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NOTE: The third volume continues with Journal proceedings proper (page 2413) of March 13 through March 18, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular and Extended Session, 2015; 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.



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an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

(g) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person and was committed in reckless disregard of the safety of others and if the Office of Administrative Hearings further finds that the influence of alcohol, controlled substances or drugs or the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of ten years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(h) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings

also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(i) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the persons vehicle to be driven by another person who

was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided*, That any period of participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however*, That a person whose license is revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided further*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *And provided further*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(k) (1) If in addition to finding by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substance or drugs, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person did drive a motor vehicle while having an alcohol concentration in the person's blood of fifteen hundredths of one percent or more, by weight, the commissioner shall revoke the person's license for a period of forty-five days with an additional two hundred and seventy days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a, article five-a, chapter seventeen-c of this code: *Provided*, That if the person's license has previously been suspended

or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked the person's license more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(2) If a person whose license is revoked pursuant to subdivision (1) of this subsection proves by clear and convincing evidence that they do not own a motor vehicle upon which the alcohol test and lock device may be installed or is otherwise incapable of participating in the Motor Vehicle Alcohol Test and Lock Program, the period of revocation shall be one hundred eighty days: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(1) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of five years: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this

section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(m) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(n) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the commissioner shall suspend the person's license for a period of sixty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article, the period of revocation shall be for one year, or until the person's twenty-first birthday, whichever period is longer.

(o) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(p) For purposes of this section, where reference is made to previous suspensions or revocations under this section, the following types of criminal convictions or administrative suspensions or revocations shall also be regarded as suspensions or revocations under this section or section one of this article:

(1) Any administrative revocation under the provisions of the prior enactment of this section for conduct which occurred within the ten years immediately preceding the date of arrest;

(2) Any suspension or revocation on the basis of a conviction under a municipal ordinance of another state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in section two, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest; or

(3) Any revocation under the provisions of section seven, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest.

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the

influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

(s) If the Office of Administrative Hearings finds to the contrary with respect to the above issues, it shall rescind or modify the commissioner's order and, in the case of modification, the commissioner shall reduce the order of revocation to the appropriate period of revocation under this section or section seven, article five of this chapter. A copy of the Office of Administrative Hearings' final order containing its findings of fact and conclusions of law made and entered following the hearing shall be served upon the person whose license is at issue or upon the person's legal counsel if the person is represented by legal counsel by registered or certified mail, return receipt requested, or by facsimile or by electronic mail if available. The final order shall be served upon the commissioner by electronic mail. During the pendency of any hearing, the revocation of the person's license to operate a motor vehicle in this state shall be stayed.

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The

court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile or by electronic mail if available.

(t) In any revocation or suspension pursuant to this section, if the driver whose license is revoked or suspended had not reached the driver's eighteenth birthday at the time of the conduct for which the license is revoked or suspended, the driver's license shall be revoked or suspended until the driver's eighteenth birthday or the applicable statutory period of revocation or suspension prescribed by this section, whichever is longer.

(u) Funds for this section's hearing and appeal process may be provided from the Drunk Driving Prevention Fund, as created by section forty-one, article two, chapter fifteen of this code, upon application for the funds to the Commission on Drunk Driving Prevention.

The bill (Eng. H. B. No. 2664), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2688, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Trump, 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 Trump, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §11-13A-3a, §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 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 §22C-9-7a, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.

§11-13A-3a. Imposition of tax on privilege of severing natural gas or oil; Tax Commissioner to develop a uniform reporting form.

(a) *Imposition of tax.* – For the privilege of engaging or continuing within this state in the business of severing natural gas or oil for sale, profit or commercial use, there is hereby levied and shall be collected from every person exercising such privilege an annual privilege tax: *Provided*, That effective for all taxable periods beginning on or after the first day of January, two thousand, there is an exemption from the imposition of the tax provided in this article

on the following: (1) Free natural gas provided to any surface owner; (2) natural gas produced from any well which produced an average of less than five thousand cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period; (3) oil produced from any oil well which produced an average of less than one-half barrel of oil per day during the calendar year immediately preceding a given taxable period; and (4) for a maximum period of ten years, all natural gas or oil produced from any well which has not produced marketable quantities of natural gas or oil for five consecutive years immediately preceding the year in which a well is placed back into production and thereafter produces marketable quantities of natural gas or oil.

(b) *Rate and measure of tax.* – The tax imposed in subsection (a) of this section shall be five percent of the gross value of the natural gas or oil produced, as shown by the gross proceeds derived from the sale thereof by the producer, except as otherwise provided in this article.

(c) *Tax in addition to other taxes.* – The tax imposed by this section shall apply to all persons severing gas or oil in this state, and shall be in addition to all other taxes imposed by law.

(d) (1) The Legislature finds that in addition to the production reports and financial records which must be filed by oil and gas producers with the State Tax Commissioner in order to comply with this section, oil and gas producers are required to file other production reports with other agencies, including, but not limited to, the office of oil and gas, the Public Service Commission and county assessors. The reports required to be filed are largely duplicative, the compiling of the information in different formats is unnecessarily time consuming and costly, and the filing of one report or the sharing of information by agencies of government would reduce the cost of compliance for oil and gas producers.

(2) On or before the first day of July, two thousand three, the Tax Commissioner shall design a common form that may be used for

each of the reports regarding production that are required to be filed by oil and gas producers, which form shall readily permit a filing without financial information when such information is unnecessary. The commissioner shall also design such forms so as to permit filings in different formats, including, but not limited to, electronic formats.

(3) Effective the first day of July, two thousand six, this subsection shall have no force or effect.

(e) *First Purchaser Taxation.* – On or before November 1, 2015, the Tax Commissioner shall report to the Legislature’s Joint Committee on Government and Finance its recommendations as to a method of assessment and collection of the tax imposed in this section on a first purchaser basis. The Tax Commissioner shall propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code, for the assessment and collection of the tax imposed in this section on a first purchaser basis to take effect on July 1, 2017. The report and rules shall address matters including, but not limited to, the application of the tax to natural gas liquids, differentiation of coalbed methane with respect to collection, existing tax exemptions and credits, and issues related to products so taxed moving in interstate commerce.

CHAPTER 22C. ENVIRONMENTAL RESOURCES.

ARTICLE 9. OIL AND GAS CONSERVATION.

§22C-9-1. Declaration of public policy; legislative findings.

(a) It is hereby declared to be the public policy of this state and in the public interest to:

(1) Foster, encourage and promote exploration for and development, production, utilization and conservation of oil and gas resources;

(2) Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;

(3) Encourage the maximum recovery of oil and gas; and

(4) Safeguard, protect and enforce the correlative rights of operators and royalty owners in a pool of oil or gas to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from ~~such~~ that pool, unit or unconventional reservoir of oil or gas.

(b) The Legislature hereby determines and finds that oil and natural gas found in West Virginia in shallow sands or strata have been produced continuously for more than one hundred years; that oil and gas deposits in ~~such~~ shallow sands or strata have geological and other characteristics different than those found in deeper formations; and that in order to encourage the maximum recovery of oil and gas from all productive formations in this state, it is not in the public interest, with the exception of shallow wells utilized in a secondary recovery program, to enact statutory provisions relating to the exploration for or production ~~from~~ of oil and gas from vertical shallow wells, ~~as defined in section two of this article~~; but that it is in the public interest to enact statutory provisions establishing regulatory procedures and principles to be applied to the exploration for or production of oil and gas from deep wells, as defined in ~~said~~ section two and oil and gas produced from horizontal wells.

§22C-9-2. Definitions.

(a) ~~Unless the context in which used clearly requires a different meaning, as~~ As used in this article:

(1) “Commission” means the Oil and Gas Conservation Commission and “commissioner” means the Oil and Gas Conservation Commissioner as provided for in section four of this article;

(2) “Director” means the ~~Director~~ Secretary of the ~~Division~~ Department of Environmental Protection and “chief” means the Chief of the Office of Oil and Gas;

(3) “Person” means any natural person, corporation, limited liability company, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind, and includes any government or any political subdivision or any agency thereof;

(4) “Operator” means any owner of the right to develop, operate and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for ~~such that~~ that person or for ~~such that~~ that person and others; in the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein ~~shall be considered as is the~~ “operator” to the extent of seven-eighths of the oil and gas in that portion of the pool underlying the tract owned by such the owner, and as “royalty owner” as to one-eighth interest in such the oil and gas; and in the event the oil is owned separately from the gas, the owner of the substance being produced or sought to be produced from the pool ~~shall be considered as or unit is the~~ “operator” as to such that pool or acreage included in a unit; the term operator includes owners of working interest in a lease but does not include owners whose interest is limited to working interests in a wellbore only, overriding royalties, or net profits interests;

(5) “Royalty owner” means any owner of oil and gas in place, or oil and gas rights, to the extent that ~~such the~~ such the owner is not an operator as defined in subdivision (4) of this section;

(6) “Independent producer” means a producer of crude oil or natural gas whose allowance for depletion is determined under Section 613A of the federal Internal Revenue Code in effect on ~~the first day of July, one thousand nine hundred ninety-seven~~ July 1, 1997;

(7) “Oil” means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) “Gas” means all natural gas and all other fluid hydrocarbons not defined as oil in subdivision (7) of this section;

(9) “Pool” means an underground accumulation of petroleum or gas in a single and separate ~~natural~~ reservoir (ordinarily a porous sandstone or limestone). It is characterized by a single natural-pressure system so that production of petroleum or gas from one part of the pool affects the reservoir pressure throughout its extent. A pool is bounded by geologic barriers in all directions, such as geologic structural conditions, impermeable strata, and water in the formations, so that it is effectively separated from any other pools that may be presented in the same district or on the same geologic structure;

(10) “Well” means any shaft or hole sunk, drilled, bored or dug into the earth or underground strata for the extraction of oil or gas;

(11) “Shallow well” means any well drilled ~~and completed in a formation above the top of the uppermost member of the “Onondaga Group”~~: *Provided*, That in drilling a shallow well the operator may penetrate into the “Onondaga Group” to a reasonable depth, not in excess of twenty feet, in order to allow for logging and completion operations, but in no event may the “Onondaga Group” formation be otherwise produced, perforated or stimulated in any manner; other than a coalbed methane well, drilled no deeper than one hundred feet below the top of the “Onondaga Group”: *Provided*, That in no event may the “Onondaga Group” formation or any formation below the “Onondaga Group” be produced, perforated or stimulated in any manner;

(12) “Deep well” means any well, other than a shallow well or coalbed methane well, drilled and completed in to a formation at or below the top of the uppermost member of the “Onondaga Group”;

(13) “Drilling unit” or “unit” means the acreage on which one well or more wells may be drilled;

(14) “Waste” means and includes:

(A) Physical waste, as that term is generally understood in the oil and gas industry;

(B) The locating, drilling, equipping, operating or producing of any oil or gas well in a manner that causes, or tends to cause, a reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss of oil or gas; or

(C) The drilling of more horizontal wells or deep wells than are reasonably required to recover efficiently and economically the maximum amount of oil and gas from a pool, unit or an unconventional reservoir. Waste does not include gas vented or released from any mine areas as defined in section two, article one, chapter twenty-two-a of this code or from adjacent coal seams which are the subject of a current permit issued under article two of chapter twenty-two-a of this code: *Provided*, That ~~nothing in~~ this exclusion ~~is intended to~~ does not address ownership of the gas;

(15) “Correlative rights” means the reasonable opportunity of each person entitled thereto to recover and receive without waste the oil and gas in and under his or her tract or tracts, or the equivalent thereof; and

(16) “Just and equitable share of production” means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool, unit or unconventional reservoir underlying ~~such~~ the person’s tract or tracts within a unit.

(17) “Unconventional reservoir” means any geologic formation that contains or is otherwise productive of oil or natural gas that generally cannot be produced at economic flow rates or in economic volumes except by wells stimulated by multiple hydraulic fracture treatments,

a horizontal wellbore, or by using multilateral wellbores or some other technique to expose more of the formation to the wellbore;

(18) “Horizontal drilling” means a method of drilling a well for the production of oil and gas that is intended to maximize the length of wellbore that is exposed to the formation and in which the wellbore is initially vertical but is eventually curved to become horizontal, or nearly horizontal, to parallel a particular geologic formation; and

(19) “Horizontal well” means an oil and gas well, other than a coalbed methane well, where the wellbore is initially drilled using a horizontal drilling method. A horizontal well may include multiple horizontal side laterals drilled into the same formation. A horizontal well may have completions into multiple formations from the same well. Multiple horizontal wells may be drilled from the same well pad.

(b) Unless the context clearly indicates otherwise, the use of the word “and” and the word “or” ~~shall be~~ are interchangeable, as, for example, “oil and gas” ~~shall mean~~ means oil or gas or both.

(c) A person with an interest in oil and gas in a unit formed under this article who does not consent to the unit shall have no liability in connection with well site preparation, drilling, completion, maintenance, reclamation, plugging and other operations with respect to wells drilled in the unit.

§22C-9-3. Application of article; exclusions.

(a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to all lands located in this state, however owned, including any lands owned or administered by any government or any agency or subdivision thereof, over which the state has jurisdiction under its police power. The provisions of this article are in addition to and not in derogation of or substitution for the provisions of article six, chapter twenty-two of this code.

(b) This article shall not apply to or affect:

(1) Shallow wells other than shallow horizontal wells and those utilized in secondary recovery programs as set forth in section eight of this article;

(2) Any well commenced or completed prior to ~~the ninth day of March, one thousand nine hundred seventy-two~~ March 9, 1972, unless ~~such~~ the well is, after completion (whether ~~such~~ the completion is prior or subsequent to that date):

(A) Deepened or drilled laterally subsequent to that date to a formation at or below the top of the uppermost member of the "Onondaga Group"; ~~or~~

(B) Involved in secondary recovery operations for oil under an order of the commission entered pursuant to section eight of this article; or

(C) Drilled laterally as a horizontal well at any depth;

(3) Gas storage operations or any well employed to inject gas into or withdraw gas from a gas storage reservoir or any well employed for storage observation; ~~or~~

(4) Free gas rights; or

(5) Coalbed methane wells.

(c) The provisions of this article shall not be construed to grant to the commissioner or the commission authority or power to:

(1) Limit production or output, or prorate production of any oil or gas well, except as provided in subdivision (6), subsection (a), section seven of this article; or

(2) Fix prices of oil or gas.

(d) Nothing contained in either this chapter or chapter twenty-two of this code may be construed so as to require, prior to commencement of plugging operations, a lessee under a lease covering a well to give or sell the well to any person owning an interest in the well, including, but not limited to, a respective lessor, or agent of the lessor, nor shall the lessee be required to grant to a person owning an interest in the well, including, but not limited to, a respective lessor, or agent of a lessor, an opportunity to qualify under section twenty-six, article six, chapter twenty-two of this code to continue operation of the well.

§22C-9-4. Oil and gas conservation commissioner and commission; commission membership; qualifications of members; terms of members; vacancies on commission; meetings; compensation and expenses; appointment and qualifications of commissioner; general powers and duties.

(a) The “oil and gas conservation commission” ~~shall be~~ is composed of ~~five~~ seven members. The Director of the ~~Division~~ Department of Environmental Protection, ~~and~~ the chief of the office of oil and gas ~~shall be~~ and the state geologist are members of the commission ex officio. The remaining ~~three~~ four members of the commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and may not be employees of the ~~Division~~ Department of Environmental Protection. Each of the four members appointed by the Governor shall be a resident of this state. Of the three four members appointed by the Governor, one the first shall be an independent producer. and at least one shall be a public member not engaged in an activity under the jurisdiction of the Public Service Commission or the federal energy regulatory commission. The second appointee shall be an individual who has significant experience in the agricultural industry and who is engaged in the business of farming in this state. When this member is to be appointed, the Governor shall request from the primary organization representing the agriculture and forestry industries in this state a list of three nominees for the member to be appointed. The third appointee shall be an owner of minerals in this state who is not affiliated with an operator of oil or gas wells. When this

member is to be appointed, the Governor shall request from the major trade association representing mineral owners in this state a list of three nominees for the member to be appointed. The third fourth appointee shall possess a degree from an accredited college or university in petroleum engineering or geology and must be a registered professional engineer with particular knowledge and experience in the oil and gas industry and shall serve as commissioner and as chair of the commission. The term “affiliated” as used in this subsection means someone who directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with an operator of oil and gas wells by virtue of the power to direct or cause the direction of the management and policies of that operator, whether through the ownership of voting shares, by contract or otherwise.

(b) The members of the commission appointed by the Governor shall be appointed for overlapping terms of six years each, except that the original appointments shall be for terms of two, four, five and six years, respectively. Each member appointed by the Governor shall serve until the members successor has been appointed and qualified. Members may be appointed by the Governor to serve any number of terms. The members of the commission appointed by the Governor, before performing any duty hereunder, shall take and subscribe to the oath required by section 5, article IV of the Constitution of West Virginia. Vacancies in the membership appointed by the Governor shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and ~~such~~ the appointment shall be made by the Governor within sixty days of the occurrence of such vacancy. Any member appointed by the Governor may be removed by the Governor in case of incompetency, neglect of duty, gross immorality or malfeasance in office. A commission member’s appointment ~~shall be~~ is terminated as a matter of law if that member fails to attend three consecutive meetings. The Governor shall appoint a replacement within thirty days of the termination.

(c) The commission shall meet at such times and places as ~~shall be~~ are designated by the chair. The chair may call a meeting of the commission at any time, and shall call a meeting of the commission upon the written request of two members or upon the written request of the oil and gas conservation commissioner or the chief of the office of oil and gas. Notification of each meeting shall be given in writing to each member by the chair at least fourteen calendar days in advance of the meeting. ~~Three~~ Four members of the commission, at least two of whom are appointed members, ~~shall~~ constitute a quorum for the transaction of any business.

(d) The commission shall pay each member the same compensation 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 and shall reimburse each member for actual and necessary expenses incurred in the discharge of official duties.

(e) The commission is hereby empowered and it is the commission's duty to execute and carry out, administer and enforce the provisions of this article in the manner provided herein. Subject to the provisions of section three of this article, the commission has jurisdiction and authority over all persons and property necessary therefor. The commission is authorized to make such investigation of records and facilities as the commission ~~deems~~ considers proper. In the event of a conflict between the duty to prevent waste and the duty to protect correlative rights, the commission's duty to prevent waste ~~shall be~~ is paramount.

(f) Without limiting the commission's general authority, the commission ~~shall have~~ has specific authority to:

- (1) Regulate the spacing of deep wells;
- (2) Issue horizontal well unit orders;

(2) (3) Make and enforce reasonable rules and orders reasonably necessary to prevent waste, protect correlative rights, govern the practice and procedure before the commission and otherwise administer the provisions of this article;

(3) (4) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of any books, records, maps, charts, diagrams and other pertinent documents, and administer oaths and affirmations to ~~such~~ the witnesses, whenever, in the judgment of the commission, it is necessary to do so for the effective discharge of the commission's duties under the provisions of this article; and

(4) (5) Serve as technical advisor regarding oil and gas to the Legislature, its members and committees, to the chief of office of oil and gas, to the ~~Division~~ Department of Environmental Protection and to any other agency of state government having responsibility related to the oil and gas industry.

(g) The commission may delegate to the commission staff the authority to approve or deny an application for new well permits, to establish drilling units or special field rules if:

(1) The application conforms to the rules of the commission; and

(2) No request for hearing has been received.

(h) The commission may not delegate its authority to:

(1) Propose legislative rules;

(2) Approve or deny an application for new well permits, to establish drilling units or special field rules if the conditions set forth in subsection (g) of this section are not met; or

(3) Approve or deny an application for the pooling of interests within a drilling unit.

(i) Any exception to the field rules or the spacing of wells which does not conform to the rules of the commission, and any application for the pooling of interests within a drilling unit, must be presented to and heard before the commission.

§22C-9-5. Rules; notice requirements.

(a) The commission may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement and make effective the provisions of this article and the powers and authority conferred and the duties imposed upon the commission under the provisions of this article.

(b) Notwithstanding the provisions of section two, article seven, chapter twenty-nine-a of this code, any notice required under the provisions of this article shall be given at the direction of the commission by personal or substituted service or by certified United States mail, addressed, postage prepaid, to the last-known mailing address, if any, of the person being served, with the direction that the same be delivered to addressee only, return receipt requested. In the case of providing notice upon the filing of an application with the commission, the commission shall cause notice within fourteen days of the filing of an application, submit for publication notice of the application to be 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~~ the publication shall be the county or counties wherein any land which may be affected by ~~such~~ the order is situate.

In addition, the commission shall mail a copy of ~~such~~ the notice to all other persons who have specified to the commission an address to which all such notices may be mailed. The notice shall issue in the name of the state, shall be signed by one of the commission members, shall specify the style and number of the proceeding, the time and place of any hearing and shall briefly state the purpose of the proceeding. Each notice of a hearing must be provided no fewer than twenty days preceding the hearing date. Personal or substituted service and proof thereof may be made by an officer authorized to

serve process or by an agent of the commission in the same manner as is now provided by the *West Virginia Rules of Civil Procedure for Trial Courts of Record* for service of process in civil actions in the various courts of this state.

A certified copy of any pooling or unit order entered under the provisions of this article shall be presented by the commission to the clerk of the county commission of each county wherein all or any portion of the pooled or unit tract is located, for recordation in the record book of ~~such~~ the county in which oil and gas leases are normally recorded. The recording of the order from the time noted thereon by ~~such~~ the clerk shall be notice of the order to all persons.

§22C-9-7a. Unitization of interests in horizontal well drilling units.

(a) Declaration of public policy; legislative findings regarding unitization for all horizontal wells. –

The Legislature finds that horizontal drilling is a technique that effectively and efficiently recovers natural resources and should be encouraged as a means of production of oil and gas and it is hereby declared to be the public policy of this state and in the public interest to:

(1) Foster, encourage and promote exploration for and development, production, utilization and conservation of oil and gas resources by horizontal drilling in deep and shallow formations;

(2) Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;

(3) Encourage the maximum recovery of oil and gas; and

(4) Safeguard, protect and enforce the correlative rights of operators and royalty owners of oil and gas in a horizontal well unit to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from that pool, horizontal well unit or unconventional reservoir of oil or gas.

