Senate in the year two thousand fourteen adjourned *sine die*.

SENATE ABSTRACT INDEX
Second Extraordinary Session, 2014

1. Senate Bills Passed by Legislature (total of 3)	46
2. House Bills Passed by Legislature (total of 3)	46
3. Senate Bills Introduced	47
4. Senate Resolutions Offered	48
5. House Bills Communicated to Senate	48

HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

2003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund** (original same as H. B. No. 205) - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/26/14 - Chapter 1, Acts, 2nd Extraordinary Session, 2014
- *2004. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget Office** (original same as H. B. No. 204) - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 3, Acts, 2nd Extraordinary Session, 2014
2006. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Extending time for Richwood Common Council to meet as levying body** (original similar to H. B. No. 206) - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 6, Acts, 2nd Extraordinary Session, 2014

HOUSE BILLS PASSED LEGISLATURE

201. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the application of minimum wage and maximum hour standards** - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 5, Acts, 2nd Extraordinary Session, 2014
202. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien** - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 4, Acts, 2nd Extraordinary Session, 2014
203. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to boat dock and marina safety** - Passed 5/21/2014; Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 2, Acts, 2nd Extraordinary Session, 2014

SENATE BILLS INTRODUCED

2001. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Delaying effective date of affirmative defense to action to enforce mechanic's lien** (original same as H. B. No. 202) - Introduced 5/19/14 - To Judiciary
2002. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Extending deadlines for certain boat dock and marina safety requirements** (original same as H. B. No. 203) - Introduced 5/19/14 - To Judiciary
2003. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund** (original same as H. B. No. 205) - Introduced 5/19/14 - To Finance - Constitutional rule suspended - Passed Senate 5/19/14 - Effective from passage - To House 5/19/14 - Reference dispensed - Amended - Passed House 5/21/14 - Effective from passage - Senate concurred in House amendments and passed bill 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/26/14 - Chapter 1, Acts, 2nd Extraordinary Session, 2014
- *2004. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget Office** (original same as H. B. No. 204) - Introduced 5/19/14 - To Finance - Com. sub. reported 5/19/14 - Constitutional rule suspended - Passed Senate 5/19/14 - Effective from passage - To House 5/19/14 - Reference dispensed - Amended - Passed House 5/21/14 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 3, Acts, 2nd Extraordinary Session, 2014
2005. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Relating to application of minimum wage and maximum hour standards** (original same as H. B. No. 201) - Introduced 5/19/14 - To Finance - Recommitted to Finance on 2nd reading 5/21/14
2006. By Sen. Kessler (Mr. President) and M. Hall [By Request of the Executive] - **Extending time for Richwood Common Council to meet as levying body** (original similar to H. B. No. 206) - Introduced 5/20/14 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate with amended title 5/20/14 - Effective from passage - To House 5/21/14 - Reference dispensed - Passed House 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 6, Acts, 2nd Extraordinary Session, 2014

SENATE RESOLUTIONS OFFERED

201. By Sen. Unger - **Notifying House Senate has assembled in extraordinary session** - Introduced 5/19/14 - Committee reference dispensed - Adopted 5/19/14
202. By Sen. Unger - **Notifying Governor Legislature has assembled in extraordinary session** - Introduced 5/19/14 - Committee reference dispensed - Adopted 5/19/14
203. By Sen. Unger - **Notifying House Senate is ready to adjourn sine die** - Introduced 5/21/14 - Committee reference dispensed - Adopted 5/21/14
204. By Sen. Unger - **Notifying Governor Legislature is ready to adjourn sine die** - Introduced 5/21/14 - Committee reference dispensed - Adopted 5/21/14

HOUSE BILLS COMMUNICATED TO SENATE

201. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to the application of minimum wage and maximum hour standards** - Introduced 5/19/14 - To Finance - Passed House 5/21/14 - Effective from passage - To Senate 5/21/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 5, Acts, 2nd Extraordinary Session, 2014
202. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien** - Introduced 5/19/14 - To Judiciary - Reference dispensed - Passed House 5/21/14 - Effective from passage - To Senate 5/21/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 4, Acts, 2nd Extraordinary Session, 2014
203. By Mr. Speaker (Mr. Miley) and Del. Armstead [By Request of the Executive] - **Relating to boat dock and marina safety** - Introduced 5/19/14 - To Judiciary - Reference dispensed - Passed House 5/21/14 - Effective from passage - To Senate 5/21/14 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/14 - Effective from passage - To Governor 5/23/14 - Approved by Governor 5/29/14 - Chapter 2, Acts, 2nd Extraordinary Session, 2014

INDEX TO SENATE JOURNAL
SECOND EXTRAORDINARY SESSION, 2014

INDEX TO SENATE JOURNAL

SECOND EXTRAORDINARY SESSION, 2014

ABSTRACT (Digest of All Legislation in Journal Proper):	
measures that passed both houses (Senate and House bills)	46
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.	47-48
BEACH, ROBERT D., a Senator from the Thirteenth District:	
appointed to select committee to notify House of Delegates Senate has assembled in extraordinary session (S. R. No. 201).	5
appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 203).	39
BILL HISTORY.	46-48
BLAIR, CRAIG, a Senator from the Fifteenth District:	
appointed to select committee to notify House of Delegates Senate has assembled in extraordinary session (S. R. No. 201).	5
BUDGET BILL:	
communication from Governor presenting revised revenue estimates (Ex. Message No. 2).	8-11
CARMICHAEL, MITCH, a Senator from the Fourth District:	
appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 203).	39
CLERK OF THE SENATE (Joseph M. Minard):	
communications presented by.	6
executive communications presented by.	42
proclamation from Governor, read by.	2
supplement to proclamation from Governor, read by.	22
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>	40
to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	39
COMMITTEES, STANDING (reports from):	
on confirmations	
reports from.	14-15
on enrolled bills	
post-session.	41