(b) *Definitions.* – Unless the context in which used clearly requires a different meaning, as used in this section:

(1) “Bonded operator” means a person that has posted a bond under article six or six-a, chapter twenty-two of this code; is registered as an oil and gas well operator with the West Virginia Department of Environmental Protection, Office of Oil and Gas; and operates eight or more oil and gas wells, as defined in articles six and six-a of chapter twenty-two of this code, in West Virginia that are active, producing oil and gas wells;

(2) “Executive interest” and “executory interest” means the interest entitling the owner to lease the oil and gas estate or amend an existing oil and gas lease. For purposes of this section, the owner of the executive interest is considered to be the royalty owner and interested party for purposes of notice and participation in proceedings here in this article, and all horizontal well unit orders are binding on the owners of executive interests and nonexecutive interests in a horizontal well unit. The owners of the executive interest and the associated nonexecutive interest owners are considered to be the same interest for purposes of computing percentages pursuant to paragraph (A), subdivision (2), subsection (c) of this section;

(3) “Horizontal well unit” means an area in which horizontal drilling may occur, and that is designated for the allocation of production from one or more horizontal wells drilled in the unit to all oil and gas tracts, or portions of the tracts, included in the unit for production of oil and gas and payment of royalty and proceeds of production regardless of the tract or tracts in which the horizontal well is drilled or completed, and the corresponding authorization to drill and produce oil and gas from that area as a unit, notwithstanding the lack of adequate consensual rights allowing pooling or unitization of oil and gas or allowing drilling horizontally across tract lines. When a horizontal well unit is formed, that portion of the production allocated to each tract or portion of the unit included in the horizontal well unit shall, when produced, be

considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract;

(4) “Lateral” means the portion of a well bore that deviates from approximate vertical orientation to approximate horizontal orientation and all wellbore beyond the initial deviation to total depth or terminus of the wellbore;

(5) “Overriding royalty” means an interest carved out of the leasehold or out of the working interest and is not included within the meaning of royalty;

(6) “Royalty owner” means any owner of oil and gas in place or interest derived from the oil and gas in place. Royalty is not carved out of a leasehold interest. For example, if a fee owner of oil and gas leases property for oil and gas production and conveys to another the right to receive one half of the oil and gas when produced, both parties are royalty owners;

(7) “Target formation” means the primary geologic formation from which oil or gas is intended to be produced from a horizontal drilling operation and, where completions can reasonably be expected to produce from formations above or below the target formation, includes the formations from which production can reasonably be expected;

(8) “Unitization” means the combination of two or more tracts of oil and gas, or portions thereof, or leases, for drilling of horizontal wells and production of oil and gas from the unit with allocation of production to the net acreage of each tract included in the unit to operate as a consolidated horizontal well unit;

(9) “Unitization consideration” means consideration provided as set forth in subsection (f) of this section. Unitization consideration relates to the net acreage of the nonconsenting royalty owner

included in a horizontal well unit and is as determined to be just and reasonable by the commission; and

(10) “Unknown and unlocatable interest owner” means a royalty owner, executive interest owner, operator or other person vested with an interest in oil and gas in the target formation to be included in a horizontal well unit, whose present identity or location cannot be determined from:

(A) A reasonable review of the records of the clerk of the county commission for the county or counties where the oil and gas is located;

(B) Diligent inquiry to known interest owners in the same tract;

(C) Inquiry to the sheriff’s and assessor’s offices of the county or counties in which the oil and gas interest is located;

(D) A reasonable inquiry utilizing available Internet resources that could reasonably lead to the identification of the person; and

(E) A mailing to the last known address, if available, of the person as reflected in the records of the sheriff’s or assessor’s office, and includes the unknown heirs, representatives, successors and assigns of the person.

(c) *Applicability.* –

(1) For all horizontal wells, including shallow and deep horizontal wells, the commission may unitize tracts, or portions of tracts, in a horizontal well unit established under this section upon the filing of an application with the commission by a person that controls the horizontal well unit and upon the issuance of a horizontal well unit order pursuant to this section.

(2) Before filing an application under this section, an applicant must have:

(A) With respect to the royalty interest, obtained by ownership, lease, lease amendment, assignment, farmout, contract or other agreement the right, consent or agreement to pool or unitize the acreage to be included in the horizontal well unit from executory interest royalty owners of eighty percent or more of the net acreage proposed to be included in the horizontal well unit, as provided and determined in subdivision (3) of this subsection; and

(B) With respect to the operator interest, obtained by ownership, lease, lease amendment, assignment, farmout, contract, or other agreement, the right, consent or agreement to pool or unitize as to eighty percent or more of the net acreage proposed to be included in the horizontal well unit owned, leased, or operated by bonded operators and the applicant, collectively, by ownership, lease, farmout, assignment, contract or other agreement; and

(C) (i) Made good faith offers to consent or agree to unitization to, and has negotiated in good faith with, all known and locatable royalty owners having executory interests in the oil and gas in the target formation within the acreage to be included in the proposed horizontal well unit who have not previously consented or agreed to the pooling or unitization of the interests, and (ii) made good faith offers to participate or consent or agree to the proposed horizontal well unit to, and has negotiated in good faith with, all known and locatable operators who have not previously agreed to participate or consent or agree to pooling and unitization of the acreage to be included in a proposed horizontal well unit.

A person who satisfies the conditions of paragraphs (A) through (C) of this subdivision is referred to in this section as a person that controls the horizontal well unit.

(3) For purposes of determining whether a person has obtained the requisite control of the proposed horizontal well unit, the commission may not include overriding royalty owners, nonexecutive interest royalty owners or acreage owned or otherwise

held by unleased unknown and unlocatable interest owners or acreage owned or otherwise held by operators who are not bonded operators. Furthermore, for purposes of determining whether a person has the requisite control of the proposed horizontal well unit, the identity and rights of royalty owners and bonded operators shall be determined as of the date on which the application for a horizontal well unit is filed.

(4) If the applicant has not met all the provisions of this subsection, the application shall be dismissed without prejudice.

(5) If the applicant meets all of the provisions of this subsection, the commission shall authorize unitization of tracts, or portions of the tracts, as to all interests in oil and gas in the target formation acreage proposed to be unitized for horizontal drilling, including interests of unknown and unlocatable interest owners, for production of oil and gas from the target formation as a horizontal well unit, and shall issue a horizontal well unit order in accordance with this section.

(d) *Application requirements.* –

(1) An applicant who is a person that controls the horizontal well unit proposed for a horizontal well unit order and has drilled or plans to drill one or more horizontal wells in the proposed horizontal well unit may file an application with the commission for a horizontal well unit order. The application shall contain:

(A) A description of the proposed horizontal well unit and identification of the target formation or formations;

(B) A statement of the nature of the operations contemplated;

(C) A plat that depicts the boundaries and acreage of the proposed horizontal well unit, the tracts in the horizontal well unit, the surface tax map and parcel numbers of the tracts to be included in the horizontal well unit in accordance with county assessor's records, and the district(s) and county or counties where the proposed

horizontal well unit is located. The plat shall show the surface location of the vertical borehole of the horizontal well(s) to be included in the proposed horizontal well unit determined by survey, the courses and distances of the surface location from two permanent points or landmarks on those tracts, the deviation from vertical, and also the proposed horizontal lateral portion of each proposed horizontal well to be included in the proposed horizontal well unit. The plat shall show the proposed horizontal well unit name, the proposed horizontal well names, and if known, the well number of each horizontal well to be drilled in the horizontal well unit. The plat shall also show the location of each permitted, active oil and gas well located in the horizontal well unit, and the name of the operator of the well as shown by the records of the Department of Environmental Protection, Office of Oil and Gas: *Provided*, That the applicants are not required to depict or identify any abandoned or plugged well;

(D) A listing of all oil and gas tracts, or portions thereof, within the proposed horizontal well unit, the size of each tract, and the extent to which each tract is leased;

(E) The names and last known addresses of royalty owners of the target formation of each tract within the proposed horizontal well unit, specifying:

(i) Which, if any, of them are unknown and unlocatable;

(ii) Which of them hold executive rights; and

(iii) With respect to owners of an executory interest, whether they have consented to pooling or unitization of the acreage proposed to be included in the horizontal well unit;

(F) The names and last known addresses of operators of proposed horizontal well unit target formation acreage whose interest is of record in the county where the property is located, specifying:

(i) Which, if any, of them are unknown and unlocatable; and

(ii) Which, if any of them, are bonded operators, and if a bonded operator, whether he or she has consented to pooling or unitization as to the acreage proposed to be included in the horizontal well unit;

(G) Information regarding the applicant's actions to identify and locate unknown and unlocatable interest owners of target formation acreage to be included in the horizontal well unit;

(H) The percentage of the net acreage in the proposed horizontal well unit owned by executory interest target formation royalty owners who have consented to pooling or unitization;

(I) The percentage of the net acreage in the proposed horizontal well unit held by bonded operators and the applicant, collectively, as to which consent or agreement to pooling or unitization has been granted;

(J) A percentage allocation to the separately owned tracts, or portions thereof, in the proposed horizontal well unit of the oil and gas that will be produced from the horizontal well unit as determined by the proportion that each tract's net acreage within the horizontal well unit bears to the total net acreage in the horizontal well unit;

(K) A certification that the applicant meets the requirements of subsection (c) of this section with respect to the proposed horizontal well unit, a list of the instruments granting the control and a certification that the applicant has mailed a copy of the application to all known and locatable interested parties by United States certified mail, return receipt requested, to their last known address and to the most current address filed with the West Virginia Department of Environmental Protection, Office of Oil and Gas, if any; and

(L) A statement whether the applicant has submitted, either previously or contemporaneously with the application filed pursuant

to this section, an application for a well work permit with the Department of Environmental Protection for one or more horizontal wells to be completed within the boundaries of the proposed horizontal well unit.

(2) Upon the filing of an application for a horizontal well unit order, the commission shall provide notice of a hearing to all interested parties, as defined in this section, in accordance with section five of this article and subsection (g) of this section.

(e) *Standard of review.* –

(1) The commission shall evaluate the application and shall consider:

(A) The ownership and control of the tracts, or portions of the tracts, in the proposed horizontal well unit;

(B) Whether the tracts, or portions of the tracts, proposed to be made subject to a horizontal well unit order are owned, in whole or in part, by unknown and unlocatable interest owners;

(C) Information regarding the applicant's actions to locate unknown and unlocatable interest owners for the tracts, or portions of the tracts, sought to be included in the horizontal well unit;

(D) The percentage of executory interest royalty owner target formation acreage to be included in the horizontal well unit as to which consent or agreement for pooling or unitization has been granted;

(E) The percentage of proposed horizontal well unit target formation acreage held, collectively, by the applicant and bonded operators who have consented or agreed to the unit in accordance with subsection (c) of this section;

(F) Whether the applicant is a person that controls the horizontal well unit proposed for unitization;

(G) The area to be drained by well(s) completed or to be completed in the horizontal well unit;

(H) Correlative rights;

(I) The extent to which the application will prevent waste;

(J) Whether the applicant has complied with subsection (c) of this section; and

(K) Whether notice has been provided in accordance with this section.

(2) The commission may not issue a horizontal well unit order pursuant to this section unless it finds that the applicant has before the filing of the application met the requirements of subsection (c) of this section.

(3) The commission may not change the operator of an existing well drilled in the proposed horizontal well unit, or a well actually being drilled within the proposed horizontal well unit as of the date the application is filed under this section, and shall consider and protect the interests of owners of the well when issuing a horizontal well unit order.

(f) *Horizontal Well Unit Orders.* –

(1) A horizontal well unit order under this section shall specify:

(A) The size and boundaries of the horizontal well unit giving due regard for maximization of the amount of oil and gas produced to prevent waste and protect correlative rights: *Provided*, That a horizontal well unit's size may not exceed six hundred forty acres: *Provided, however*, That the commission may exceed the acreage limitation by ten percent if the applicant demonstrates that the proposed horizontal well unit area would be drained efficiently and economically by a larger horizontal well unit;

(B) The horizontal wells which may be drilled in the horizontal well unit, and whether the horizontal wells to be drilled are shallow or deep;

(C) If there are vertical wells completed in the target formation in the horizontal well unit, the area where a horizontal well may not be completed;

(D) The target formation or target formations to which the horizontal well unit applies; and

(E) Any unitization consideration due.

(2) An order authorizing unitization of tracts with unknown and unlocatable interest owners shall contain a finding that identifies the persons as unknown and unlocatable.

(3) An order shall specify that the allocation of the percentage of production of the horizontal wells drilled in the horizontal well unit to the separately owned tracts, or portions of the tracts, included within the horizontal well unit shall be in the proportion that each tract's net acreage within the horizontal well unit bears to the total net acreage within the horizontal well unit.

(4) A horizontal well unit order shall authorize and perfect unitization of all interests in the target formation as to the tracts, or portions of the tracts, included in the horizontal well unit.

(5) If the applicant is a person that controls the horizontal well unit proposed for a horizontal well unit order under this section, the commission shall form a horizontal well unit pursuant to this section and authorize the drilling and operation of one or more horizontal wells in the unit for the production of oil or gas from the target formation from any tract within the horizontal well unit.

(6) With respect to royalty owners of leased tracts who have not consented to pooling or unitization, the commission may require that

unitization consideration be provided to executive interest royalty owners equivalent to just and reasonable consideration for the modification of rights under a lease. Further, if an award of unitization consideration differs from the rights under a lease or other contract, the applicant, all royalty owners, and owners of leasehold, working interest, overriding royalty interest and other interests in the oil and gas are bound by the order: *Provided*, That the terms of any unitization consideration shall be no less favorable than the economic terms contained in the applicable lease on the date the application for the unit order was filed with the commission. Unitization consideration shall be provided by the participating operators, including the applicant, to the extent of their interest in the horizontal well unit.

(7) With respect to interests in oil and gas as to which there is no lease in existence, the owner thereof is considered a royalty owner to the extent of one-eighth and operator to the extent of seven-eighths by virtue of subdivision (4), subsection (a), section two of this article and:

(A) Any such owner may elect to surrender the oil and gas underlying the tract to the participating operators, including the applicant, to the extent of their interest in the horizontal well unit for consideration, which if not agreed upon, shall be just and reasonable as determined by the commission; or

(B) Executive interest owners may make an election for unitization consideration, and if the executive interest owner elects unitization consideration, the interests of the executive interest owner and the associated nonexecutive interest owners shall be considered leased to the participating operators, including the applicant, to the extent of their interest in the horizontal well unit on terms which, if not agreed upon, shall be just and reasonable as determined by the commission: *Provided*, That, with respect to the deemed one-eighth royalty interest only, any royalty terms determined by the commission shall stipulate that the royalties may not be reduced by production or post-production expenses, and shall stipulate that royalties shall be

calculated and paid on all natural gas, natural gas liquids, and other substances emitted from the borehole and marketed off the premises: *Provided, however,* That the commission may consider the net amount payable under leases where post-production expenses are permitted when determining the production royalty rate. Thereafter, the applicant and all royalty owners and owners of leasehold, working interest, overriding royalty interest and other interests in the associated unleased oil and gas shall be bound by the order. Further, following an election by the executive interest owners to receive unitization consideration under this paragraph (B), the participating operators including the applicant, to the extent of their interest in the horizontal well unit, will be the operator of the oil and gas as to the deemed seven-eighths interest and the owner of the unleased oil and gas will be the executive interest royalty owner as to the deemed one-eighth interest. Nothing contained in this paragraph (B) applies to any lease in this state now in existence or entered into in the future, or to any award of unitization consideration made by the commission other than unitization consideration awarded to an executive interest owner of an unleased tract who elects to be considered leased pursuant to this paragraph (B).

(C) Owners of oil and gas interests as to which there is no lease in existence who do not elect (A) or (B) of this subdivision shall be considered to be a royalty owner with respect to one-eighth and an operator with respect to seven- eighths of their ownership interest, and may not receive unitization consideration. With respect to the seven-eighths, the owner may elect Option 1, Option 2 or Option 3 hereinafter provided.

(8) No unitization consideration may be required to be paid to any royalty owner who has consented or agreed to pooling or unitization by virtue of the terms contained in an oil and gas lease, pooling or unitization agreement, or other agreement which permits pooling or unitization.

(9) An operator may elect to consent to and participate in a horizontal well unit after an application is filed. Subject to subdivision (7) of this subsection, when the commission issues a

horizontal well unit order pursuant to this section, the commission shall allow each nonconsenting operator, who does not elect to participate in the risk and cost of drilling in the horizontal well unit to choose from the following options:

(A) Option 1. To surrender the interest or a portion thereof to the participating owners on a reasonable basis and for a just and reasonable consideration, which, if not agreed upon, shall be determined by the commission;

(B) Option 2. To participate in the drilling in the horizontal well unit on a limited or carried basis on terms and conditions which, if not agreed upon, shall be determined by the commission to be just and reasonable; or

(C) Option 3. To enter into a farm out agreement, sublease, or other contract to permit drilling, operation and unitization with respect to the interest for the consideration and on terms and conditions which, if not agreed upon, shall be determined by the commission to be just and reasonable.

(10) If a nonconsenting operator elects Option 2, and an owner of any operating interest in any portion of the horizontal well unit drills and operates, or pays the costs of drilling, completing, equipping and operating a horizontal well for the benefit of the nonparticipating owner as provided in the horizontal well unit order, then the operating owner is entitled to the share of production from the tracts or portions thereof subject to the horizontal well unit order accruing to the interest of the nonparticipating owner, exclusive of any unitization consideration, and royalty and overriding royalty reserved in any leases, assignments thereof or agreements relating thereto, of the tracts or portions of the tracts, until the market value of the nonparticipating owner's share of the production, exclusive of the unitization consideration, royalty and overriding royalty equals double the share of the costs payable by or charged to the interest of the nonparticipating owner. If an operator is an unknown and

unlocatable interest owner, the operator shall be deemed to have elected Option 1.

(11) If a dispute arises as to the costs of drilling, completing, equipping and operating a horizontal well in a horizontal well unit formed pursuant to this section, the commission shall determine and apportion the costs, within ninety days from the date of written notification to the commission of the existence of the dispute.

(12) If the horizontal well unit approved by the commission is not fully developed as approved in the order, the applicant shall file a request to modify the horizontal well unit with the commission within sixty days from the later of: Completion of all drilling activities within the horizontal well unit; or the date that is five years after the most recent drilling activity in the horizontal well unit occurs.

(13) Any interested party may file an application to correct a clerical error in a horizontal well unit order at any time.

(14) The applicant may file a request to modify a horizontal well unit order at any time.

(15) If an operator has not drilled a well in a horizontal well unit formed by the commission within five years after the latter of either the drilling and completion of the initial horizontal well in the horizontal well unit or the drilling and completion of the most recent horizontal well within the horizontal well unit, as the case may be, an interested party may file a request to modify the horizontal well unit, and the commission may modify the horizontal well unit. Upon the modification of the horizontal well unit, the commission shall recalculate the allocation of production from the tracts in the modified horizontal well unit from and after the modification order date and the modification order shall be binding on the property subject to the horizontal well unit order, and all owners thereof, their heirs, representatives, successors and assigns for so long as the horizontal well unit order remains in effect. If the commission

determines that any party has been overcompensated, the commission may authorize the applicant to withhold distributions to the overcompensated party and redistribute withheld moneys to the appropriate parties. The operator may set off against any amount overpaid.

(16) All operations, including, but not limited to, the commencement, drilling, or operation of a horizontal well upon any portion of a horizontal well unit for which a unit order has been entered pursuant to this section, shall be considered for all purposes the conduct of the operations upon each separate tract or portion of the tract in the horizontal well unit. That portion of the production allocated to each tract or portion of the tract included in a horizontal well unit shall, when produced, be considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract.

(17) Subject to the provisions of subsection (o) of this section, where the commission finds that the interest of one or more unknown and unlocatable interest owners are included in the horizontal well unit, the horizontal well unit operator shall deposit the moneys payable to unknown and unlocatable interest owners into an escrow account bearing a market rate of interest to be held, administered and disbursed in accordance with an order of the commission and this section.

(18) A horizontal well unit order under this section shall expire if a horizontal well has not been drilled in the horizontal well unit within three years of the date the order is final and nonappealable, unless the commission extends the order for good cause, and if a well has been drilled within three years the horizontal well unit shall continue in force and effect until the last producing horizontal well in the horizontal well unit is no longer capable of producing oil and gas.

(19) For purposes of this section, the commission shall determine what is “just and reasonable” based on relevant evidence adduced at

a hearing including but not limited to amounts paid or consideration given in arm's length transactions in the vicinity of the horizontal well unit and within a reasonable time prior to the hearing for transactions of the same nature and involving similar geologic conditions as that transaction being considered by the commission.

(20) So long as the order remains in effect, a horizontal well unit order shall be binding on the property subject to the horizontal well order and all owners of the property and their heirs, representatives, successors and assigns.

(21) Any royalties payable under this section shall be calculated and paid on all natural gas, natural gas liquids, and all other substances emitted from the borehole and marketed off the premises.

(g) Notice, timelines, hearings and orders. –

(1) (A) For purposes of this section and the West Virginia Administrative Procedures Act, “interested parties” and “parties” means owners of the executive interest in the oil and gas in the target formation within the horizontal well unit, including the unknown and unlocatable interest owner of the executive interest in the tracts, or portions of the tracts, to be included in the horizontal well unit subject to an application for a horizontal well unit order; owners of unleased oil and gas to be included in the horizontal well unit; operators of all target formation acreage in the horizontal well unit; and operators of all oil and gas wells located in the unit that have been drilled to or through the target formation.

(B) Bonded operators of wells drilled to or through the target formation that are not within the horizontal well unit but are located within five hundred feet of a proposed horizontal well unit boundary may submit written comments regarding the horizontal well unit application at any time before the start of any hearing regarding the application, but are not interested parties and may not participate in the hearing nor have the right to appeal the commission's decision regarding the application.

(2) Each notice issued in accordance with this section shall describe the area for which a horizontal well unit order is proposed in recognizable, narrative terms and contain such other information as is essential to the giving of proper notice, including the time and date and place of a hearing. As soon as practicable the commission shall establish a website. Within three business days of the filing of an application under this section, the commission shall publish on its website a copy of: (i) The horizontal well unit application notice required to be published pursuant to this section and section five of this article; and (ii) the proposed horizontal well unit plat filed with the application, both identified as a horizontal well unit application and indexed by county and district where the majority of the acreage to be included in the proposed horizontal well unit is located, so that the plat and notice of the application are readily accessible. Timely publication on the website for a period of ten business days shall be notice to all operators.

(3) Upon request of any interested party or the commission, the commission shall conduct a hearing and receive evidence regarding the application. All interested parties may participate in any hearing. If a hearing has been held regarding an application, the order shall be a final order. If no hearing has been requested by the commission or an interested party within fifteen days after notice of the application is posted on the commission website in accordance with subdivision (2) of this subsection, the commission may issue a proposed order and provide a copy of the proposed order, together with notice of the right to appeal to the commission and request a hearing, to all interested parties. Any interested party aggrieved by the proposed order may appeal the proposed order to the commission and request a hearing. Notice of appeal and request for hearing shall be made within fifteen days of entry of the proposed order. If no appeal and request for hearing has been received within fifteen days, the proposed order shall become final. If a hearing is requested, the hearing shall commence within forty-five days of issuance of the initial notice. The commission may, upon written request, extend the date for the hearing: *Provided*, That the hearing must be convened within forty-five days of the initial notice issued

by the commission. The commission shall, within twenty days of the hearing, enter an order authorizing the unit, dismiss the application or for good cause continue the process.

(4) At least ten days prior to a hearing to consider an application for a horizontal well unit order, the applicant shall file with the commission a summary of:

(A) The prevailing economic terms of the leases within the proposed horizontal well unit and within any immediately adjacent unit where the applicant is the operator, including the bonus payment per net acre, production royalty rate, whether the production royalty is subject to reduction for post-production expenses and any other common conditions or terms of the leases; and

(B) The prevailing consideration paid to the executive interest royalty owners for the modification of leases within the proposed unit or within any immediately adjacent unit where the applicant is the operator to allow the lessee to pool or unitize the leased tract with other tracts for purposes of drilling horizontal wells.

The applicant may mark the summary of the prevailing economic terms of leases and consideration paid for lease modifications filed with the commission, and any associated documents or information, as "CONFIDENTIAL" to the extent that the documents contain confidential, commercial information. Any information marked "CONFIDENTIAL" may only be used by the commission for the purpose of the underlying hearing and may only be reviewed at the offices of the commission for purposes of preparing for the underlying hearing by interested parties who are either executive interest royalty owners of unleased tracts or executive interest royalty owners of leased tracts within the proposed unit who have not consented or agreed to pooling or unitization, and for no other purpose. Prior to an executive interest royalty owner of an unleased tract or an executive interest royalty owner of a leased tract within the proposed unit who has not consented to pooling or unitization

disclosing any document or other material marked as “CONFIDENTIAL”, or any information contained therein, to an attorney, expert witness, consultant or other person assisting the owner with a hearing under this section, the party making the disclosure must first inform the person that he or she is bound by the duty of confidentiality established under this subdivision and the person to whom disclosure is to be made shall sign an acknowledgment that the information is and shall remain at all times confidential, and that the person agrees to abide by the duty of confidentiality established by this subdivision and to refrain from using the information for any purpose other than the applicable hearing. All information marked “CONFIDENTIAL” pursuant to this subdivision shall retain that character in any court of competent jurisdiction on appeal, and the applicant may file a motion with the court seeking to have the documents sealed and withheld from the public record throughout the appeal from a final order of the commission pertaining to a horizontal well unit order. Furthermore, any information marked “CONFIDENTIAL” pursuant to this subdivision is exempt from disclosure under article one, chapter twenty-nine-b of this code.

(5) An order establishing a horizontal well drilling unit or dismissing an application shall be a final order. Any interested party aggrieved by the order may seek judicial review pursuant to section eleven of this article. Notice of appeal shall be made in accordance with section eleven of this article within fifteen days of entry of the order. If no appeal has been received within fifteen days, the order shall become final.

(h) *Unit order does not grant surface rights.* – A horizontal well unit order under this section does not grant or otherwise affect surface use rights: *Provided*, That without limiting the foregoing, in no event shall drilling be initiated upon, or other surface disturbance occur upon, the surface of or above a tract of minerals that was forced into the unit pursuant to this section without the owner’s consent.

(i) *Commission approval required for certain additional drilling.* – After the filing of an application for a horizontal well unit order, no well may be drilled or completed to or through the target formation of the proposed horizontal well unit unless authorized by the commission.

(j) *Contemporaneous permit applications authorized.* – Notwithstanding anything to the contrary in article six-a, chapter twenty-two of this code, upon the filing of an application for a horizontal well unit order pursuant to this section, an applicant may file an application for a well work permit under article six-a, chapter twenty-two of this code for any proposed development within the horizontal well unit for which the unit order is sought.

(k) *A party may appear in person.* – At any hearing an interested party may represent themselves or be represented by an attorney-at-law.

(l) No provision of this section alters the common law of this state regarding the deduction of post-production expenses for the purpose of calculating royalty.

(m) *Conflict resolution.* – After the effective date of this section, all applications requesting unitization for horizontal wells shall be filed pursuant to this section. Deep well horizontal unit applications filed before the effective date of this section shall continue to proceed under and be governed by the provisions of section seven of this article. With respect to horizontal well unit applications filed after the effective date of this section, if this section conflicts with section seven of this article, the provisions of this section shall prevail. When considering an application pursuant to this section, rules regarding deep wells promulgated before the effective date of this section shall not apply. The commission may modify any special field rules, spacing orders, and deep well units in connection with horizontal well unit orders under this section to protect correlative rights, prevent waste, or ensure that operators and royalty owners receive their just and equitable share of production.

(n) *Unknown and unlocatable interest owners.* – Notwithstanding the existence of unknown and unlocatable interest owners, a horizontal well unit order may be entered and development, drilling and production may occur in the horizontal well unit. Unknown and unlocatable interest owners of oil and gas in place not subject to lease shall be considered to have leased to the participating operators on terms determined by the commission. Unknown and unlocatable interest owners of working interest in property subject to lease before an application is filed shall be considered to have elected Option 1 of this section.

(o) *Opportunity of surface owners to acquire interests of unknown and unlocatable interest owners in oil and gas underlying horizontal well unit.* –

(1) When the interests of unknown and unlocatable interest owners' property is included in a horizontal well unit, if the applicant has not filed a proceeding pursuant to article twelve-a, chapter fifty-five of this code (entitled Lease and Conveyance of Mineral Interests Owned by Missing or Unknown Owners or Abandoning Owners) with respect to the interest of an unknown and unlocatable interest owner in the horizontal well unit, and taxes on the unknown and unlocatable interest owners' property are not delinquent, then, after a horizontal well unit order is entered by the commission, the applicant shall inform the parties paying taxes on the surface overlying that portion of the oil and gas included in the horizontal well unit (the "TSO") that the surface owner(s) may acquire the underlying interest of the unknown and unlocatable interest owners in the horizontal well unit in a proceeding pursuant to this subsection. Upon written request to the applicant by any TSO, the applicant shall, to the extent practicable under the circumstances, furnish the requesting TSO the following information: *Provided*, That applicant is not required to provide confidential, trade secret, attorney client communications or attorney work product:

(A) An identification of the last known owner, and information in the possession of the applicant regarding the last known identity and address of, the interest believed to be held by unknown and unlocatable interest owners,

(B) The efforts to locate unknown and unlocatable interest owners,

(C) Such other information known to the applicant which might be helpful in identifying or locating the present owners thereof, and

(D) A copy of the most recent recorded instrument embracing the interest of the unknown and unlocatable interest owners as necessary to show the vesting of title to the minerals in the last record owner of the title to the minerals.

(2) When an unknown and unlocatable interest in oil and gas is included in a horizontal well unit, the owners of the surface overlying the interest may file a verified petition with respect to all the interests of unknown and unlocatable interest owners included in a horizontal well unit and underlying the surface owner's property. The circuit court in which the majority of the property subject to the petition authorized by this subsection is located has jurisdiction of the proceeding. The petition shall refer to this subsection and identify the oil and gas property subject to the petition. The prayer in any such petition shall be for the court to order, in the case of any defendant or heir, successor or assign of any defendant who does not appear to claim ownership of the defendant's interest for five years after the date the petition is filed, a conveyance of the defendants' oil and gas mineral interest under this subsection, subject to the horizontal well unit order and lease terms approved by the commission, to the petitioners.

(3) In any proceeding authorized in this subsection the circuit court in which the petition is filed shall consider the property subject to the petition leased to the participating operators in the horizontal well unit on the terms determined by the commission.

(4) The person filing a petition under this subsection shall join as defendants to the action all unknown and unlocatable interest owners having record title to the particular oil and gas minerals subject to the petition, and the unknown heirs, successors and assigns of all such owners not known to be alive. All persons not in being who might have some contingent or future interest therein, and all persons whether in being or not in being, having any interest, present, future or contingent, in the mineral interests subject to the petition, shall be fully bound by the proceedings under this subsection.

(5) Any owner of the overlying surface tract may join as a petitioner in the proceeding. Any person purporting to be the unknown and unlocatable interest owner, or any heir, successor or assign of an unknown and unlocatable interest owner, may appear as a matter of right at any time prior to the entry of judgment confirming the deed authorized by this subsection, for the purpose of establishing his or her title to a mineral interest subject to the petition. If the appearing unknown and unlocatable interest owner's claim is established to the satisfaction of the court, the court shall dismiss the action as to the appearing owner's interest without cost, fees or damages: *Provided*, That if the appearance of the formerly unknown and unlocatable interest owner was as a result of the filing of the petition by the surface owner pursuant to this subsection, then the court may order the petitioner's reasonable attorneys fees and costs to be paid to the petitioner out of the amounts payable to the formerly unknown and unlocatable interest owner.

(6) If a petition is filed pursuant to this subsection, the amounts payable to unknown and unlocatable interest owners subject to the petition shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code three years after the petition is filed, unless and until an unknown and unlocatable interest owner appears in the proceeding. The court may appoint a special commissioner at any time to deliver a deed to the petitioners in the form provided herein five years after the petition is filed. The special commissioner shall

be an attorney duly admitted to practice before the West Virginia Supreme Court of Appeals and in good standing, but may not be required to give bond. If the petitioners do not agree as to the interest each is to acquire by the deed contemplated herein, or the division of any moneys associated therewith, the court shall equitably determine the interests of the petitioners.

(7) In any action under this subsection, if personal service of process is possible, it shall be made as provided by the West Virginia rules of civil procedure. In addition, immediately upon the filing of the petition, the petitioner shall: (1) Publish a Class III legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and in the county wherein the larger part of the oil and gas mineral estate described in the petition lies; and (2) no later than the first day of publication, file a lis pendens notice in the county clerk's office of the county where the petition is filed and the county wherein the larger part of the oil and gas mineral estate described in the petition lies. Both the advertisement and the lis pendens notice shall set forth: (1) The names of the petitioner and the defendants, as they are known to be by the exercise of reasonable diligence by the petitioner, and their last known addresses; (2) the date and record data of the instrument or other conveyance which immediately created the oil and gas mineral interest; (3) an adequate description of the land as contained therein; (4) the source of title of the last known owners of the oil and gas mineral interests; and (5) a statement that the action is brought for the purpose of authorizing payments from a horizontal well unit, and thereafter, in the case of any defendant or heir, successor or assign of any defendant who does not appear to claim ownership of the defendant's interest within five years after the date the petition is filed, for the court to order a conveyance of the defendant's oil and gas mineral interest under this subsection, subject to the lease terms determined by the commission and horizontal well unit order, to the owner of the surface overlying the oil and gas mineral interest. In addition, the petitioner shall send notice by certified mail, return receipt requested, to the last known address, if there is one, of all named defendants. In addition, the court may order advertisement

elsewhere or by additional means if there is reason to believe that additional advertisement might result in identifying and locating the unknown and unlocatable interest owners.

(8) Upon a finding by the court of the present ownership of the petitioners of the surface estate, the court shall order the special commissioner to convey to the proven surface owners, subject to the horizontal well unit order and lease terms approved by the commission, the mineral interest specified in the petition authorized herein, by a deed substantially in the form as follows:

This deed, made the ____ day of _____, 20__, between _____, special commissioner, grantor and _____, grantee,

Witnesseth, that whereas, grantor, in pursuance of the authority vested in him or her by an order of the circuit court of _____ county, West Virginia, entered on the ____ day of _____, 20__, in civil action No. _____ therein pending, to convey the mineral interest more particularly described below to the grantee,

Now, therefore, this deed witnesseth: That grantor grants unto grantee, subject to the provisions of the horizontal well unit order of the Oil and Gas Conservation Commission in _____ and lease terms provided therein, and further subject to all other liens and encumbrances of record, that certain oil and gas mineral interest in _____ county, West Virginia, more particularly described in the cited order of the circuit court as follows: (here insert the description in the order).

Witness the following signature.

Special Commissioner

(9) After the date of the special commissioner's deed authorized herein, the surface owner grantee is entitled to receive all proceeds due and payable under a horizontal well unit order attributable to the mineral interests specified in the special commissioner's deed accruing from and after the date of the special commissioner's deed. Prior to the issuance of the special commissioner's deed pursuant to this subsection, all proceeds due and payable under a horizontal well unit order attributable to the mineral interests specified in the special commissioner's deed accruing prior to the date of the special commissioner's deed shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code.

(10) The applicant may not be joined as a party, but shall be served with copies of all pleadings and other papers filed in the proceeding, and may intervene at any time.

(11) Payment by the applicant to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code or petitioners, as applicable, pursuant to this subsection shall relieve the participating operators of all liability whatsoever that the participating operators may have had to any unknown and unlocatable interest owners, their heirs, successors and assigns with respect to the payment and all operations in the horizontal well unit, all operations therein and all production from the operations.

(12) If a surface owner does not file a petition pursuant to this subsection within three years of the date notice is given to a TSO as provided herein, amounts payable with respect to the unknown and unlocatable interest owners' interests included in a horizontal well unit shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code, and the payment shall relieve the participating operators of all liability of the participating operators with respect to the horizontal well unit and all operations therein and production therefrom to any unknown and unlocatable interest owners, their

heirs, successors and assigns and to any owners of surface overlying the unknown and unlocatable interest owners' interest, their heirs, successors and assigns, with respect to the payment.

(13) After the recording of the special commissioner's deed, no action may be brought by any unknown and unlocatable interest owner or any heir, successor or assign thereof either to recover any past or future proceeds accrued or to be accrued from the property subject to the deed, or to recover any right, title or interest in and to the mineral interest subject to the deed.

(14) If any unknown and unlocatable interest owner or heir, successor or assign thereof appears in the proceeding in circuit court later than three years after the proceeding is filed, the unknown and unlocatable interest owner, if he or she establishes his or her claim to the satisfaction of the circuit court, shall only be entitled to receive amounts payable in connection with the horizontal well unit or production therefrom after the date of appearance in the proceeding. Further, the participating operators and the petitioning surface owners shall have no liability to the unknown and unlocatable interest owner or their heirs, successors or assigns for any amount paid with respect to the unknown and unlocatable interest or the horizontal well unit or production therefrom paid in accordance with this subsection.

(p) If any part of this section is adjudged to be unconstitutional or invalid, the invalidation shall not affect the validity of the remaining parts of this section and, to this end, the provisions of this section are hereby declared to be severable.

The bill (Eng. Com. Sub. for H. B. No. 2688), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2766, Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.

On second reading, coming up in regular order, was read a second time.

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and with the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 2769, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Trump and Blair, the following amendment to the bill was reported by the Clerk:

On page eleven, after “June 30, 2015.” by changing the period to a colon and inserting the following proviso: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold.

Following discussion,

The question being on the adoption of the amendment offered by Senators Trump and Blair to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2769), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill No. 2772, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor’s Office, Purchasing Card Administration 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. 2810, Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.

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. 2840, Providing an alternative plan to make up lost days of instruction.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 2877, Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill No. 2934, Repealing the common core standards.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Sypolt, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and with the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill No. 3006, Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 3020, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill No. 3021, Making a supplementary appropriation to the Department of Health and Human Resources.

On second reading, coming up in regular order, was read a second time.

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and with the right for further amendments to be considered on that reading.

Eng. House Bill No. 3022, Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.

On second reading, coming up in regular order, was read a second time.

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and with the right for further amendments to be considered on that reading.

At the request of Senator Beach, and by unanimous consent, Senator Beach addressed the Senate.

The Senate then stood in observance of a moment of silence in recognition of the passing of Beth Thomasson, Executive Officer and Lobbyist for the West Virginia Homebuilders Association.

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

On motion of Senator Carmichael, the Senate recessed until 7 p.m. tonight.

Night Session

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 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. 12, Relating to payment of separated employee's outstanding wages.

On motion of Senator Carmichael, 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 §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.**§21-5-1. Definitions.**

As used in this article:

(a) The term “firm” includes any partnership, association, joint-stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee or successor of any of the same, or officer thereof, employing any person.

(b) The term “employee” or “employees” includes any person suffered or permitted to work by a person, firm or corporation.

(c) The term “wages” means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation. As used in sections four, five, eight-a, ten and twelve of this article, the term “wages” shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

(d) The term “commissioner” means Commissioner of Labor or his or her designated representative.

(e) The term “railroad company” includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term “special agreement” means an arrangement filed with and approved by the commissioner whereby a person, firm or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full

less frequently than once each calendar month on a regularly established schedule.

(g) The term “deductions” includes amounts required by law to be withheld, and amounts authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities and hospitalization and medical insurance.

(h) The term “officer” shall include officers or agents in the management of a corporation or firm who knowingly permit the corporation or firm to violate the provisions of this article.

(i) The term “wages due” shall include at least all wages earned up to and including the ~~fifth~~ twelfth day immediately preceding the regular payday.

(j) The term “construction” means the furnishing of work in the fulfillment of a contract for the construction, alteration, decoration, painting or improvement of a new or existing building, structure, roadway or pipeline, or any part thereof, or for the alteration, improvement or development of real property: *Provided*, That construction performed for the owner or lessee of a single family dwelling or a family farming enterprise is excluded.

(k) The term “minerals” means clay, coal, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore and any other metallurgical ore.

(l) The term “fringe benefits” means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits and benefits relating to medical and pension coverage.

(m) The term “employer” means any person, firm or corporation employing any employee.

(n) The term “doing business in this state” means having employees actively engaged in the intended principal activity of the person, firm or corporation in West Virginia.

§21-5-4. Cash orders; employees separated from payroll before paydays.

(a) In lieu of lawful money of the United States, any person, firm or corporation may compensate employees for services by cash order which may include checks, direct deposits or money orders on banks convenient to the place of employment where suitable arrangements have been made for the cashing of the checks by employees or deposit of funds for employees for the full amount of wages.

(b) Whenever a person, firm or corporation discharges an employee, or whenever an employee quits or resigns from employment, the person, firm or corporation shall pay the employee’s wages ~~in full no later than the next regular payday or four business days, whichever comes first. Payment shall be made through the regular pay channels or, if requested by the employee, by mail: due for work that the employee performed prior to the separation of employment on or before the next regular payday on~~ which the wages would otherwise be due and payable: *Provided*, That fringe benefits, as defined in section one of this article, that are provided an employee pursuant to an agreement between the employee and employer and that are due, but pursuant to the terms of the agreement, are to be paid at a future date or upon additional conditions which are ascertainable are not subject to this subsection and are not payable on or before the next regular payday, but shall be paid according to the terms of the agreement. For purposes of this section, “business day” means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.

(c) ~~Whenever an employee quits or resigns, the person, firm or corporation shall pay the employee's wages in full no later than the next regular payday. Payment shall be made through the regular pay channels or, if requested by the employee, by mail. However, if the employee gives at least one pay period's written notice of intention to quit, the person, firm or corporation shall pay all wages earned by the employee at the time of quitting. Payment under this section may be made in person in any manner permissible under section three of this article, through the regular pay channels or, if requested by the employee, by mail. If the employee requests that payment under this section be made by mail, that payment shall be considered to have been made on the date the mailed payment is postmarked.~~

(d) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is laid off, the person, firm or corporation shall pay in full to the employee not later than the next regular payday, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension or layoff.

(e) If a person, firm or corporation fails to pay an employee wages as required under this section, the person, firm or corporation, in addition to the amount which was unpaid when due, is liable to the employee for ~~three~~ two times that unpaid amount as liquidated damages. This section regulates the timing of wage payments upon separation from employment and not whether overtime pay is due. Liquidated damages that can be awarded under this section are not available to employees claiming they were misclassified as exempt from overtime under state and federal wage and hour laws. Every employee shall have a lien and all other rights and remedies for the protection and enforcement of his or her salary or wages, as he or she would have been entitled to had he or she rendered service therefor in the manner as last employed; except that, for the purpose of liquidated damages, the failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he or she is adjudicated bankrupt upon the petition.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 12—A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to payment of wages by employers; defining terms; providing for how payments may be made; requiring certain payments by the next regular payday; providing for payments pursuant to certain agreements; reducing amount of liquidated damages available for violation of this section; providing instance when liquidated damages are not available; clarifying that section does not address whether overtime pay is due; authorizing payment by mail if requested by employee; and establishing date paid if payment mailed pursuant to employee request.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments 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: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Beach, Facemire, Kessler, Laird, Miller, Romano, Snyder, Unger and Yost—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. 12) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 170, Authorizing Bureau of Commerce promulgate legislative rules.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section two, subsection (b), after the word “is” by inserting the word “not”;

On page seven, section two, subsection (d), after the word “is” by inserting the word “not”;

And,

On page twelve, section two, subsection (e), after the word “authorized” by changing the period to a comma and inserting the following: with the following amendment:

On page 2, subsection 3.6. by striking all of subsection 3.6.;

On page 2, subsection 6.2., after the word “Commissioner”, by striking the word “may” and inserting in lieu thereof the word “shall”;

On page 2, subdivision 6.2.3.a by inserting a period after the word, “program” and striking the remainder of the sentence and subdivision 6.2.3.b;

On page 4, subsection 10.3., after the word “rule” by inserting the following: “that are applicable to the duties and knowledge required by an HVAC technician for the installation, repair and maintenance of HVAC”;

On page 5, section 11, by striking all of subsections 11.4. and 11.5.;

And,

On page 6, subsection 13.1., after the word “license” by inserting the following:

: *Provided*, That no fee may be charged for an HVAC technician license for a person who holds an HVAC contractor’s license pursuant to article eleven, chapter twenty-one of the W. Va. Code.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 170) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 323, Relating to municipal home rule.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS;
GENERAL PROVISIONS; CONSTRUCTION.**

PART III. GENERAL PROVISIONS.