on finance	
reports from.	17, 19, 21
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. 201).	5
appointed to select committee to notify House of Delegates	
Senate is ready to adjourn <i>sine die</i> (S. R. No. 203).	39
EXECUTIVE NOMINATIONS:	
acknowledgement; as to receipt of Governor's list of	
state office nominees submitted.	8
hour special order set for, reached.	15
made special order of business.	8, 13
Senate session to act on.	15-17
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. 202).	6
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 204).	40
GOVERNOR:	
action on bills.	42
executive nominations from Governor	
(Ex. Message No. 1).	7-8
proclamation convening first extraordinary session of 2014.	2-4
supplement to proclamation.	23
revised revenue estimates (Ex. Message No. 2).	8-11
GREEN, MIKE, a Senator from the Ninth District:	
main motion.	8, 13, 15, 16
reports by, as chair of committee on confirmations.	14-15
withdraws motion.	13
HALL, MIKE, a Senator from the Fourth District:	
bills introduced by request of executive.	11-12, 24
petitions presented by.	13
prayer by.	22
KESSLER, JEFFREY V., a Senator from the Second District:	
(see President of the Senate)	
MILLER, RONALD F., a Senator from the Tenth District:	
prayer by.	1

MISCELLANEOUS:

bill on calendar recommitted to committee.	38
constitutional rule suspension; prevailed.	17, 20, 24, 33, 35, 37
quorum roll call.	1

PALUMBO, COREY, a Senator from the Seventeenth District:

reports by, as member of joint committee	
on enrolled bills.	41

PRAYER:

daily.	1, 22, 27
----------------	-----------

PRESIDENT OF THE SENATE (Jeffrey V. Kessler):

appointed select committees.	4, 5, 39, 40
bills introduced by request of executive.	11-12, 24
called Senate to order.	1
declared presence of a quorum.	2
executive messages presented by.	8
executive nominations presented by.	6
laid Governor's proclamation convening	
first extraordinary session of 2014 before Senate.	2
laid Governor's supplement to proclamation before Senate.	22
presided as president.	22, 27

PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:

excused from voting.	16
reports by, as chair of committee on	
finance.	17, 19, 21

RECONSIDERATION OF, As to:

vote on motion.	13
-------------------------	----

REPORTS:

Ron Yost Personal Assistance Services Program.	6
State Police, West Virginia (Post Exchange).	6

SENATE RULE NO. 43:

excused from voting.	16
------------------------------	----

SPECIAL ORDER OF BUSINESS, As to:

consideration of executive nominations.	8, 13
hour set for, reached.	15
motion withdrawn.	13

STOLLINGS, RON, a Senator from the Seventh District:	
appointed to select committee to notify Governor	
Legislature has assembled in extraordinary session (S. R. No. 202).....	6
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 204).....	40
SYPOLT, DAVE, a Senator from the Fourteenth District:	
appointed to select committee to notify Governor	
Legislature has assembled in extraordinary session (S. R. No. 202).....	6
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 204).....	40
UNGER, JOHN R., II, a Senator from the Sixteenth District:	
main motion.....	42
resolutions offered.....	4, 5, 38, 39
WITHDRAWAL OF:	
motion.....	13
YOST, JACK, a Senator from the First District:	
prayer by.....	27

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2001-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Delaying effective date of affirmative defense to action to enforce mechanic's lien.	11					11
2002-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Extending deadlines for certain boat dock and marina safety requirements.	11					11
2003-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Supplementing and amending Title II Appropriations from State Excess Lottery Revenue Fund.	11-12	17	28-29	18, 30	27	12, 17-19, 28-30, 41, 42
*2004-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Authorizing transfer of moneys to Courtesy Patrol Fund according to expenditure schedule set by Budget Office.	12	19	31	21, 32	30	12, 19-21, 30-32, 41, 42
2005-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Relating to application of minimum wage and maximum hour standards.	12	21				12, 27, 38
2006-	By Senators Kessler (Mr. President) and M. Hall [By Request of the Executive]: Extending time for Richwood Common Council to meet as levying body.	24		24-25, 26	26	32	24-26, 41, 42

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
201 –	By Senator Unger: Notifying House Senate has assembled in extraordinary session.	4			4	4
202 –	By Senator Unger: Notifying Governor Legislature has assembled in extraordinary session.	5			5	5
203 –	By Senator Unger: Notifying House Senate is ready to adjourn <i>sine die</i> .	38-39			39	39
204 –	By Senator Unger: Notifying Governor Legislature is ready to adjourn <i>sine die</i> .	39			40	40

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
201 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to the application of minimum wage and maximum hour standards.	32-33			34		33-34, 41, 42
202 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Delaying the effective date of the affirmative defense to an action to enforce a mechanic's lien.	34			36		35-36, 41, 42
203 –	By Mr. Speaker (Mr. Miley) and Delegate Armstead [By Request of the Executive]: Relating to boat dock and marina safety.	36			37		36-38, 41, 42