§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, subject to the requirements of this section, 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~~ 2015, thirty 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, the effective date of the amendment and reenactment of this section~~ are hereby authorized to continue in the pilot program, subject to the requirements of this section, 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~~ 2015, 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.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(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)~~ (4) Consult with any agency affected by the written plans or the amendments to the written plans; and

~~(6)~~ (5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* – ~~On or before June 1, 2014, a~~ Any 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~~ 2015, 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) (i) 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 Laws governing bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Wages Laws governing 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

(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) (9) The Constitution of the United States or the Constitution of the State of West Virginia;~~

~~(2) (10) Federal law or crimes and punishment;~~

~~(3) (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;~~

~~(4) (12) Pensions Laws governing pensions or retirement plans;~~

~~(5) (13) Annexation Laws governing annexation;~~

~~(6) (14) Taxation Laws governing 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)~~ (15) Tax Laws governing tax increment financing;

~~(8)~~ (16) Extraction Laws governing extraction of natural resources; and

~~(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)~~ (17) Marriage and divorce laws; and

~~(11) An occupation tax, fee or assessment payable by a nonresident of a municipality.~~

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

~~(h)~~ (k) *Amendments to written plans.* – A municipality selected to participate participating in the Municipal Home Rule Pilot Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* – A municipality participating in the Municipal Home Rule Pilot Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant the municipality's approved written

plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section, and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(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) (n) *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.~~

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section the term “distributee” means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 323—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality’s amendment to its home rule plan and that a municipal ordinance is nullified if the municipality’s amendment to its home rule plan is not approved by the municipal home rule board; enlarging the pool of eligible municipalities that may participate in the pilot program to thirty; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting

ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules or regulations enacted pursuant the municipality's approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from taxpayers or moneys distributed to municipalities by the tax division under the pilot program; removing obsolete provisions; and reorganizing existing provisions.

On motion of Senator Carmichael, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. No. 323) were reported by the Clerk, considered simultaneously, and adopted:

On page two, section five-a, subsection (c), by striking all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) Commencing July 1, 2015, thirty Class I, Class II and Class III municipalities and four 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.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 323—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; allowing participation of thirty Class I, Class II and Class III municipalities; allowing participation of four Class IV municipalities; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality's amendment to its home rule plan and that a municipal ordinance is nullified if the municipality's

amendment to its home rule plan is not approved by the municipal home rule board; enlarging the pool of eligible municipalities that may participate in the pilot program to thirty; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules, or regulations enacted pursuant the municipality's approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from taxpayers or monies distributed to municipalities by the tax division under the pilot program: removing obsolete provisions; and reorganizing existing provisions.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 323, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 323) 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. 347, Creating Firearms Act of 2015.

On motion of Senator Carmichael, 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 sections §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §61-7-3, §61-7-4 and §61-7-6 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §61-7-7a, all to read as follows:

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 2. WILDLIFE RESOURCES.

PART I. WILDLIFE MANAGEMENT.

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.

Except as authorized by the director, it is unlawful at any time for any person to:

(1) Shoot at or to shoot any wild bird or animal unless it is plainly visible to him or her;

(2) Dig out, cut out or smoke out, or in any manner take or attempt to take, any live wild animal or wild bird out of its den or place of refuge except as may be authorized by rules promulgated by the director or by law;

(3) Make use of, or take advantage of, any artificial light in hunting, locating, attracting, taking, trapping or killing any wild bird or wild animal, or to attempt to do so, while having in his or her possession or subject to his or her control, or for any person accompanying him or her to have in his or her possession or subject to his or her control, any firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for taking, killing or trapping a wild bird or animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum or skunk by the use of artificial light subject to the restrictions set forth in this subdivision. No person is guilty of a violation of this subdivision merely because he or she looks for, looks at, attracts or makes motionless a wild bird or wild animal with or by the use of an artificial light, unless at the time he or she has in his or her possession a firearm, whether cased or uncased, bow, arrow or both, or other implement or device suitable for taking, killing or trapping a wild bird or wild animal, or unless the artificial light (other than the head lamps of an automobile or other land conveyance) is attached to, a part of or used from within or upon an automobile or other land conveyance.

Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500 and shall be confined in jail for not less than ten days nor more than one hundred days;

(4) Hunt for, take, kill, wound or shoot at wild animals or wild birds from an airplane, or other airborne conveyance, an automobile, or other land conveyance, or from a motor-driven water conveyance, except as authorized by rules promulgated by the director;

(5) Take any beaver or muskrat by any means other than by trap;

(6) Catch, capture, take or kill by seine, net, bait, trap or snare or like device of any kind any wild turkey, ruffed grouse, pheasant or quail;

(7) Destroy or attempt to destroy needlessly or willfully the nest or eggs of any wild bird or have in his or her possession the nest or eggs unless authorized to do so under rules promulgated by or under a permit issued by the director;

(8) Except as provided in section six of this article, carry an uncased or loaded gun in any of the woods of this state except during the open firearms hunting season for wild animals and nonmigratory wild birds within any county of the state unless he or she has in his or her possession a permit in writing issued to him or her by the director: *Provided*, That this section does not prohibit hunting or taking of unprotected species of wild animals and wild birds and migratory wild birds, during the open season, in the open fields, open water and open marshes of the state nor does it prohibit a person who is not prohibited from possessing firearms by section four, article seven, chapter sixty-one of this code from carrying a deadly weapon for purposes of self-defense while in the woods of this state;

(9) Have in his or her possession a crossbow with a nocked bolt, ~~a loaded firearm or a firearm~~ rifle or shotgun ~~from the magazine of which all shells and cartridges have not been removed~~, in or on any vehicle or conveyance, or its attachments, within the state, except as may otherwise be provided by law or regulation. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. Except as hereinafter provided, between five o'clock postmeridian of one day and seven o'clock antemeridian, eastern standard time of the day following, any unloaded firearm or crossbow, being lawfully carried in accordance with the foregoing provisions, may be so carried only when in a case

or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the foregoing requirements relative to carrying certain unloaded firearms are permissible only from eight-thirty o'clock postmeridian to five o'clock antemeridian, eastern standard time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the postmeridian times and one hour before the antemeridian times established above if a hunter is preparing to or in the process of transporting or transferring the firearms to or from a hunting site, campsite, home or other place of abode;

(10) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which wildlife may be taken after the hour of five o'clock antemeridian on Sunday on private land without the written consent of the landowner any wild animals or wild birds except when a big game season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild animals or birds after five o'clock antemeridian on that Sunday: *Provided*, That traps previously and legally set may be tended after the hour of five o'clock antemeridian on Sunday and the person so doing may carry only a twenty-two caliber firearm for the purpose of humanely dispatching trapped animals. Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this code, is subject to a \$100 fine;

(11) Hunt, catch, take, kill, injure or pursue a wild animal or bird with the use of a ferret;

(12) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

(13) Catch, take, kill or attempt to catch, take or kill any fish at any time by any means other than by rod, line and hooks with natural or artificial lures unless otherwise authorized by law or rules issued by the Director: *Provided*, That snaring of any species

of suckers, carp, fallfish and creek chubs shall at all times be lawful;

(14) Employ or hire, or induce or persuade, by the use of money or other things of value, or by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those species on which there is no closed season, or to fish for, catch, take or kill any fish, amphibian or aquatic life which is protected by the provisions of this chapter or rules of the director or the sale of which is prohibited;

(15) Hunt, catch, take, kill, capture, pursue, transport, possess or use 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 for the protection of migratory birds and wild mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time and in the manner and numbers prescribed by the federal Migratory Bird Treaty Act, 16 U. S. C. §U. S. C. §703, *et seq.*, and regulations made thereunder;

(16) Kill, take, catch or have in his or her possession, living or dead, any wild bird other than a game bird; or expose for sale or transport within or without the state any bird except as aforesaid. No part of the plumage, skin or body of any protected bird may be sold or had in possession for sale except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or mounted, irrespective of whether the bird was captured within or without this state, except the English or European sparrow (*passer domesticus*), starling (*sturnus vulgaris*) and cowbird (*molothrus ater*), which may not be protected and the killing thereof at any time is lawful;

(17) Use dynamite or any like explosive or poisonous mixture placed in any waters of the state for the purpose of killing or taking fish. Any person violating the provisions of this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not

more than \$500 or imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

(18) Have a bow and gun, or have a gun and any arrow or arrows, in the fields or woods at the same time;

(19) Have a crossbow in the woods or fields or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in section forty-two-w of this article;

(20) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths of an inch wide;

(21) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

(22) Shoot an arrow across any public highway or from aircraft, motor-driven watercraft, motor vehicle or other land conveyance;

(23) Permit any dog owned by him or her or under his or her control to chase, pursue or follow upon the track of any wild animal or wild bird, either day or night, between May 1 and the August 15 next following: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner or by his or her bona fide tenant or tenants or upon the grounds or lands of another person with his or her written permission or on public lands at any time: *Provided, however*, That nonresidents may not train dogs in this state at any time except during the legal small game hunting season: *Provided further*, That the person training said dogs does not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds, whereby wild animals or wild birds could be taken or killed;

(24) Conduct or participate in a field trial, shoot-to-retrieve field trial, water race or wild hunt hereafter referred to as trial: *Provided*, That any person, group of persons, club or organization may hold the trial at any time of the year upon obtaining a permit as is provided in section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in said trial and make same readily available for inspection by any natural resources police officer upon request;

(25) Except as provided in section four of this article, hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during the open season established by rule of the director as authorized by subdivision (6), section seven, article one of this chapter;

(26) Hunting on public lands on Sunday after five o'clock antemeridian is prohibited;

(27) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken, on private lands on Sunday after the hour of five o'clock antemeridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice 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 the publication is the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.

On the local option election ballot shall be printed the following:

Shall hunting on Sunday be authorized in _____ County?

Yes

No

(Place a cross mark in the square opposite your choice.)

Any local option election to approve or disapprove of the proposed authorization of Sunday hunting within a county shall be in accordance with procedures adopted by the commission. The local option election may be held in conjunction with a primary or general election or at a special election. Approval shall be by a majority of the voters casting votes on the question of approval or disapproval of Sunday hunting at the election.

If a majority votes against allowing Sunday hunting, no election on the issue may be held for a period of one hundred four weeks. If a majority votes "yes", no election reconsidering the action may be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which Sunday hunting is authorized. The petition may be in any number of counterparts. The election shall take place at the next primary or general election scheduled more than ninety days following receipt by the county commission of the petition required by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice requirements have been met. No local law or regulation providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict with this subdivision; and

(28) Hunt or conduct hunts for a fee where the hunter is not physically present in the same location as the wildlife being hunted within West Virginia.

§20-2-6a. Carrying a handgun while afield.

(a) Notwithstanding any provision of this code to the contrary, a person ~~licensed to carry a concealed weapon pursuant to the provisions of section four, article seven, chapter sixty-one of this code~~ who is not prohibited at the time from possessing a firearm pursuant to the provisions of section seven, article seven, chapter sixty-one of this code or by any applicable federal law may carry a handgun ~~in a concealed manner~~ for self defense purposes while afield hunting, hiking, camping or in or on a motor vehicle.

(b) The provisions of this section shall not exempt any person from obtaining any hunting or fishing license or stamp required by the Division of Natural Resources.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-3. Carrying deadly weapon without license or other authorization by persons under twenty-one; penalties.

(a) Any person under twenty-one years of age who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in the county jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.

(b) It shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it shall be a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and shall not be permitted to use discretion in introducing evidence to prove the same on the trial.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of

age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however,* That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or

a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed, the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(q) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed deadly weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

~~(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.~~

~~(o)~~ (n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing

application requirements established in this section have been violated by the licensee.

(~~tr~~) (o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(~~tr~~) (p) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(~~tr~~) (q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.

(a) The ~~licensure~~ provisions set forth in section three of this article do not apply to:

(1) Any person:

(A) Carrying a deadly weapon upon his or her own premises;

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

~~(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;~~

~~(6)~~ (5) Any resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six-a of this article;

~~(7)~~ (6) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty;

~~(8)~~ (7) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; ~~and~~

~~(9)~~ (8) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties; and

(9) Any active duty member of the United States armed forces or any active duty member of the National Guard or United States armed forces reserves.

~~(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:~~

~~(1) Any justice of the Supreme Court of Appeals of West Virginia;~~

~~(2) Any circuit judge;~~

~~(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;~~

~~(4) Any family court judge;~~

~~(5) Any magistrate;~~

~~(6) Any prosecuting attorney;~~

~~(7) Any assistant prosecuting attorney; or~~

~~(8) Any duly appointed investigator employed by a prosecuting attorney.~~

§61-7-7a. Enhanced penalty for use of firearm during commission of felony.

(a) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the planning or commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five years, which sentence shall not be reduced or suspended.

(b) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the planning or commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended.

(c) Unless otherwise provided in code, provisions of this article do not apply to a person who in good faith employs the use of a firearm, in self-defense or the defense of others, against another person who is perpetuating violence or the threat of violence.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 347—A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-3, §61-7-4 and §61-7-6 of said code; and to amend said code by adding thereto a new section, designated §61-7-7a, all relating to creating the West Virginia Firearms Act of 2015; providing that one not prohibited from possessing firearms may carry a deadly weapon for self-defense while in the woods of this state; establishing that if a magazine is detached and no cartridges remain in a rifle or shotgun, that rifle or shotgun is considered unloaded; removing the requirement of a

license to carry a concealed handgun afield; establishing that criminal penalties for carrying a concealed deadly weapon without state license or other lawful authorization applies to persons under twenty-one years of age; establishing that when a concealed handgun license holder moves to another county within the state, unless the sheriff of the new county determines that person is no longer eligible for a concealed deadly weapon license, the sheriff shall issue a new license; providing for a fee to do so; removing the requirement that a concealed weapons licensee carry state-issued photo identification when carrying a concealed weapon; removing criminal penalties for failure to carry state-issued photo identification when carrying a concealed weapon; providing that active duty members of the United States armed forces, National Guard or United States armed forces reserves are not subject to the criminal penalties for carrying a concealed deadly weapon without license or lawful authorization; removing exemption for certain judicial officers, prosecutors and staff from deadly weapon licensing and application fees; providing enhanced penalties for use of a firearm during commission of a felony; and excepting enhanced penalties in certain circumstances when a firearm is used in defense of self or others.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 347, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—30.

The nays were: Nohe, Palumbo, Snyder and Woelfel—4.

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. 347) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 352, Expanding scope of cooperative associations to goods and services including recycling.

On motion of Senator Carmichael, 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 one, after line fifteen, by striking out the words "Except in any wasteshed of the state in which one or more mixed waste resource recovery facilities has been permitted, a" and inserting in lieu thereof the following: "Except within a thirty-five mile radius of a facility that has been permitted and classified by the West Virginia Department of Environmental Protection as a mixed waste processing resource recovery facility. A".

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 352, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Williams—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 352) 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. 370, Reorganizing Governor's Committee on Crime, Delinquency and Correction and its subcommittees.

On motion of Senator Carmichael, 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 fifty-four, section five, line ten, after the word “any” by inserting the words “proceeding, review or investigation relating to certification or”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 370, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 370) 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. 407, Implementing state safety oversight program.

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

Eng. Senate Bill No. 415, Relating to circuit judges.

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

Eng. Senate Bill No. 479, Adding additional family court judges.

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. 486, Authorizing special license plates for Civil Air Patrol vehicles.

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. 518, Permitting county and municipal economic development authorities invest certain funds.

On motion of Senator Carmichael, 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 seven, subsection (a), subdivision (8), after the words “interest of the authority” by inserting the following: “under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act set forth in article six-c, chapter forty-four of this code: *Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board”;

On page six, section seven, subsection (a), subdivision (9), after the words “interest of the authority” by inserting the following: “under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act set forth in article six-c, chapter forty-four of this code: *Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board”;

On pages nine and ten, by striking out all of section twelve;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §7-12-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows::

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 518—A Bill to amend and reenact §7-12-7 of the Code of West Virginia, 1931, as amended, relating generally to granting county and municipal economic development authorities the authority to invest funds received from the sale, lease or other disposition of real or personal property owned by such authority in a manner determined by the authority’s board of directors to be in the best interest of the authority under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act; and requiring that the board consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. No. 518) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. House Bill No. 2939, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

On motion of Senator Carmichael, the Senate refused to recede from its amendmens 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 Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Nohe, D. Hall and Woelfel.

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 13, 2015, he had approved **Enr. Committee Substitute for Senate Bill No. 374, Enr. Committee Substitute for Senate Bill No. 375, Enr. Senate Bill No. 472, Enr. Senate Bill No. 475, Enr. Senate Bill No. 507, Enr. Senate Bill No. 508 and Enr. House Bill No. 2879.**

Senator Cole (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 13, 2015

The Honorable William P. Cole III
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Cole:

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. 435.

If signed into law, this bill would provide the Secretary of the Department of Military Affairs and Public Safety and the West Virginia Sheriff's Bureau with appointment powers that are inconsistent with section eight, article VII of the Constitution of West Virginia. I also disapprove of this bill because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The bill authorizes the West Virginia Sheriffs' Bureau of Professional Standards to promulgate legislative rules in §7-26-2; however, rulemaking authorization is absent from the title.

For the foregoing constitutional and technical reasons, I disapprove and return this bill. I urge the Legislature to correct these issues and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable Natalie E. Tennant

Senator Carmichael 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. 435, Creating WV Sheriffs' Bureau of Professional Standards.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill No. 435, the same was put and prevailed.

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, by striking out all of section one and inserting in lieu thereof a new section, designated section one, to read as follows:

§7-26-1. Creation; purpose; composition.

(a) For the purpose of providing better law enforcement for the counties of our state and for providing standardization and uniformity of services and operation of the sheriff offices throughout the state, there is hereby created the West Virginia Sheriffs' Bureau of Professional Standards.

(b) The bureau shall be comprised of nine members, as follows:

(1) Two statutory members:

(i) The Secretary of the Department of Military Affairs and Public Safety, or his or her designee; and

(ii) The Executive Director of the West Virginia Sheriffs' Association; and

(2) Seven members representing the public and law enforcement to be appointed by the Governor:

(i) Five sheriffs of the counties of West Virginia, to be recommended for appointment by the West Virginia Sheriffs' Association; and

(ii) Two citizen members.

(c) Service of members of the bureau shall be conditioned upon signing all necessary nondisclosure agreements relating to confidential law-enforcement information.

(d) Each bureau member shall serve a two-year term commencing July 1, 2015, except that three of the first five sheriffs beginning their term on July 1, 2015, shall serve a one-year term expiring July 1, 2016, at which time new selections for regular two-year terms shall be made for these three positions.

(e) Any vacancy on the bureau for a sheriff position shall be filled for the remainder of the unexpired term by selection of the West Virginia Sheriffs' Association. Any vacancy on the bureau for a citizen member position shall be filled for the remainder of the unexpired term by appointment of the Governor.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. Com. Sub. for Senate Bill No. 435—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs' Bureau of Professional Standards; purpose and composition; general powers and duties; authorizing the bureau to promulgate legislative rules; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for S. B. No. 435) 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.

The Senate again proceeded to the ninth order of business.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill No. 2636, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

On second reading, coming up in deferred 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:

CHAPTER 29B. FREEDOM OF INFORMATION.

ARTICLE 1. PUBLIC RECORDS.

§29B-1-2. Definitions.

As used in this article:

(1) “Custodian” means the elected or appointed official charged with administering a public body.

(2) “Person” includes any natural person, corporation, partnership, firm or association.

(3) “Public body” means every state officer, agency, department, including the executive, legislative and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

(4) “Public record” includes any writing containing information relating prepared or received by a public body, the content or context of which, judged either by content or context, relates to the

conduct of the public's business. ~~prepared, owned and retained by a public body.~~

(5) "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.

§29B-1-3. Inspection and copying of public record; requests of Freedom of Information Act requests registry.

(1) (a) Every person has a right to inspect or copy any public record of a public body in this state, except as otherwise expressly provided by section four of this article.

(2) (b) A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.

(3) (c) The custodian of any public records, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic or computer form, the custodian of the records shall make ~~such~~ copies available on magnetic or electronic media, if so requested.

(4) (d) All requests for information must state with reasonable specificity the information sought. The custodian, upon demand for records made under this statute, shall as soon as is practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays:

(a) (1) Furnish copies of the requested information;

(b) (2) Advise the person making the request of the time and place at which he or she may inspect and copy the materials; or

(c) (3) Deny the request stating in writing the reasons for such denial. ~~Such a~~ A denial shall indicate that the responsibility of the custodian of any public records or public body to produce the requested records or documents is at an end, and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(5) (e) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of ~~such~~ records. A public body may not charge a search or retrieval fee or otherwise seek reimbursement based on a man-hour basis as part of costs associated with making reproduction of records.

(f) The Secretary of State shall maintain an electronic data base of notices of requests as required by section three-a of this article. The database shall be made available to the public via the Internet and shall list each freedom of information request received and the outcome of the request. The Secretary of State shall provide on the website a form for use by a public body to report the results of the freedom of information request, providing the nature of the request and the public body's response thereto, whether the request was granted, and if not, the exemption asserted under section four of this article to deny the request.

§29B-1-3a. Reports to Secretary of State by public bodies.

(a) Beginning January 1, 2016, each public body that is in receipt of a freedom of information request shall provide information to the Secretary of State relating to, at a minimum, the nature of the request, the nature of the public body's response, the time-frame that was necessary to comply in full with the request; and the amount of reimbursement charged to the requester for the freedom of

information request: *Provided*, That the public body shall not provide to the Secretary of State the public records that were the subject of the FOIA request.

(b) Pursuant to article three, chapter twenty-nine-a of this code, the Secretary of State shall propose rules and emergency rules for legislative approval relating to the creation and maintenance of a publically accessible database available on the Secretary of State's website; the establishment of forms and procedures for submission of information to the Secretary of State by the public body; and for other procedures and policies consistent with this section.

§29B-1-4. Exemptions.

(a) ~~The~~ There is a presumption of public accessibility to all public records, subject only to the following categories of information which are specifically exempt from disclosure under the provisions of this article:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure ~~thereof of the information~~ would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance: *Provided*, That ~~nothing in this article shall be construed as precluding~~ does not preclude an individual from inspecting or copying his or her own personal, medical or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;

(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage ~~such~~ the record, archive, document or manuscript;

(7) Information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal memoranda or letters received or prepared by any public body.

(9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or

deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law-enforcement and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests or the results of those tests;

(15) Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for such facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U. S. C. §222; and

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be ~~utilized~~ used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident or to facility personnel.

(20) Information related to applications under section four, article seven, chapter sixty-one of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit: *Provided*, That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however*, That information or other records exempted under this subdivision may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term “terrorist act” means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

(1) Intimidate or coerce the civilian population;

(2) Influence the policy of a branch or level of government by intimidation or coercion;

(3) Affect the conduct of a branch or level of government by intimidation or coercion; or

(4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) ~~Nothing in the~~ The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section ~~should be construed to do not~~ make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat ~~thereof~~ of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required

to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years: *Provided*, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(r) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit, is confidential: *Provided*, That such information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(~~r~~) (s) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2636) was reported by the Clerk and adopted:

On pages eight through fifteen, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of

the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however,* That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the

provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public

institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia

State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a

fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed deadly weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

~~(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.~~

(o) (n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

~~(p)~~ (o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

~~(q)~~ (p) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(q) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit, is confidential: *Provided*, That such information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(r) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2636), as amended, was then ordered to third reading.

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Saturday, March 14, 2015, at 10:30 a.m.

SATURDAY, MARCH 14, 2015

The Senate met at 10:30 a.m.

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

Prayer was offered by the Honorable Gregory L. Boso, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Friday, March 13, 2015,

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.

On motion of Senator Carmichael, the Senate recessed for five minutes to permit Jonah Samples to address the Senate on behalf of the Judith A. Herndon Fellowship Program and Britanie Morgan on behalf of the Legislative Information Journalism Internship 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 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. 37, Creating Revised Uniform Arbitration Act.

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

Delegates Lane, Hanshaw and Bates.

On motion of Senator Carmichael, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Boso, Maynard and Palumbo.

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. 142, Authorizing Department of Administration promulgate legislative rules.

On motion of Senator Carmichael, 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.

(a) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four, article three, chapter five-a of this code, modified by the Department of Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 16, 2014, relating to the Department of Administration (Purchasing Division, 148 CSR 1), is authorized with the following amendments:

On page two, subsection 3.2, by striking out the proposed word “will” that is underscored and reinstating the word “shall”; and by making such similar strikes of the underscored word “will” and reinstate the word “shall” throughout the rule;

On page thirteen, subdivision 7.2.b.3, after the word “appropriate” and the comma by inserting the word “or”;

On page fourteen, subdivision 7.6.a., after the word “procure” by striking out the words “goods or services” and inserting in lieu thereof the words “specific commodities for immediate delivery”;

On page fourteen, subdivision 7.5.b., after the words “if possible” by striking the comma and the words “and any” and inserting in lieu thereof a period and the word “Any”;

And,

On page fourteen, subdivision 7.6.c., after the words “procurement of” by striking out the words “goods or services” and inserting in lieu thereof the words “specific commodities for immediate delivery”.

(b) The legislative rule filed in the State Register on July 29, 2014, authorized under the authority of section forty-eight, article three, chapter five-a of this code, modified by the Department of Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 16, 2014, relating to the Department of Administration (state owned vehicles, 148 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section forty-four, article three, chapter five-a of this code, modified by the Department of Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 16, 2014, relating to the Department of Administration (state plan for the operation of the West Virginia State Agency for Surplus Property, 148 CSR 4), is authorized.

§64-2-2. Consolidated Public Retirement Board.

(a) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section one, article ten-d, chapter five of this code, relating to the Consolidated Public Retirement Board (refund, reinstatement, retroactive service, loan and employer error interest factors, 162 CSR 7), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section one, article ten-d, chapter five of this code, relating to the Consolidated Public Retirement Board (Deputy Sheriff Retirement System, 162 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on the July 31, 2014, authorized under the authority of section one, article ten-d,

chapter five of this code, relating to the Consolidated Public Retirement Board (service credit for accrued and unused sick and annual leave, 162 CSR 8), is authorized.

§64-2-3. Office of Technology.

The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four, article six, chapter five-a of this code, modified by the Office of Technology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2014, relating to the Office of Technology (procedures for sanitization, retirement and disposition of information technology equipment, 163 CSR 1), is authorized.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 142, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 142) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 142) 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. 248, Requiring certain insurance and owner information be provided following car accident.

On motion of Senator Carmichael, 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 4. ACCIDENTS.**§17C-4-3. Duty to give information and render aid.**

(a) (1) The driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his, if physically able to do so, provide to the person struck or the driver or occupant of or person attending any vehicle collided with, the following:

(A) His or her name, address a valid telephone number where he or she may be contacted and the registration number year, make, model and last four digits of the vehicle identification number of the vehicle he or she is driving and shall upon request and if available exhibit his or her driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and; and

(B) Proof of security and financial responsibility required by section three, article two-a, chapter seventeen-d of this code and section two, article four of said chapter and, if provided by insurance, the information provided upon the certificate of insurance, including the name of the insured, the name and contact information of the insurer and insurance policy number.

(2) A driver may meet the requirements of this subsection by providing the information required herein to a law-enforcement officer who is investigating or providing assistance at the scene of the collision, who shall, if practical under the circumstances, provide the information to any person entitled thereto pursuant to this subsection.

(b) The driver of any vehicle involved in a crash resulting in injury to or death of any person, if physically able to do so, shall render to any person injured in such crash reasonable assistance, including the carrying, or the making arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 248, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 248) 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. 261, Clarifying definition of “owner” of dam.

On motion of Senator Carmichael, 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 three, line ninety-nine, by striking out the word “may” and inserting in lieu thereof the word “shall”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 261, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 261) 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. 267, Repealing code relating to Governor’s Office of Health Enhancement and Lifestyle Planning.

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. 304, Relating to farmers markets.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-35-1, §19-35-2, §19-35-3 and §19-35-4, all to read as follows:

ARTICLE 35. FARMERS MARKETS.

§19-35-1. Legislative findings.

(a) Farmers markets are critical incubators for small farm and food businesses because they offer an inexpensive, accessible, entry-level market for reaching consumers directly, though research has shown that the average vendor makes only a nominal dollar amount in sales on any given market day;

(b) The number of farmers markets and the variety of products sold at farmers markets has increased significantly in the past ten years, adding millions of dollars to the state's economy;

(c) Encouraging locally grown and raised food is important to the health and welfare of the citizens of West Virginia;

(d) Permit fees and requirements for farmers market vendors can vary widely from county to county and from one regulatory official to the other. Current food permit categories are not designed for farmers markets and their vendors, but rather for restaurants, grocery stores or concessioners;

(e) Food permits required for farmers market vendors are currently not recognized across county lines.

§19-35-2. Definitions.

For purposes of this article:

(a) “Consignment farmers market” means a farmers market in which two or more vendors deliver their own farm and food products to a common location maintained by a third party that markets the vendors’ products and receives a percentage share of the profits from sales, with the individual vendor retaining ownership of the farm and food product until it is sold.

(b) “Farm and food product” means any agriculture, horticulture, agroforestry, animal husbandry, dairy, livestock, cottage food, beekeeping or other similar product. Farm and food products are to be properly labeled.

(c) “Farmers market” means:

(1) A traditional farmers market in which two or more vendors gather to sell farm and food products directly to consumers at a fixed location;

(2) An on-farm market or farm stand run by an individual producer that sells farm and food products;

(3) An online farmers market in which two or more vendors collectively market farm and food products and retain ownership of those products until they are sold; or

(4) A consignment farmers market.

(d) “Farmers market vendor” or “vendor” means a person or entity that sells farm and food products at a farmers market.

§19-35-3. Farmers market vendor permit; scope.

(a) Vendors at a farmers market selling farm and food products that require a food establishment permit shall apply for a uniform farmers market vendor permit and pay the annual permit fee to the local health department in the jurisdiction in which the farmers market is located. The permit is valid in all counties in this state, and vendors are not required to apply to more than one local health department for a uniform farmers market vendor permit. The uniform farmers market vendor permit shall be required in lieu of the food establishment permit, notwithstanding any other provisions of code or rule that require a food establishment permit or any other permit from a local health department.

(b) The application must include any other farmers market locations under the jurisdiction of another local health department that the vendor will sell farm and food products subject to the permit. The local health department which approves the application for the uniform farmers market vendor permit shall provide notice of the approval to any other local health departments that the vendor will be subject to, as indicated on the application.

(c) (1) The annual permit fee for the uniform farmers market vendor permit is as follows:

(A) For vendors selling farm and food products under the jurisdiction of only one local health department, the annual fee is \$15.

(B) For vendors selling farm and food products under the jurisdiction of more than one local health department, the annual fee is \$25.

(2) The annual permit fee shall be collected and deposited in accordance with subsection (6), section eleven, article two, chapter sixteen of this code.

(d) The following vendors are exempt from the requirements of the uniform farmers market vendor permit:

(1) Vendors delivering their products to a consignment farmers market; or

(2) Vendors selling fresh, uncut produce or any other farm and food product not subject to a permit by a local health department through rule or regulation.

(e) A consignment farmers market shall obtain a food establishment permit issued by the local health department.

(f) Every uniform farmers market vendor permit shall be displayed in a conspicuous manner.

(g) Notwithstanding the provisions of article two, chapter sixteen of this code, a local health department has the right to inspect and suspend the uniform farmers market vendor permit for violation of rules or the local health department regulations of a vendor at any farmers market in its jurisdiction, or at the vendor's home or business address, if it is in the inspecting local health department's jurisdiction, regardless of what local health department issued the uniform farmers market vendor permit.

(h) Nothing in this article eliminates or limits other state and federal rules and regulations that apply to certain farm and food products sold at a farmers market or a consignment farmers market.

§19-35-4. Legislative rules.

(a) The West Virginia 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 for the purposes of implementing this article.

(b) The West Virginia Department of Health and Human Resources shall consult with the West Virginia Department of Agriculture and shall consider the guidelines established in the

Farmers Market Vendor Guide and Memorandum F-16, Food Permits at Farmers Markets in promulgating the rules.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 304—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-35-1, §19-35-2, §19-35-3 and §19-35-4, all relating to farmers markets; stating purpose and definitions; requiring a uniform farmers market vendor permit; establishing annual permit fees; providing exemptions; allowing inspection by local health departments; and requiring rulemaking.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 304, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 304) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 312, Relating to disqualification of general election nominees for failure to file campaign finance statements.

On motion of Senator Carmichael, 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 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

(a) Any person, candidate, financial agent or treasurer of a political party committee who fails to file a sworn, itemized statement required by this article within the time limitations specified in this article or who willfully files a grossly incomplete or grossly inaccurate statement ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 or confined in jail for not more than one year, or both ~~in the discretion of the court~~ fined and confined. Sixty days after any primary or other election, the Secretary of State, ~~or~~ county clerk or municipal recorder, as the case may be, shall give notice of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political party committee and forward copies of any

grossly incomplete or grossly inaccurate statement to the prosecuting attorney of the county where the person, candidate, financial agent or treasurer resides, is located or has its principal place of business.

(b) (1) Any person, candidate, financial agent or treasurer of a political party committee who fails to file a sworn, itemized statement as required in this article or who files a grossly incomplete or grossly inaccurate statement may be assessed a civil penalty by the Secretary of State of \$25 a day for each day after the due date the statement is delinquent, grossly incomplete or grossly inaccurate. Sixty days after any primary or other election, the county clerk shall give notice to the Secretary of State of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political party committee and forward copies of such delinquent, incomplete or inaccurate statements to the Secretary of State.

(2) A civil penalty assessed pursuant to this section shall be payable to the State of West Virginia and is collectable as authorized by law for the collection of debts.

(3) The Secretary of State may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete or inaccurate statement.

(4) The Secretary of State and county clerk may review and audit any sworn statement required to be filed pursuant to this article. The State Election Commission shall propose legislative rules for promulgation, in accordance with chapter twenty-nine-a of this code, to establish procedures for the assessment of civil penalties as provided in this section.

~~(c) No candidate nominated at a primary election who has failed to file a sworn statement, as required by this article, shall have his or her name placed on the official ballot for the ensuing election,~~

~~unless there has been filed by or on behalf of such candidate, or by his or her financial agent, if any, the financial statement relating to nominations required by this article. (1) Any candidate, whether nominated by primary election or appointed by executive committee or executive committee chair, who has failed to file any sworn statement as required by this article, relating to the immediately preceding primary election for any office by the eighty-fourth day before the general election, is disqualified and may not have his or her name appear on the general election ballot. The provisions of subsection (d), section five-b of this article notwithstanding, any sworn statement filed after the deadline required by section five of this article must be received in the office indicated by subsection (a), section five-b of this article by the close of business on the eighty-fourth day before the general election.~~

(2) It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file a any sworn statement as required by this article and no person may enter upon the duties of his or her office until he or she has filed such statement, nor may he or she receive any salary or emolument for any period prior to the filing of ~~such~~ the statement.

(3) The vacancy on the ballot created by the disqualification in this subsection is subject to section nineteen, article five, chapter three of this code.

(d) As used in this section, "grossly" means substantive and material and specifically includes false or misleading representations and acts of omissions.

(e) The Secretary of State shall provide by rule protocols for written notice via certified mail return receipt requested to the person, candidate, financial agent or treasurer of a political party committee that is not in compliance with the requirements of this section. With respect to a violation of subsection (c) of this section, the notice shall be provided sixty days after any primary or other election.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendment to the bill was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 312—A Bill to amend and reenact §3-8-7 of the Code of West Virginia, 1931, as amended, relating generally to disqualification of nominees for general election due to failure to file campaign finance statements; providing that candidates who fail to file campaign finance statements by the eighty-fourth day before the general election are disqualified; clarifying that a disqualification under this section would create a ballot vacancy and permit the replacement of a candidate on the ballot; permitting the replacement of a candidate on the ballot; defining terms; and authorizing the Secretary of State to promulgate legislative rules concerning providing written notice to a candidate prior to his or her disqualification.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Senate Bill No. 312, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 312) 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 concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill No. 373, Allowing wireless communication image serve as proof of motor vehicle insurance.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect May 17, 2015, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 393, Reforming juvenile justice system.

On motion of Senator Carmichael, 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-three, section nine hundred twelve, after line eleven, by inserting two new subsections, designated subsections (b) and (c), to read as follows:

(b) Based upon identifiable need, the Division of Juvenile Services shall operate a total of at least fifteen youth reporting centers by July 1, 2016.

(c) Based upon identifiable need, the Division of Juvenile Services shall operate a total of at least nineteen youth reporting centers by July 1, 2018.;

And by relettering the remaining subsections;

On page twenty-four, section nine hundred thirteen, line eight, by striking out the word “seventeen” and inserting in lieu thereof the word “eighteen”;

On page twenty-four, section nine hundred thirteen, line thirteen, after the word “Delegates” by inserting a comma and the words “who shall serve as nonvoting, ex officio members”;

On page twenty-four, section nine hundred thirteen, line fifteen, after the word “Senate” by inserting a comma and the words “who shall serve as nonvoting, ex officio members”;

On page twenty-five, section nine hundred thirteen, line five, after the word “designee” by inserting a comma and the words “who shall serve as nonvoting, ex officio member”;

On page twenty-five, section nine hundred thirteen, line nine, after the word “Appeals” by inserting a comma and the words “who shall serve as nonvoting, ex officio members”;

On page twenty-five, section nine hundred thirteen, line nine, after the word “Commission” by changing the period to a semicolon and inserting a new subdivision, designated subdivision (15), to read as follows:

(15) A lawyer who regularly represents juveniles, appointed by the Governor.;

On page seventy-one, section seven hundred twelve, line eight, after the word “harm” by inserting the words “as determined by a risk and needs assessment”;

On page eighty, section seven hundred fourteen, line seven, after the word “harm” by inserting the words “as determined by a risk and needs assessment”;

And,

On page eighty-seven, section seven hundred twenty-four, line twelve, by striking out the words “is requested to” and inserting in lieu thereof the word “shall”.

On motion of Senator Carmichael, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. No. 393) were reported by the Clerk, considered simultaneously, and adopted:

On page twenty-five, section nine hundred thirteen, subsection (a), by striking out all of subdivision (15);

On page seventy-one, section seven hundred twelve, subsection (a), subdivision (2), by striking out the words “as determined by a risk and needs assessment”;

And,

On page eighty-seven, section seven hundred twenty-four, subsection (a), by striking out the word “shall” and inserting in lieu thereof the words “is requested to”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 393, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 393) passed with its title.

Senator Carmichael moved that the bill take effect May 17, 2015.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 393) takes effect May 17, 2015.

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 of

Eng. Senate Bill No. 418, Relating to trustee real estate sale under deed of trust.

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. 423, Amending Aboveground Storage Tank Act.

On motion of Senator Carmichael, 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 forty-four, section ten, line fourteen, by striking out the words “as required by the secretary”;

On page forty-five, section ten, lines two through four, by striking out the words “and subject to the protections afforded in section fourteen of this article, notice to the applicable public water system” and inserting in lieu thereof the words “notice directly to the public water system”;

On page forty-five, section ten, line eight, after the word “storage.” by inserting the following: Subject to the protections afforded in section fourteen of this article, the information required in this subsection shall be delivered to the specific public water system and to state, county and municipal emergency response organizations that are designated by the secretary to receive required notice.;

On page fifty-two, section fourteen, line sixteen, by striking out the words “\$5,000 or confined in a correctional facility for not more than one year, or both” and inserting in lieu thereof the words “\$1,000 or confined in a regional jail facility for not more than twenty days, or both”;

On page fifty-six, section fifteen, line eight, by striking out the word “five” and inserting in lieu thereof the word “three”;

And,

On page sixty-nine, line two, by striking out the word “Three” and inserting in lieu thereof the word “Four”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 423, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Palumbo, Unger and Walters—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 423) passed with its title.

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

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

Eng. Senate Bill No. 510, Amending Uniform Interstate Family Support Act.

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. 549, Establishing classifications and salary schedules for State Police forensic lab civilian employees.

On motion of Senator Carmichael, 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. 549—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to certain civilian employees within the West Virginia State Police; authorizing the superintendent to appoint a director and a manager; providing for classification of laboratory employees; establishing base salaries; and requiring a manual to be provided to employees.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 549, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 549) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2098, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, to take effect from passage, of

Eng. House Bill No. 2224, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 14, 2015, he had approved **Enr. Committee Substitute for House Bill No. 2457**.

Senator Cole (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 13, 2015

Senate Executive Message No. 3

The Honorable William P. Cole III
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 annual reports have been received in the Office of the Governor:

Academy Professional Development Center Post Exchange, West Virginia State Police; Annual Report for June 1, 2012-June 30, 2013; West Virginia Department of Military Affairs and Public Safety

Academy Professional Development Center Post Exchange, West Virginia State Police; Annual Report for July 1, 2013-June 30, 2014; West Virginia Department of Military Affairs and Public Safety

Accountancy, West Virginia Board of; Annual Report for June 30, 2013-June 30, 2014

Adjudicated Juvenile Rehabilitation Review Commission; Annual Report for Fiscal Year 2013; West Virginia Supreme Court of Appeals

Aeronautics Commission, West Virginia; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Transportation

Agriculture Land Protection Authority, West Virginia; Annual Report for Fiscal Year 2014

Alcohol Beverage Control Administration; Annual Report for Fiscal Year 2014; West Virginia Department of Revenue

All Payer Claims Database; Annual Report for 2012 and 2013; West Virginia Insurance Commission, West Virginia Department of Health and Human Resources, West Virginia Health Care Authority

Appalachian Coal Country Team; Annual Report 2013

Attorney General, State of West Virginia; Annual Report for Fiscal Year 2014

Auditor, State of West Virginia; Annual Report for Fiscal Year 2014

Behavioral Health Commission, West Virginia Comprehensive; Annual Report for 2014

Child Care Center, Office of Programs Division of Early Care and Education, Bureau of Children and Families; Annual Report for Fiscal Year 2013; West Virginia Department of Education

Child Support Enforcement, Bureau of; Commission Report for 2015; West Virginia Department of Health and Human Resources

Chiropractic, West Virginia Board of; Annual Report 2013-2014

Citizens Review Panel, West Virginia; Annual Report for 2014

Coal Mine Health and Safety, West Virginia Board of; Annual Report for Fiscal Year 2014

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; Annual Report for 2014

Community Supervision Committee; Justice Reinvestment Act

Consolidated Public Retirement Board, State of West Virginia; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Consumer Advocates, West Virginia Office of; Annual Report Fiscal Year 2014; West Virginia Office of the Insurance Commissioner

Consumer Protection and Antitrust Division, Office of the Attorney General; Annual Report for November 20, 2013-November 19, 2014

Corrections, Division of; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Military Affairs and Public Safety

Counseling, West Virginia Board of; Annual Report for Fiscal Year 2012-2014

Counties, West Virginia Association of; Annual Report for 2013/2014

Court Systems, West Virginia; Annual Report 2013

Crime, Delinquency and Correction, Governor's Committee, Community Corrections Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Crime, Delinquency and Correction, Governor's Committee, Law Enforcement Professional Standards Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Crime, Delinquency and Correction, Governor's Committee, State Advisory Group Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Deaf and Blind, West Virginia School for the; Annual Report for Fiscal Year 2014

Dentistry, West Virginia Board of; Annual Report for Fiscal Years 2013 & 2014

Employee Suggestion Award Board; Annual Report for Calendar Year 2013

Employee Suggestion Award Board; Annual Report for Calendar Year 2012

Energy, West Virginia Division of; Annual Report for January 1, 2014-November 30, 2014; West Virginia Department of Commerce

Engineers, West Virginia State Board of Registration for Professional; Annual Report for Fiscal Year 2014

Equal Employment Opportunity Office, State of West Virginia; Annual Report for 2014; Office of the Governor

Financial Institutions, West Virginia Division of; 113th Annual Report Fiscal Year ending June 30, 2014

Geological and Economic Survey, West Virginia; Annual Report 2013; West Virginia Department of Commerce

Human Rights Commission, West Virginia; Annual Report for Fiscal Year 2014

Infrastructure and Jobs Development Council, West Virginia; Annual Report

Insurance Commissioner, State of West Virginia; Annual Report for Calendar Year 2013; West Virginia Department of Revenue

Interstate Mining Compact Commission; Annual Report 2013

Justice Reinvestment Initiative, Division of Justice and Community Services; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Juvenile Services, Division of; Annual Report for Fiscal Year 2013; West Virginia Department of Military Affairs and Public Safety

Juvenile Services, Division of; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Lottery, West Virginia; Annual Report for Fiscal Year ended June 30, 2014 and 2013; West Virginia Department of Revenue

Marketing and Communication; 2013 SB 393 Status Report; West Virginia Department of Commerce

Maternal Child and Family Health, Office of (regarding birth defects surveillance); Annual Report for January 1, 2011-December 31, 2011; West Virginia Department of Health and Human Resources

Maternal, Child and Family Health, Office of (regarding infant and maternal mortality); Annual Report on Infant Mortality January 1, 2011-December 31, 2011; Annual Report of Maternal Mortality January 1, 2012-December 31, 2012; West Virginia Department of Health and Human Resources

Medical Imaging and Radiation Therapy Technology, West Virginia Board of Examiners for; Annual Report Fiscal Year 2014

Medicine, West Virginia Board of; Annual Report of the Biennium July 1, 2012-June 30, 2014

Miners' Health, Safety and Training, Office of; Annual Report for year ending December 31, 2013; West Virginia Department of Commerce

Minority Affairs, Herbert Henderson Office of; Annual Report for 2014; Office of the Governor

Municipal Bond Commission, West Virginia; Annual Report for Fiscal Year ending June 30, 2014

National Guard, West Virginia; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Natural Resources, Division of; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Commerce

Neighborhood Investment Program Independent Assessment, Development Office; 2013 Final Report on the Assessment of 2011-2012; West Virginia Department of Commerce

Nursing Home Administrators, West Virginia Licensing Board for; Annual Report for July 1, 2013-June 30, 2014

Optometry, West Virginia Board of; Annual Report for Fiscal Years 2013 & 2014

Osteopathy, West Virginia Board of; Annual Report 2014

Parent/Educator Resource Training Center of Wood County; Annual Report for 2013-2014

Personnel, Division of; Annual Report Fiscal Year 2014; West Virginia Department of Administration

Planning and Development Council, Regional 4; Annual Report for Fiscal Year 2014

Privacy Office, West Virginia State; Annual Report 2014

Public Defender Services; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Administration

Public Employees Grievance Board; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Purchase of Commodities and Services from the Handicapped, Governor's Committee for the; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Rea of Hope, Inc.; Annual Report for 2014

Real Estate Commission, State of West Virginia; Annual Report ending June 30, 2014

Reconnecting McDowell, Herbert Henderson Office of Minority Affairs; Annual Report for 2014; Office of the Governor

Registered Professional Nurses, West Virginia Board of Examiners for; Annual Report of the Biennium July 1, 2012-June 30, 2014

Rehabilitation Council, West Virginia State; Annual Report for 2013-2014

Rehabilitation Facilities, Inc., West Virginia Association of; Annual Report for 2013

Rehabilitation Services, West Virginia Division of; Annual Report for Fiscal Year 2014; West Virginia Department of Education and the Arts

Rehabilitation Services, West Virginia Division of; Annual Report for Fiscal Year 2013; West Virginia Department of Education and the Arts

Risk and Insurance Management, Board of; Annual Report Fiscal Year ending June 30, 2014; West Virginia Department of Administration

Ron Yost Personal Assistance Services; Annual Report for July 1, 2013-June 30, 2014

Ron Yost Personal Assistance Services; Annual Report for July 2, 2012-June 30, 2013

Sanitarians, West Virginia State Board of; Annual Report 2014

School Building Authority of West Virginia; Annual Report for year ending June 30, 2014

Senior Services, West Virginia Bureau of; Annual Report Fiscal Year July 1, 2013-June 30, 2014

State Police, West Virginia; Annual Report for July 1, 2013-July 30, 2014; West Virginia Department of Military Affairs and Public Safety

Tourism, West Virginia Division of; Annual Report for 2013; West Virginia Department of Commerce

Treasurer, State of West Virginia; Annual Report for Fiscal Year 2014

Treasury Investments, West Virginia Board of; Annual Report for Fiscal Year ending June 30, 2014

Veterans Assistance, West Virginia Department of; Annual Report 2013

Veterinary Medicine, West Virginia Board of; Annual Report 2014

Water Development Authority, West Virginia; Annual Report for Fiscal Year 2014

West Virginia State University; President's Report 2014

Wheeling National Heritage Area; Annual Report for 2013

Youth Services, Bureau of Children and Families; Annual Report Fiscal Year July 1, 2012-June 30, 2013; West Virginia Department of Health and Human Resources

Very truly yours,

Earl Ray Tomblin,
Governor.

Senator Cole (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 13, 2015

Senate Executive Message No. 4

The Honorable William P. Cole III
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 March 5, 2014, through March 13, 2015.

Very truly yours,

Earl Ray Tomblin,
Governor.

The Senate proceeded to the sixth order of business.

Senators Palumbo and Stollings offered the following resolution:

Senate Concurrent Resolution No. 68—Requesting the Joint Committee on Government and Finance study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs.

Whereas, Local public libraries have played an important role in the achievements of our democracy since its inception and their role in sustained development of this country has been recognized by the founders of this country, by the great statesmen and orators of the nineteenth century, by civil rights leaders, industrialists, journalists and technology innovators; and

Whereas, Local public libraries serve not as a mere adjunct to our educational system, but as an integral and critical component of it, which is as significant as the construction and maintenance of public schools; and

Whereas, Local public libraries are critical to the economic development of the communities in which they are located and have a proven correlation with higher property values, better schools, increased wages and higher levels of employment than in communities without local public libraries; and

Whereas, More than 77 percent of the public libraries in this country are located in small communities and rural areas; and

Whereas, Local public libraries are often the only public depository of local history books and resources available to local historians, public officials, teachers, students and families; and

Whereas, Despite technological advancement and the widespread availability of books, research and other information through digital media, libraries find sustained demand for their services and, in 2013, the Pew Research Center found that Americans under the age of 30 visit libraries at the same rate as older Americans and are more likely to use the technical resources of libraries than their older counterparts; and

Whereas, West Virginia can ill afford to neglect or ignore the sustained need for up-to-date, efficient, safe, comfortable and well-funded local public libraries throughout the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs; and, be it

Further Resolved, That the Joint Committee on Government and Finance establish a select committee on local public library improvement to conduct the study on this and such other relevant topics as the Joint Committee on Government and Finance may deem appropriate; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on the findings, conclusions and recommendations of the select committee, 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 Carmichael, and by unanimous consent, the resolution was taken up for immediate consideration and referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution No. 36, Requesting DOH name bridge in McDowell County “Homer Hopkins Bridge”.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Senate Concurrent Resolution No. 60, Requesting DOH name bridge in Logan County “U. S. Army SGT Bernard C. Maynard Memorial Bridge”.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Senate Concurrent Resolution No. 62, Requesting Joint Committee on Government and Finance study racing and gaming industries.

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. 64, Requesting Joint Committee on Government and Finance study development of state occupational safety and health plan.

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

Senate Concurrent Resolution No. 65, Requesting Joint Committee on Government and Finance study state road funding needs.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Carmichael, the resolution was referred to the Committee on Rules.

Senate Concurrent Resolution No. 66, Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Carmichael, the resolution was referred to the Committee on Rules.

Senate Concurrent Resolution No. 67, Requesting Joint Committee on Government and Finance study statewide fiber optic broadband infrastructure network.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Carmichael, the resolution was referred to the Committee on Rules.

House Concurrent Resolution No. 7, The Kenneth A. Chapman, Sr. Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Com. Sub. for House Concurrent Resolution No. 21, The PFC James Elwood Wickline 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 second Whereas clause, by striking out the words “jump, where he” and inserting in lieu thereof the words “jump. He”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 21), 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. 24, The US Army SP5 Johnnie Marvin Ayers Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Com. Sub. for House Concurrent Resolution No. 27, The West Virginia Air National Guard 167th Fighter Squadron 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 two, in the second Whereas clause, by striking out the word “Creasy” and inserting in lieu thereof the word “Creasey”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. No. 27), 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. 30, The Baisden Family Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Com. Sub. for House Concurrent Resolution No. 32, The Lipscomb Brothers Veterans Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Com. Sub. for House Concurrent Resolution No. 39, The USMC LCpl Julius C. “Corky” Foster Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Com. Sub. for House Concurrent Resolution No. 42, The Boyhood Home of Booker T. Washington.

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.

Com. Sub. for House Concurrent Resolution No. 98, Jack Furst Drive.

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 House Bill No. 2160, WV Schools for the Deaf and Blind eligible for School Building Authority funding.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)–34.

The nays were: 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. 2160) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2160) takes effect from passage.

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

Eng. House Bill No. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2161) 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. 2161—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 and §15-14-6; to amend and reenact §61-2-17 of said code; to amend said code by adding thereto two new sections, designated §61-2-17a and §61-2-17b; and to amend and reenact §62-1D-8 of said code, all relating to adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; creating a Commission on the Prevention of Human Trafficking; requiring the public posting of hotline information in certain business and public locations; making services available to victims of human trafficking; providing victims immunity from criminal prosecution for certain crimes directly resulting from human trafficking; changing the definition of human trafficking; expanding criminal remedies and enforcement tools to combat human trafficking; and allowing victims to petition the circuit court to vacate and expunge a conviction for certain crimes directly resulting from human trafficking.

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. 2233, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2233) passed.

The following amendment to title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2233—A Bill to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Legislative Rule-Making Review Committee, with the assistance of the Legislative Auditor's Office, to review any interpretive, procedural and current legislative rule to determine if it is achieving its purpose; and requiring the Legislative Rule-Making Review Committee to make recommendations to the applicable agency or board and the Joint Committee on Government and Finance for amendment or repeal of the rule.

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. 2263, Providing guidance for prosecuting attorneys in cases involving abused and neglected children.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having

been granted on March 11, 2015, for further amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Trump, the bill was recommitted to the Committee on the Judiciary.

Eng. Com. Sub. for House Bill No. 2266, Relating to the publication requirements of the administration of estates.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2266) 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. 2266—A Bill to repeal §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5-9a; to amend and reenact §44-1-14a of said code; to amend said code by adding thereto a new section, designated §44-1-30; and to amend and reenact §44-2-1 of said code, all relating generally to administration of estates; repealing provision requiring fiduciary

commissioner to publish notice of time for receiving claims against decedents' estates; changing requirements for publication by county clerk; requiring legal residences to be included on certificates of death; reducing creditors claim period from ninety to sixty days; increasing value of estates for which a fiduciary commissioner need not be appointed; and authorizing clerk of the county commission to require a certified copy of a decedent's certificate of death or other proof of death and residence.

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. 2366, Relating generally to the solicitation of minors.

Having been read a third time on March 12, 2015, and now coming up in regular order, was reported by the Clerk.

On motion of Senator Kessler, the bill was recommitted to the Committee on the Judiciary.

Eng. Com. Sub. for House Bill No. 2395, Storm Scammer Consumer Protection 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, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)–34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2395) passed 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. 2479, Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Trump, the bill was recommitted to the Committee on the Judiciary.

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

A message from The Clerk of the House of Delegates announced the 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. 273, Relating to brewer, resident brewer and brewpub licensing and operations.

On motion of Senator Carmichael, 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 §11-16-3, §11-16-6, §11-16-9 and §11-16-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §11-16-6a and §11-16-6b, 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.

(2) “Brewer” or “manufacturer” means any person manufacturing, otherwise producing or importing or transhipping 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.

(3) “Brewpub” means a place of manufacture of nonintoxicating beer or nonintoxicating craft 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.

(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.

(5) “Class B retail license” means a retail license permitting the retail sale of liquor at a mixed retail liquor outlet licensed pursuant to chapter sixty of this code.

~~(5)~~ (6) “Commissioner” means the West Virginia Alcohol Beverage Control Commissioner.

~~(6)~~ (7) “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)~~ (8) “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) (9) “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.

(9) (10) “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.

(10) (11) “Growler” means a container or jug that is made of glass, ceramic, or metal container or jug or other material approved by the commissioner, that may be only thirty-two or sixty-four fluid ounces in size and must be capable of being securely sealed. The growler is utilized by a brewpub an authorized licensee for purposes of off-premise sales only of nonintoxicating beer or nonintoxicating

craft beer for personal consumption not on a licensed premise and not for resale. Notwithstanding any other provision of this code to the contrary, a securely sealed growler is not an open container under federal, state and local law. A growler with a broken seal is an open container under federal, state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. The secure sealing of a growler requires the use of a tamper-resistant seal, security tape or other material, as approved by the commissioner, placed on or over the growler's opening, which seal, security tape or other material is clearly marked with the date of the secure sealing by the authorized licensee who is selling the growler.

(11) (12) “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.

(12) (13) “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.

~~(13)~~ (14) “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.

~~(14)~~ (15) “Nonintoxicating beer sampling day” means any days and hours of the week where Class A retail licensees may sell nonintoxicating beer pursuant to section eleven-a of this article and subdivision (1), subsection (a), section eighteen of this article, and is approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

~~(15)~~ (16) “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.

~~(16)~~ (17) “Original container” means the container used by ~~the~~ a resident brewer or brewer at the place of manufacturing, bottling or otherwise producing nonintoxicating beer or nonintoxicating craft beer for sale at wholesale.

~~(17)~~ (18) “Person” means and includes an individual, firm, partnership, limited partnership, limited liability company, association or corporation.

(19) “Private club” means a license issued pursuant to article seven, chapter sixty of this code.

~~(18)~~ (20) “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.

(19) (21) “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.

(20) (22) “Tax Commissioner” means the Tax Commissioner of the State of West Virginia or the commissioner’s designee.

§11-16-6. License in one capacity only; no connection between different licensees; when brewer may act as distributor; credit and rebates proscribed; brewer, resident brewer and brewpub requirements.

(a) No person shall be licensed in more than one capacity under the terms of this article, and there shall be no connection whatsoever between any retailer, distributor, resident brewer or brewer, and no person shall be interested, directly or indirectly, through the ownership of corporate stock, membership in a partnership, or in any other way in the business of a retailer, if such person is at the same time interested in the business of a brewer, resident brewer or distributor. A resident brewer may act as distributor in a limited capacity for his or her own product from such resident brewery, place of manufacture or bottling, but a resident brewer is not permitted to act as a distributor as defined in section three of this article: *Provided*, That nothing in this article may prevent a resident brewer from using the services of licensed distributors as specified in this article. A resident brewer or distributor may sell to a consumer patron for personal use and not for resale quantities of draught beer in quantities of one-eighth, one-fourth and original containers that are no larger in size than one-half barrels in the original containers barrel for off-premises consumption. A resident brewer ~~owning~~ who also has a brewpub license may sell

nonintoxicating beer or nonintoxicating craft beer produced by the ~~brewpub~~ resident brewer in a sealed growler cans, or bottles or sealed growlers, pursuant to section six-b of this article, for personal consumption off of a the brewpub's licensed premise premises and not for resale.

(b) It is unlawful for any brewer, resident brewer, manufacturer or distributor to assist any retailer or for any retailer to accept assistance from any brewer, manufacturer or distributor, accept any gifts, or loans, or forbearance of money or property of any kind, nature or description, or other thing of value, or by the giving of give any rebates or discounts of any kind whatsoever, except as may be permitted by rule, regulation or order promulgated by the commissioner in accordance with this article.

(c) Notwithstanding ~~paragraphs subsections~~ subsections (a) and (b) ~~above of this section,~~ a brewpub may offer for retail sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except for up to two growlers per brewpub customer for personal consumption off of a licensed premises and not for resale as provided in section six-b of this article.

§11-16-6a. Brewer and resident brewer license to manufacture, sell and provide complimentary samples.

(a) *Legislative findings.* – The Legislature hereby finds that it is in the public interest to regulate, control and support the brewing, manufacturing, distribution, sale, consumption, transportation and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed brewer or resident brewer with its principal place of business and manufacture located in this state to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state's growing brewing industry

and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of nonintoxicating beer.* – A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may offer only nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for retail sale to customers from the brewer's or resident brewer's licensed premises for consumption off the licensed premises only in the form of kegs, bottles, cans or growlers for personal consumption and not for resale. A licensed brewer or resident brewer may not sell, give or furnish nonintoxicating beer for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (c) of this section.

(c) *Complimentary samples.* – A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may only offer complimentary samples of nonintoxicating beer or nonintoxicating craft beer brewed at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. The complimentary samples may be no greater than two ounces per sample per patron, and a sampling shall not exceed ten complimentary two ounce samples per patron per day. A licensed brewer or resident brewer providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is twenty-one years of age or over and that the patron is not visibly intoxicated.

(d) *Retail sales.* – Every licensed brewer or resident brewer under this section shall comply with all the provisions of this article as applicable to nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and shall be subject to all applicable requirements and penalties in this article.

(e) *Payment of taxes and fees.* – A licensed brewer or resident brewer under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising.* – A licensed brewer or resident brewer under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer produced by the licensed brewer or resident brewer, and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(g) *Growler requirements.* – A licensed brewer or resident brewer under this section must fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensed brewer or resident brewer under this section must sanitize, fill, securely seal and label any growler prior to its sale. A licensed brewer or resident brewer under this section may only offer for retail sale up to two 64-ounce or four 32-ounce, growlers of nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer per customer per day for personal consumption off of the licensed premises and not for resale. A licensed brewer or resident brewer under this section may refill a growler subject to the requirements of this section. A licensed brewer or resident brewer shall visually inspect any growler before filling or refilling it. A licensed brewer or resident brewer may not fill or refill any growler that appears to be cracked, broken, unsafe or otherwise unfit to serve as a sealed beverage container.

(h) *Growler labeling.* – A licensed brewer or resident brewer under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler and the date the growler was filled or refilled, and,

further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(i) *Growler sanitation.* – A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under section twenty-three of this article.

(j) *Fee.* – There is no additional fee for a licensed brewer or resident brewer authorized under this section to sell growlers.

(k) *Limitations on licensees.* – To be authorized under this section, a licensed brewer or resident brewer may not produce more than twenty-five thousand barrels per calendar year at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. No more than one brewer or resident brewer license may be issued to a single person or entity and no person may hold both a brewer and a resident brewer license. A licensed brewer or resident brewer under this section may only conduct tours, give complimentary samples and sell growlers during the hours of operation set forth in subdivision (1), subsection (a), section eighteen of this article. A licensed brewer or resident brewer authorized under this section shall be subject to the applicable penalties under section twenty-three of this article for violations of this section.

(l) *Rules.* – The commissioner, in consultation with the Bureau for Public Health concerning sanitation, is authorized to propose rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to implement this section.

§11-16-6b. Brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee and Class B retail licensee's authority to sell growlers.

(a) *Legislative findings.* – The Legislature hereby finds that it is in the public interest to regulate, control and support the brewing, manufacturing, distribution, sale, consumption, transportation and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee or Class B retail licensee to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state's growing brewing industry and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of nonintoxicating beer.* – A licensed brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee or Class B retail licensee, who pays the fee in subsection (i) of this section and meets the requirements of this section, may offer nonintoxicating beer or nonintoxicating craft beer for retail sale to patrons from their licensed premises in a growler for personal consumption only off of the licensed premises and not for resale. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing nonintoxicating beer or nonintoxicating craft beer is twenty-one years of age or over and that the patron is not visibly intoxicated. A licensee authorized under this section may not sell, give or furnish alcoholic liquors, including wine, for consumption off of its licensed premises, unless it is a private club licensed to sell sealed wine for consumption off of the licensed premises and meets the requirements set out in subdivisions (j) and (l), section three, article eight, chapter sixty of this code, for the sale of wine, not liquor.

(c) *Retail sales.* – Every licensee authorized under this section shall comply with all the provisions of this article as applicable to

nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and shall be subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes and fees.* – A licensee authorized under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* – A licensee authorized under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(f) *Growler requirements.* – A licensee authorized under this section must fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensee authorized under this section must sanitize, fill, securely seal and label any growler prior to its sale. A licensee authorized under this section may only offer for retail sale up to two 64-ounce, or four 32-ounce, growlers of nonintoxicating beer or nonintoxicating craft beer per customer per day for personal consumption off of the licensed premises and not for resale. A licensee under this section may refill a growler subject to the requirements of this section. A licensee shall visually inspect any growler before filling or refilling it. A licensee may not fill or refill any growler that appears to be cracked, broken, unsafe or otherwise unfit to serve as a sealed beverage container.

(g) *Growler labeling.* – A licensee authorized under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler and

the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(h) *Growler sanitation.* – A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under section twenty-three of this article.

(i) *Fee.* – Commencing July 1, 2015, and by every July 1 thereafter, there is an annual \$100 nonrefundable fee for a licensee, except for a licensed brewpub, to sell growlers as provided by this section. The licensee must be in good standing with the state at the time of paying the fee.

(j) *Limitations on licensees.* – A licensee under this section may only sell growlers during the hours of operation set forth in subdivision (1), subsection (a), section eighteen of this article. Any licensee licensed under this section must maintain a secure area for the sale of nonintoxicating beer or nonintoxicating craft beer in a growler. The secure area must only be accessible by the licensee. Any licensee licensed under this section shall be subject to the applicable penalties under section twenty-three of this article for violations of this section.

(k) *Nonapplicability of certain statutes.* – Notwithstanding any other provision of this code to the contrary, licensees under this section are permitted to break the seal of the original container for the limited purpose of filling a growler as provided in this section. Any unauthorized sale of nonintoxicating beer or nonintoxicating craft beer or any consumption not permitted on the licensee's licensed premises is subject to penalties under this article.

(l) *Rules.* – The commissioner is authorized to propose rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to implement this section.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

~~There is levied and imposed an annual license tax upon all dealers in and of nonintoxicating beer as defined by this article, which (a) All retail dealers, distributors, brewpubs, brewers and resident brewers of nonintoxicating beer and of nonintoxicating craft beer shall pay an annual fee to maintain an active license as required by this article. The license period begins on July 1 of each year and ends on June 30 of the following year. and, if~~ If the license is granted for a less shorter period, it then the license fee shall be computed semiannually in proportion to the remainder of the fiscal year.

(b) The annual license fees are as follows:

(1) Retail dealers shall be divided into two classes: Class A and Class B. ~~In the case of~~

(A) For a Class A retail dealer, the license fee is \$150 for each place of business; the license fee for social, fraternal or private clubs not operating for profit, and having been in continuous operation for two years or more immediately preceding the date of application, is \$150: Provided, That railroads operating in this state may dispense nonintoxicating beer upon payment of an annual license tax of \$10 for each dining, club or buffet car in which the beer is dispensed.

Class A licenses issued for railroad dining, club or buffet cars authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A licenses authorize the licensee to sell nonintoxicating beer at retail for consumption on or off the licensed premises.

~~In the case of (B) For a Class B retailer retail dealer, the license fee, for a Class B license~~ authorizing the sale of both chilled and unchilled beer, is \$150 for each place of business. A Class B license authorizes the licensee to sell nonintoxicating beer at retail in bottles, cans or other sealed containers only, and only for consumption off the licensed premises. A Class B retailer may sell to a ~~consumer patron~~, for personal use and not for resale, quantities of draught beer in quantities of one-eighth, one-fourth and in original containers that are no larger in size than one-half barrels in the original containers barrel for off-premises consumption.

A Class B license may be issued only to the proprietor or owner of a grocery store. For the purpose of this article, the term “grocery store” means ~~and includes~~ any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store, where food or food products are sold for consumption off the premises, and ~~means includes~~ a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products and supplies for the table for consumption off the premises. ~~The commissioner may propose for legislative approval legislative rules pursuant to chapter twenty-nine-a of this code necessary to carry this provision into effect.~~ Caterers or party supply stores are required to purchase the appropriate licenses from the Alcohol Beverage Control Administration.

(2) ~~In the case of distributors~~ For a distributor, the license fee is \$1,000 for each place of business.

(3) ~~In the case of~~ For a brewer or a resident brewer with its principal place of business or manufacture located in this state and who produces:

(A) Twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$500 for each place of manufacture;

(B) Twelve thousand five hundred one barrels and up to twenty-five thousand barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,000 for each place of manufacture;

(C) More than twenty-five thousand one barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,500 for each place of manufacture.

(4) ~~In the case of~~ For a brewer whose principal place of business or manufacture is not located in this state, the license fee is \$1,500. The brewer is exempt from the requirements set out in subsections (c), (d) and (e) of this section: *Provided*, That a brewer, whose principal place of business or manufacture is not located in this state that produces less than twenty-five thousand barrels of nonintoxicating beer or nonintoxicating craft beer, may choose to apply in writing to the commissioner to be subject to the variable license fees of subdivision (3) of this subsection and the requirements set out in subsections (c), (d) and (e) of this section, subject to investigation and approval by the commissioner as to brewer requirements.

(5) For a brewpub, the license fee is ~~\$1,000~~ \$500 for each place of manufacture.

(c) As part of the application or renewal application and in order to determine a brewer or resident brewer's license fee pursuant to this section, a brewer or resident brewer shall provide the commissioner, on a form provided by the commissioner, with an estimate of the number of nonintoxicating beer or nonintoxicating craft beer barrels and gallons it will produce during the year based upon the production capacity of the brewer's or resident brewer's manufacturing facilities and the prior year's production and sales volume of nonintoxicating beer or nonintoxicating craft beer.

(d) On or before July 15 of each year, every brewer or resident brewer who is granted a license shall file a final report, on a form provided by the commissioner, that is dated as of June 30 of each

year, stating the actual volume of nonintoxicating beer or nonintoxicating craft beer in barrels and gallons produced at its principal place of business and manufacture during the prior year.

(e) If the actual total production of nonintoxicating beer or nonintoxicating craft beer by the brewer or resident brewer exceeded the brewer's or resident brewer's estimate that was filed with the application or renewal for a brewer's or resident brewer's license for that period, then the brewer or resident brewer shall include a remittance for the balance of the license fee pursuant to this section that would be required for the final, higher level of production.

(f) Any brewer or resident brewer failing to file the reports required in subsections (c) and (d) of this section, and who is not exempt from the reporting requirements, shall, at the discretion of the commissioner, be subject to the penalties set forth in section twenty-three of this article.

§11-16-12. Bond of brewer, distributor and Class A retail dealer; action on bond of retail dealer upon revocation of license; duty of prosecuting attorney.

(a) In addition to furnishing the information required by this article, each brewer or distributor applying for a license under this article shall furnish, as prerequisite to a license, a bond with some solvent surety company as surety, to be approved by the commissioner, payable to the State of West Virginia, conditioned for the payment of any and all additional taxes accruing during the period of such license, and conditioned further for the faithful observance of the provisions of this article, the rules, regulations and orders promulgated pursuant thereto and of any other laws of the State of West Virginia generally relating to the sale, transportation, storage and distribution of nonintoxicating beer, which said bonds shall be forfeited to the state upon the revocation of the license of any such brewer or distributor. The amount of such bond, in the case of a resident brewer or brewpub, shall be not less than \$5,000, nor more than \$10,000, and in the case of a distributor, not less than \$2,000, nor more than \$5,000 for each place of business licensed

and conducted within the state, the amount of such bond, between the minimum and maximum amounts, to be determined in the discretion of the commissioner. There shall be no bond for a brewpub license, as the license privilege itself secures the payment of taxes and is subject to suspension and revocation for failure to pay said taxes. In the case of brewers shipping nonintoxicating beer into the state, any brewer must also furnish a bond in a penalty of not less than \$5,000 nor more than \$25,000 conditioned as hereinabove in this subsection provided and any bond furnished pursuant hereto shall be forfeited to the state in the full amount of said bond upon revocation of license of any such brewer or distributor. Such money received by the state shall be credited to the state fund, general revenue.

(b) Each Class A retail dealer, in addition to furnishing the information required by this article, shall furnish, as prerequisite to obtaining a license, a bond with some solvent surety company as surety, to be approved by the commissioner, payable to the State of West Virginia, in the amount not less than \$500, nor more than \$1,000, within the discretion of the commissioner. All such bonds shall be conditioned for the faithful observance of the provisions of this article, the rules, regulations and orders promulgated pursuant thereto and of any other laws of the State of West Virginia generally relating to the distribution, sale and dispensing of nonintoxicating beer and shall be forfeited to the state in the full amount of said bond upon the revocation of the license of any such retail dealer. Such money received by the state shall be credited to the state fund, general revenue.

(c) Upon the revocation of the license of any Class A retail dealer by the commissioner or by any court of competent jurisdiction, the commissioner or the clerk of said court shall notify the prosecuting attorney of the county wherein such retail dealer's place of business is located, or the prosecuting attorney of the county wherein the licensee resides, of such revocation, and, upon receipt of said notice, it shall be the duty of such prosecuting attorney forthwith to institute appropriate proceedings for the collection of the full amount of said

bond. Upon request of such prosecuting attorney, the commissioner shall deliver the bond to him. Willful refusal without just cause therefor by the prosecuting attorney to perform said duty hereby imposed shall subject him to removal from office by the circuit court of the county for which said prosecuting attorney was elected upon proper proceedings and proof in the manner provided by law.;

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. 273—A Bill to amend and reenact §11-16-3, §11-16-6, §11-16-9 and §11-16-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §11-16-6a and §11-16-6b, all relating to brewer, resident brewer, brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee and Class B retail licensee licensing and operations; clarifying, adding and revising definitions; providing legislative findings; authorizing licensed brewers and resident brewers to offer complimentary nonintoxicating beer and nonintoxicating craft beer samples; authorizing licensed brewers, resident brewers, brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to sell nonintoxicating beer and nonintoxicating craft beer in growlers subject to limitations; imposing operational, advertising, sanitation, sealing and labeling standards; authorizing and imposing penalties; authorizing promulgation of rules; clarifying and imposing license requirements and fees; removing an authorization to propose rules; changing the license fee schedule for certain brewers and resident brewers; decreasing the license fee for brewpubs; requiring annual production report; providing for fee correction; authorizing penalty for failure to submit production report; removing brewpub bonding requirement; and providing clarifying and technical amendments.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 273, 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, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Facemire and Snyder—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. 273) 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, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill No. 2515, Relating to elk restoration.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Friday, March 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Karnes, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the bill was withdrawn.

At the request of Senator M. Hall, as chair of the Committee on Finance, unanimous consent being granted, the unreported Finance committee amendment to the bill was withdrawn.

On motion of Senator Karnes, 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 §20-2-4, §20-2-5, §20-2-5a, §20-2-5g, §20-2-22a and §20-2-42w 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 §20-2-5h, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

PART I. WILDLIFE MANAGEMENT.

§20-2-4. Possession of wildlife.

(a) Except for wildlife lawfully taken, killed or obtained, no person may have in his or her possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any wildlife, or parts thereof, which have been illegally taken, killed or obtained. Any wildlife illegally taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily, seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the illegal taking or killing of any wildlife.

(b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as ~~that~~ wildlife taken within this state.

(c) Migratory wild birds may be possessed only in accordance with the Migratory Bird Treaty Act, 16 U. S. C. §703, et seq., and its regulations thereunder.

(d) The restrictions in this section do not apply to the director or duly authorized agents, who may, ~~in any manner,~~ take or maintain in captivity, ~~at any time,~~ any wildlife for the purpose of carrying out the provisions of this chapter.

(e) Wildlife, except protected birds, elk, spotted fawn, and bear cubs, killed or mortally wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be lawfully possessed if the possessor of the wildlife provides notice of the claim within twelve hours to a relevant law-enforcement agency and obtains a nonhunting game tag within twenty-four hours of possession. The director shall propose administrative policy which addresses the means, methods and administrative procedures for implementing the provisions of this section.

(f) Persons required to deliver wildlife to an official checking station ~~may,~~ shall, in accordance with rules promulgated by the director, electronically register the wildlife in lieu of the delivery to an official checking station. “Electronically register” means submission of all necessary and relevant information to the division, in the manner designated by rule, in lieu of delivery of the wildlife to an official checking station. The director may promulgate rules, pursuant to article three, chapter twenty-nine-a of this code, governing the electronic registration of wildlife.

§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.

Except as authorized by the director or by law, it is unlawful at any time for any person to:

(1) Shoot at ~~or to shoot~~ any wild bird or wild animal unless it is plainly visible ~~to him or her;~~

(2) Dig out, cut out, or smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge ~~except as may be authorized by rules promulgated by the director or by law;~~

(3) ~~Make use of, or take advantage of, Use or attempt to use~~ any artificial light ~~in or any night vision technology, including image intensification, thermal imaging or active illumination while~~ hunting, locating, attracting, taking, trapping or killing any wild bird or wild animal: ~~or to attempt to do so, while having in his or her possession or subject to his or her control, or for any person accompanying him or her to have in his or her possession or subject to his or her control, any firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for taking, killing or trapping a wild bird or animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum or skunk by the use of artificial light subject to the restrictions set forth in this subdivision. No person is guilty of a violation of this subdivision merely because he or she looks for, looks at, attracts or makes motionless a wild bird or wild animal with or by the use of an artificial light, unless at the time he or she has in his or her possession a firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for taking, killing or trapping a wild bird or wild animal, or unless the artificial light (other than the head lamps of an automobile or other land conveyance) is attached to, a part of or used from within or upon an automobile or other land conveyance. or night vision technology.~~

Any person violating ~~the provisions of~~ this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500 and shall be confined in jail for not less than ten days nor more than one hundred days;

(4) ~~Hunt for, take, kill, wound or shoot at wild animals or wild birds from an airplane or other airborne conveyance, a drone or other unmanned aircraft, an automobile or other land conveyance,~~

or from a motor-driven water conveyance ~~except as authorized by rules promulgated by the director;~~

(5) Use a drone or other unmanned aircraft to hunt, take or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping or killing;

(5) (6) Take any beaver or muskrat by any means other than by a trap;

(6) (7) Catch, capture, take, hunt or kill by seine, net, bait, trap or snare or like device of any kind any a bear, wild turkey, ruffed grouse, pheasant or quail;

(7) (8) Destroy Intentionally destroy or attempt to destroy needlessly or willfully the nest or eggs of any wild bird or have in his or her possession the nest or eggs unless authorized to do so under rules promulgated by or under a permit issued by the director;

(8) (9) Except as provided in section six of this article, carry Carry an uncased or loaded gun firearm in any of the woods of this state except during the with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds; within any county of the state unless he or she has in his or her possession a permit in writing issued to him or her by the director. Provided, That this section does not prohibit

(B) A person hunting or taking of unprotected species of wild animals, and wild birds and migratory wild birds during the open season in the open fields, open water and open marshes of the state;

(C) A person carrying a firearm pursuant to sections six and six-a of this article; or

(D) A person carrying a firearm for self defense who is not prohibited from possessing firearms by section seven, article seven, chapter sixty-one of this code;

~~(9)~~ (10) Have in his or her possession a crossbow with a nocked bolt a loaded firearm or a firearm from the magazine of which all shells and cartridges or a rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached in or on any vehicle or conveyance, or its attachments, within the state, except as may otherwise be provided by law or regulation. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. Except as hereinafter provided, ~~that between five o'clock post meridian of one day one and seven o'clock ante meridian, Eastern Standard Time, of the following day following,~~ any unloaded firearm or crossbow, ~~being lawfully carried in accordance with the foregoing provisions,~~ may be so carried only when in a case or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the ~~foregoing~~ requirements relative to carrying certain unloaded firearms are permissible only from eight-thirty o'clock post meridian to five o'clock ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the post meridian times and one hour before the ante meridian times established ~~above in this subdivision~~ if a ~~hunter is preparing to or in the process of~~ person is transporting or transferring the firearms to or from a hunting site, campsite, home or other place of abode;

~~(10)~~ (11) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which wildlife may be taken after the hour of five o'clock ante meridian on Sunday on private land without the written consent of the landowner any wild animals or wild birds except when a big game season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild animals or birds after five o'clock ante meridian on that Sunday: *Provided*, That traps previously and legally set may be

tended after the hour of five o'clock ante meridian on Sunday and the person ~~so doing tending the traps~~ may carry ~~only a twenty-two caliber firearm~~ firearms for the purpose of humanely dispatching trapped animals. Any person violating ~~the provisions of~~ this subdivision is guilty of a misdemeanor and, upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this code, is subject to a \$100 fine;

~~(11)~~ (12) Hunt, catch, take, kill, injure or pursue a wild animal or wild bird with the use of a ferret;

~~(12)~~ (13) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

~~(13)~~ (14) Catch, take, kill or attempt to catch, take or kill any fish ~~at any time~~ by any means other than by rod, line and hooks with natural or artificial lures ~~unless otherwise authorized by law or rules issued by the director~~: *Provided*, That snaring of any species of suckers, carp, fallfish and creek chubs ~~shall at all times be~~ is lawful;

~~(14)~~ (15) Employ, ~~or hire, or induce or persuade, by the use of~~ with money, ~~or other things of value or by any means~~, any person to hunt, take, catch or kill any wild animal or wild bird except those species ~~or in~~ which there is no closed season; or to fish for, catch, take or kill any fish, amphibian or aquatic life ~~which that~~ that is protected by the provisions of this chapter, or rules of the director rule, or the sale of which is otherwise prohibited;

~~(15)~~ (16) Hunt, catch, take, kill, capture, pursue, transport, possess or use 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 for the protection of migratory birds and wild mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time and in the manner and numbers prescribed~~ except as permitted by the federal Migratory Bird Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations ~~made thereunder~~;

~~(16)~~ (17) Kill, take, catch, sell, transport or have in his or her possession, living or dead, any wild bird other than a game bird, ~~or expose for sale or transport within or without the state any bird except as aforesaid. No part of including the plumage, skin or body of any protected bird, may be sold or had in possession for sale except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or mounted,~~ irrespective of whether the bird was captured ~~within or without~~ in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*) and cowbird (*Molothrus ater*), which may ~~not be protected and the killing thereof at any time is lawful~~ be killed at any time;

(17) (18) Use dynamite, ~~or any like explosive~~ explosives or ~~poisonous mixture placed~~ any poison in any waters of the state for the purpose of killing or taking fish. Any person violating ~~the provisions of~~ this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

~~(18)~~ (19) Have a bow and gun, or have a gun and any arrow ~~or arrows,~~ in the fields or woods at the same time;

~~(19)~~ (20) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in ~~section~~ sections five-g and forty-two-w of this article;

~~(20)~~ (21) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths of an inch wide;

~~(21)~~ (22) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

~~(22)~~ (23) Shoot an arrow across any public highway ~~or from aircraft, motor-driven watercraft, motor vehicle or other land conveyance;~~

~~(23)~~ (24) Permit any dog owned by ~~him or her~~ or under his or her control to chase, pursue or follow ~~upon the track~~ the tracks of any wild animal or wild bird, ~~either day or night, between May 1 and the August 15 next following:~~ *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, ~~or tenants~~ or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. *Provided, however,* That ~~nonresidents~~ Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. *Provided further,* That ~~the~~ A person training ~~said~~ dogs ~~does~~ may not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds, ~~whereby wild animals or wild birds could be taken or killed;~~

~~(24)~~ (25) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race or wild hunt ~~hereafter referred to as trial:~~ *Provided*, That any person, group of persons, club or organization may hold ~~the~~ a trial ~~at any time of the year~~ upon obtaining a permit ~~as is provided in~~ pursuant to section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in ~~said~~ the trial and make ~~same~~ the records readily available for inspection by any natural resources police officer upon request;

~~(25)~~ (26) Except as provided in section four of this article, hunt ~~Hunt~~, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during ~~the open season established by rule of the director as authorized by to subdivision (6), section seven, article one of this chapter~~ seasons;

~~(26)~~ (27) Hunting on public lands on Sunday after five o'clock ante meridian is prohibited;

(27) (28) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken on private lands on Sunday after the hour of five o'clock ante meridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice 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 the publication is the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.

On the local option election ballot shall be printed the following:

Shall hunting on Sunday be authorized on private lands only with the consent of the land owner in _____ County?

[] Yes

[] No

(Place a cross mark in the square opposite your choice.)

Any local option election to approve or disapprove of the proposed authorization of Sunday hunting within a county shall be in accordance with procedures adopted by the commission. The

local option election may be held in conjunction with a primary or general election or at a special election. Approval shall be by a majority of the voters casting votes on the question of approval or disapproval of Sunday hunting at the election.

If a majority votes against allowing Sunday hunting, ~~no~~ an election on the issue may not be held for a period of one hundred four weeks. If a majority votes “yes”, ~~no~~ an election reconsidering the action may not be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which Sunday hunting is authorized. The petition may be in any number of counterparts. The election shall take place at the next primary or general election scheduled more than ninety days following receipt by the county commission of the petition required by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice requirements have been met. No local law or regulation providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict with this subdivision. ~~and~~

Amendments to this subdivision promulgated during the 2015 regular session of the Legislature shall have no effect upon the results of elections held prior to their enactment; and

(~~28~~) (29) Hunt or conduct hunts for a fee ~~where the hunter when~~ the person is not physically present in the same location as the wildlife being hunted within West Virginia.

§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs.

(a) Any person who is convicted of violating a criminal law of this state that results in the injury or death of game, as defined in section two, article one of this chapter, or a protected species of animal, in addition to any other penalty to which he or she is subject, shall forfeit the cost of replacing the game or protected species of animal to the state as follows:

(1) For each game fish or each fish of a protected species taken illegally other than by pollution kill, \$10 for each pound and any fraction thereof;

(2) For each bear, ~~or elk~~, \$500;

(3) For each deer or raven, \$200;

(4) For each wild turkey, hawk or owl, \$100;

(5) For each beaver, otter or mink, \$25;

(6) For each muskrat, raccoon, skunk or fox, \$15;

(7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse or pheasant, \$10;

(8) For each wild boar, \$200;

(9) For each bald eagle, \$5,000;

(10) For each golden eagle, \$5,000; ~~and~~

(11) For each elk, \$4,500; and

~~(11)~~ (12) For any other game or protected species of animal, \$100.

(b) In addition to the replacement value for deer in ~~subsection (a) subdivision (3)~~, subsection (a) of this section, the following cost

shall also be forfeited to the state by any person who is convicted of violating any criminal law of this state and the violation causes the injury or death of antlered deer:

(1) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals fourteen inches or greater but less than sixteen inches, \$1,000;

(2) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals sixteen inches or greater but less than eighteen inches, \$1,500;

(3) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals eighteen inches or greater but less than twenty inches, \$2,000; and

(4) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals twenty inches or greater, \$2,500.

(5) Any person convicted of a second or subsequent violation of any criminal law of this state which violation causes the injury or death of antlered deer is subject to double the authorized range of cost to be forfeited.

(c) Upon conviction, the court shall order the person to forfeit to the state the amount set forth in this section for the injury or death of the game or protected species of animal. If two or more defendants are convicted for the same violation causing the injury or death of game or protected species of animal, the forfeiture shall be paid by each person in an equal amount. The forfeiture shall be paid by the person so convicted within the time prescribed by the court not to exceed sixty days. In each instance, the court shall pay the forfeiture to the Division of Natural Resources to be deposited into the License Fund-Wildlife Resources (~~3200~~) and used only for the replacement, habitat management or enforcement programs for injured or killed game or protected species of animal.

§20-2-5g. Use of a crossbow to hunt.

(a) Notwithstanding any other provision of this code to the contrary, ~~a person who possesses a valid Class Y permit in accordance with section forty-two-w of this article may, during the designated archery hunting season;~~ any person lawfully entitled to hunt may hunt with a crossbow during big game firearms season. A person who possesses a valid Class Y permit may also hunt with a crossbow in accordance with section forty-two-w of this article. Further, the director shall designate a separate season for crossbow hunting and identify which species of wildlife may be hunted with a crossbow.

(b) Only crossbows meeting all of the following specifications may be used for hunting in West Virginia:

(1) The crossbow has a minimum draw weight of one hundred twenty-five pounds;

(2) The crossbow has a working safety; and

(3) The crossbow is used with bolts and arrows not less than eighteen inches in length with a broad head having at least two sharp cutting edges, measuring at least three fourths of an inch in width.

§20-2-5h. Elk management area; elk damage fund; criminal penalties; rulemaking.

(a) *Findings.* – The Legislature finds that Eastern Elk were once a common, native species in the state prior to and following its formation, but historical records indicate native elk were extirpated from the state around 1875. Until recently, free roaming elk have not been present in the state. However, elk are now migrating to the state from Kentucky, which has an active elk restoration program. Therefore, the Division of Natural Resources has established an active elk restoration program in southern West Virginia.

(b) *Elk management area.* – The division has established an elk restoration management plan to reintroduce elk to all of Logan County, Mingo County, McDowell County and Wyoming County, and part of Boone County, Lincoln County and Wayne County. The director and the division may not expand the elk management area without statutory authorization.

(c) *Elk damage fund.* – There is hereby created a special revenue account in the State Treasury to be known as the Elk Damage Fund to be administered by the division. Ten percent from all application fees for the hunting of elk are to be deposited into the Elk Damage Fund. Expenditures from the fund shall be for the payment of damages caused to agricultural crops, agricultural fences and personal gardens by elk.

(d) *Criminal penalties.* – It shall be unlawful for any person to hunt, capture or kill any elk or have in his or her possession elk or elk parts, except for elk lawfully taken, killed or obtained during an established open hunting season for elk or by permit.

(1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail not less than thirty nor more than one hundred days, or both fined and confined.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,000 nor more than \$7,500, or confined in jail not less than thirty days nor more than one year, or both fined and confined.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility not less than one year nor more than five years, or both fined and imprisoned.

(e) *Rulemaking.* – The director shall propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to:

- (1) Set forth the parameters of the elk management plan;
- (2) Establish the procedures for the issuance of depredation permits to persons suffering damage from elk;
- (3) Establish protocols for the control of elk outside the elk management area;
- (4) Establish hunting application fees and procedures;
- (5) Establish procedures for reimbursement from the elk damage fund to those with damage to agricultural crops, agricultural fences and personal gardens caused by elk; and
- (6) Establish protocols for ensuring elk imported to the state are healthy, tested for tuberculosis, brucellosis and other diseases of critical concern, and from an area where chronic wasting disease has not been detected.

§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.

(a) A person ~~in any county of this state~~ may not hunt, capture or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear ~~and~~ in the manner designated by ~~rules promulgated by the Division of Natural Resources rule or law~~, and as provided in this section. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder, skull and claws of bear.

(b) A person who kills a bear shall, within twenty-four hours after the killing, ~~deliver the bear or fresh skin to a natural resources police officer or checking station for tagging~~ A division of Natural Resources tag shall be affixed to it before any part of the bear may

~~be transported more than seventy-five miles from the point of kill. The division of Natural Resources tag~~ electronically register the bear. A game tag number shall be issued to the person and recorded in writing with the person's name and address, or on a field tag and shall remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as otherwise designated by the Division of Natural Resources director.

(c) It is unlawful:

(1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with:

(A) A shotgun using ammunition loaded with more than one solid ball; or

(B) A rifle of less than twenty-five caliber using rimfire ammunition; ~~or~~;

~~(C) A crossbow;~~

(3) To kill or attempt to kill any bear through the use of poison, explosives, snares, steel traps or deadfalls ~~other than as authorized in this section;~~

(4) To shoot at or kill:

(A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed weight, after removal of all internal organs;

(B) Any bear accompanied by a cub; or

(C) Any bear cub so accompanied, regardless of its weight;

(5) To possess any part of a bear not tagged in accordance with the provisions of this section;

(6) To enter a state game refuge with firearms for the purpose of pursuing or killing a bear except under the direct supervision of division personnel;

(7) To hunt bear with dogs or to cause dogs to chase bear during seasons other than those designated by the division of ~~Natural Resources~~ for the hunting of bear;

(8) To pursue a bear with a pack of dogs other than the pack used at the beginning of the hunt once the bear is spotted and the chase has begun;

(9) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of this section;

(10) To organize for commercial purposes or to professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this article; or

(11) For any person who is not a resident of this state to hunt bear with dogs or to use dogs in any fashion for the purpose of hunting bear in this state except in legally authorized hunts.

(d) The following provisions apply to bear destroying property:

(1) (A) Any property owner or lessee who has suffered damage to real or personal property, including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused by an act of a bear may complain to any natural resources police officer of the division of ~~Natural Resources~~ for protection against the bear.

(B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, he or she shall designate a wildlife biologist to investigate on his or her behalf.

(C) If the complaint is found to be justified, the officer or designated person may, together with the owner and other residents, proceed to hunt, destroy or capture the bear that caused the property damage: *Provided*, That only the natural resources police officer or the wildlife biologist may determine whether to destroy or capture the bear and whether to use dogs to capture or destroy the bear: *Provided, however*, That if out-of-state dogs are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in hunting the bear.

(2) (A) When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the director of the division of ~~Natural Resources~~. The report shall state whether or not the bear was hunted and destroyed and, if so, the sex, weight and estimated age of the bear. The report shall also include an appraisal of the property damage occasioned by the bear duly signed by three competent appraisers fixing the value of the property lost.

(B) The report shall be ruled upon and the alleged damages examined by a commission comprised of the complaining property owner, an officer of the division and a person to be jointly selected by the officer and the complaining property owner.

(C) The division shall establish the procedures to be followed in presenting and deciding claims under this section in accordance with article three, chapter twenty-nine-a of this code.

(D) All claims shall be paid in the first instance from the Bear Damage Fund provided in section forty-four-b of this article. In the event the fund is insufficient to pay all claims determined by the commission to be just and proper, the remainder due to owners of

lost or destroyed property shall be paid from the special revenue account of the division of ~~Natural Resources~~.

(3) In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death. In cases where the livestock killed is pregnant, the total value is the sum of the values of the mother and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair market value of the issue had it been born.

(e) *Criminal penalties.* – (1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, which ~~fine~~ is not subject to suspension by the court, confined in jail not less than thirty nor more than one hundred days, or both fined and confined. Further, the person's hunting and fishing licenses shall be suspended for two years.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,000 nor more than \$7,500, which ~~fine~~ is not subject to suspension by the court, confined in jail not less than thirty days nor more than one year, or both fined and confined. The person's hunting and fishing licenses shall be suspended for life.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, which ~~fine~~ is not subject to suspension by the court, imprisoned in a correctional facility not less than one year nor more than five years, or both fined and imprisoned.

PART II. LICENSES AND PERMITS.

§20-2-42w. Class Y special crossbow hunting permit for certain disabled persons.

(a) ~~On or after January 1, 2006, a~~ A Class Y permit shall be ~~is~~ a special statewide hunting permit ~~and shall entitle the permittee entitling a person to hunt all wildlife during established archery and firearm seasons~~ An application shall be furnished by the director, and a Class Y permit allowing the holder to use a crossbow, during the archery hunting seasons, to applicants who meet if the person meets the following requirements:

(1) He or she holds a Class Q permit;

(2) He or she has a permanent and substantial loss of function in one or both hands while failing to meet the minimum standards of the upper extremity pinch, grip and nine-hole peg tests administered under the direction of a licensed physician; or

(3) ~~A~~ He or she has a permanent and substantial loss of function in one or both shoulders while failing to meet the minimum standards of the ~~standard~~ shoulder strength test administered under the direction of a licensed physician.

(b) The application form shall include a written statement or report prepared by ~~a the physician, prepared~~ conducting the test no more than six months preceding the application and verifying that the applicant is physically disabled as described in this section. As part of the application, the applicant shall authorize, by written release, an examination of all medical records regarding his or her qualifying disability. When completed, the permit form constitutes a Class Y permit. The Class Y permit and a completed license application shall be submitted to the division, which will issue a wallet-sized card to the permittee. The card and all other documents and identification required to be carried by this article shall be in the permittee's possession when hunting.

(c) A Class Y permit must be accompanied by a valid statewide hunting license or the applicant must be exempt from hunting licenses as provided in this chapter.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2515), 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Miller, Sypolt and Williams—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. 2515) passed.

At the request of Senator Karnes, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

On motion of Senator Karnes, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2515—A Bill to amend and reenact §20-2-4, §20-2-5, §20-2-5a, §20-2-5g, §20-2-22a and §20-2-42w of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5h, all relating to wildlife; disallowing elk to be possessed if struck by motor vehicle; requiring persons required to deliver wildlife to official checking station to electronically register wildlife; increasing

fine for illegal taking of elk; prohibiting hunting wildlife with night vision technology, drone or other unmanned aircraft; clarifying when a person may carry certain firearms; permitting a person to carry firearm for self defense while in the woods; clarifying when a shotgun or rifle is unloaded; permitting hunting with crossbows during certain seasons and with certain limitations; establishing elk management area in southern West Virginia; establishing Elk Damage Fund; providing for criminal penalties for the illegal taking of elk; clarifying bear laws and Class Y permits; authorizing director to propose legislative rules; and making technical corrections.

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

Eng. Com. Sub. for House Bill No. 2571, Creating a fund for pothole repair contributed to by private businesses or 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: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Yost and Cole (Mr. President)—29.

The nays were: Beach, Miller, Romano, Williams and Woelfel—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2571) passed 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. 2585, Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party.

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 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-4-9a, to read as follows:

ARTICLE 4. ASSESSMENT OF REAL PROPERTY.

§11-4-9a. Valuation of oil and gas mineral interests.

To the extent that oil and gas production is used to determine the value of any interest in oil and gas for ad valorem taxes, presumed or projected production shall not be used to determine such value during the first year a well related to that interest is placed in production; but instead, only the actual value of such production may be considered in the determination of value in the first year.

To the extent that oil and gas production is used to determine the value of any interest in oil and gas for ad valorem taxes, presumed or projected production shall not be used to determine such value during the last year a well related to that interest is placed in production; but instead, only the actual value of such production may be considered in the determination of value in the last year.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2585), 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Miller—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. 2585) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2585—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-9a, relating to the valuation and assessment of oil and gas mineral interests for ad valorem taxes.

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

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. House Bill No. 2598, Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2598) 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. 2636, Exempting information contained in a concealed weapon permit application from the Freedom of Information 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, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder,

Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)–34.

The nays were: 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. 2636) 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. 2636—A Bill to amend and reenact §29B-1-2 and §29B-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29B-1-3a; to amend and reenact §29B-1-4 of said code; and to amend and reenact §61-7-4 of said code, all relating to the Freedom of Information Act; redefining the term “public record”; defining and exempting certain fees and costs for reproduction of records; directing the Secretary of State to establish a database of Freedom of Information requests and publication on the Secretary of State’s website; directing public bodies to report Freedom of Information request information to the Secretary of State; authorizing emergency and legislative rule-making authority to the Secretary of State; establishing a presumption of public accessibility to public records; exempting information contained in a concealed weapon permit application from the Freedom of Information Act; authorizing disclosure of exempt information to law enforcement agency; protecting the confidentiality of information collected in an application for a concealed weapon permit; and providing criminal penalties.

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

Eng. House Bill No. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2664) 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. 2664—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to creating “Andrea, Willy and Nelson’s Law”; making driving under the influence of alcohol, controlled substances or drugs causing death a felony in all instances; eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs; creating a new felony offense of driving while under the influence of alcohol, controlled substances or drugs causing serious bodily injury; providing definitions of “bodily injury” and “serious bodily injury”; providing that the West Virginia Rules of Evidence apply without exception to administrative proceedings concerning license revocation for driving under the influence; and providing that DUI

information sheets may only be used to refresh an officer's memory at administrative proceedings concerning license revocation for driving under the influence.

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. 2688, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.

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. 2688 pass?"

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Gaunch, D. Hall, M. Hall, Kirkendoll, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—24.

The nays were: Facemire, Ferns, Karnes, Kessler, Laird, Leonhardt, Miller, Romano, Sypolt and Yost—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2688) passed.

At the request of Senator Trump, 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 Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2688—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of said code; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; requiring the Tax Commissioner to study, and propose rules relating to, oil and gas severance taxation on a first purchaser basis; reconstituting the membership of the Oil and Gas Conservation Commission; providing for the unitization of interests in drilling units in connection with horizontal oil or gas wells generally; establishing prerequisites to filing of an application for a horizontal well unit order; setting forth application requirements; establishing the standard of review; providing for unit orders and parameters thereof; requiring notice and timeliness; providing for hearings; permitting bonded operators to submit written comments regarding a horizontal well unit application in certain circumstances; addressing oil and gas produced from horizontal wells, vertical wells and unconventional reservoirs; requiring royalties be paid on all substances emitted from the borehole; providing for declaration of public policy and legislative findings; specifying applicability of article; limiting the liability of nonconsenting owners in certain circumstances; granting additional authority to the Oil and Gas Conservation Commission; providing for the award of unitization consideration in certain circumstances and generally; providing alternative and deemed elections to nonconsenting owners in certain circumstances; providing for dispute resolution; providing for treatment of interests of unknown and unlocatable interest owners, including moneys payable thereto; providing for judicial review of commission orders; permitting the modification of horizontal well unit orders under certain circumstances; providing for the expiration of horizontal well unit orders under certain circumstances; requiring the filing of a summary of the prevailing economic terms of leases and the prevailing consideration paid for modification of leases prior to hearings; establishing procedures where certain information shall be

deemed confidential; exempting certain information from disclosure under the freedom of information law; addressing additional drilling activity; providing that horizontal well unit orders do not grant or affect surface rights; authorizing contemporaneous permit applications; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; providing for conflict resolution; providing for severability; adding new definitions; and modifying existing 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. 2766, Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.

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 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator M. Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2766) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2766) passed.

At the request of Senator M. Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2766) 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. 2769, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Kessler, Miller, Palumbo and Prezioso—4.

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. 2769) passed.

On motion of Senator M. Hall, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2769—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015 in the amount of \$1,500,000 from the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200, and in the amount of \$400,103.30 from the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, and in the amount of \$3,861,297 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, and in the amount of \$1,329.28 from the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, and in the amount of \$478.81 from the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, and in the amount of \$18,609.27 from the Department of Health and Human Resources, Division of Health, Claude Worthington

Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, and in the amount of \$2,500 from the Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, and in the amount of \$13,193.90 from the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, and in the amount of \$45 from the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, and in the amount of \$1,400,000 from the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, and in the amount of \$6,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, and in the amount of \$4,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, and in the amount of \$4,976.37 from the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, and in the amount of \$18,118.01 from the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, and in the amount of \$251,657.05 from the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, and in the amount of \$4,000,000 from the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, and in the amount of \$223,310.69 from the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, and in the amount of \$16,700,000 from the

Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704, and all subject to the condition that bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Kessler, Miller, Palumbo and Prezioso—4.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2769) 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. 2772, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office, Purchasing Card Administration 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2772) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2772) 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. 2810, Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller,

Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2810) 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. 2840, Providing an alternative plan to make up lost days of instruction.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2840) passed with its title.

Senator Carmichael moved that the bill take effect July 1, 2015.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2840) takes effect July 1, 2015.

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

Eng. House Bill No. 2877, Relating to electronic filing of tax returns and electronic funds transfers in payment of 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2877) passed with its title.

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

Eng. House Bill No. 2926, Relating to deferral charges in connection with a consumer credit sale or consumer loan.

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 13, 2015, for further amendments to be received on third reading, was 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 section and inserting in lieu thereof the following:

ARTICLE 3. FINANCE CHARGES AND RELATED PROVISIONS.

§46A-3-114. Deferral and modification charges.

(1) With respect to a precomputed consumer credit sale or consumer loan, refinancing or consolidation, the parties before or after default may agree in writing to a deferral of all or part of one or more unpaid installments, and the seller or lender may make and collect a deferral charge not exceeding the amount of the sales finance charge or loan finance charge attributable to the first of the deferred monthly installment periods multiplied by number of months in the deferral period (the period in which no payment is required or made by reason of a deferral): *Provided*, That no installment on which a delinquency charge has been collected or partial payment made shall be deferred unless the amount of the

delinquency charge or partial payment is first applied to the deferral charge. If prepayment in full occurs during a deferral period, the portion of the deferral charge attributable to the unexpired full months in the deferral period shall be also rebated.

(2) The seller or lender, in addition to the deferral charge, may make appropriate additional charges, and the amount of these charges which is not paid in cash may be added to the amount deferred for the purpose of calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed consumer credit sale or consumer loan, refinancing or consolidation that if an installment is not paid within ten days after its due date as originally scheduled or as deferred, the seller or lender may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date on which the seller or lender elects to accelerate the maturity of the agreement.

(4) With respect to a real estate secured consumer credit sale or consumer loan, the parties before or after default may agree in writing to a modification or amendment of, or allonge to, the consumer credit sale or consumer loan, and the seller or lender may make and collect a modification charge equal to the greater of \$250 or one percent of the outstanding balance of the consumer credit sale or consumer loan at the time of the modification, amendment or allonge: *Provided*, That no modification charge may be made where prohibited by federal law or regulation.

~~(4)~~ (5) The commissioner shall prescribe by rule the method or procedure for the calculation of deferral charges consistent with the other provisions of this chapter where the precomputed consumer credit sale or consumer loan is payable in unequal or irregular installments.

On motion of Senator Romano, the following amendment to the Finance committee amendment to the bill (Eng. H. B. No. 2926) was reported by the Clerk:

On page two, section one hundred fourteen, subsection (4), by striking out the word “greater” and inserting in lieu thereof the word “lesser”.

Senator Trump 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 Senator Romano’s amendment to the Finance committee amendment to the bill, the same was put and did not prevail.

The question now being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

Having been engrossed, the bill (Eng. H. B. No. 2926), as just amended by the Committee on Finance, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Walters, Williams and Cole (Mr. President)—20.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Mullins, Palumbo, Romano, Snyder, Unger, Woelfel and Yost—13.

Absent: None.

Excused from voting: Trump—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. 2926) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. House Bill No. 2926—A Bill to amend and reenact §46A-3-114 of the Code of West Virginia, 1931, as amended, relating to modification charges in connection with a real estate secured consumer credit sale or consumer loan; and providing for a minimum and maximum modification charge that may be collected.

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. 2934, Repealing the common core standards.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Friday, March 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5b. Legislative findings with respect to West Virginia's education standards; state superintendent duties.

(a) The Legislature finds that:

(1) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has enacted, by general law, a process for improving education that includes four primary elements, these being: Standards, assessments, accountability and capacity building to ensure that students attain the knowledge and skills that result from a thorough and efficient system of education;

(2) The Legislature has the authority and the responsibility to establish and be engaged constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education and this determination is made by using the process for improving education to determine when school improvement is needed, by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use. As the constitutional body charged with the general supervision of schools as provided by the Constitution of the State of West Virginia, the state board has the authority and the responsibility to establish the standards, assess the performance and progress of students against the standards, hold schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) Congressional reauthorization of the Elementary and Secondary Education Act (ESEA), known as the No Child Left Behind Act (NCLB), required states to implement state specific criterion referenced summative assessment tests, establish accountability measures and annual targets for adequate yearly progress through a U. S. Department of Education approved process, and impose designations and consequences on schools for failure to meet the annual targets necessary for all students to score at the proficient level on the tests by 2014;

(4) West Virginia moved to the new curriculum-based testing program during the 2003-2004 school year with the WESTEST developed under a contract with CTB/McGraw-Hill as a part of its compliance plan to meet the NCLB requirements;

(5) In March 2006, the West Virginia Board of Education assembled teams of master teachers to develop 21st Century Content Standards and Objectives for West Virginia Schools to incorporate higher levels of critical thinking and problem-solving skills and improve alignment with other national and international assessments. First placed on public comment for sixty days in July, 2005, these standards underwent several additional reviews by state and national experts and the public and several revisions before final adoption by the West Virginia Board of Education and placed into effect July 1, 2008;

(6) In May 2009, WESTEST 2, a new statewide assessment aligned with the new 21st Century Content Standards and Objectives, was administered for the first time;

(7) Also in 2009, West Virginia joined other states in an effort to develop Common Core State Standards. The West Virginia Board of Education, as recorded in the minutes of its May 12, 2010, meeting, unanimously approved the Common Core State Standards for English Language Arts and Literacy in History/Social Studies and Science and the Common Core State Standards for Mathematics for alignment with West Virginia's 21st Century Content Standards and Objectives for implementation beginning in fall 2011. Shortly thereafter, separate committees in these two subject areas, each consisting of classroom teachers and representatives of higher education faculty, began this work and placed a particular standard into the West Virginia framework only when the best available evidence indicated that its mastery was essential for college and career readiness;

(8) Following this process and a public comment period, the West Virginia Board of Education adopted Next Generation Content Standards and Objectives;

(9) A requirement for college and career readiness standards enacted during the 2013 regular legislative session in section thirty-nine, article two of this chapter directs the state board, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college and career readiness standards for English/language arts and math that allow for a determination of whether a student needs to enroll in a post-secondary remedial course. The results on the statewide student assessment in grade eleven must be used to determine whether a student has met the college and career readiness standards in these subjects or allow for the student's enrollment in transitional courses in the twelfth grade if necessary;

(10) A decade-long trend of gradually closing the gap with national averages in math and scoring near or above the national averages in reading for West Virginia student scores on the National Assessment of Educational Progress (NAEP) reversed course beginning in 2001. This unintended negative consequence was likely, in part, the result of accumulated inconsistencies and loss of focus on sustained instructional improvement as teachers continually readjusted to frequently changing standards and assessments, and the system goal became how to avoid the harsh consequences of failing to meet the AYP targets required by NCLB as they increasing became statistically unattainable. As the 2014 deadline approached for 100% of students scoring proficient on the state summative assessment, it was apparent that no schools in West Virginia would achieve this NCLB goal and, therefore, all schools would be labeled as failing and face the required sanctions. In the face of long overdue reauthorization of the Elementary and Secondary Education Act, schools in West Virginia, like most across the country, had little choice but to seek the relief offered under the ESEA Flexibility process;

(11) West Virginia applied for flexibility during the 3rd application window, due September 6, 2012. The ESEA Flexibility Request required states to address three principles:

(A) Principle 1: College and Career-Ready Expectations for All Students;

(B) Principle 2: State-Developed Differentiated Recognition, Accountability and Support; and

(C) Principle 3: Supporting Effective Instruction and Leadership;

(12) West Virginia met Principle 1 with the adopted Next Generation Standards for English Language Arts and Mathematics, met Principle 2 by designing an accountability method and support system for schools recognized as success, transition, focus, support or priority schools based on rates of student academic growth and achievement, and met Principle 3 by modifying the statutory professional personnel performance evaluation system to place the entire measure of student learning for teachers of English Language Arts and Mathematics in the tested grades on the state summative assessment. West Virginia's ESEA Flexibility was approved in May, 2013;

(13) The state board has since also modified West Virginia's accountability system by adopting an A-F grading system for schools which will be embedded in the federal flexibility renewal request. It also has modified its rules for Next Generation Standards to comply with West Virginia Code by adding twelfth grade transition courses in English Language Arts and Mathematics for students below the college and career ready level; and

(14) ESEA Flexibility is subject to continued monitoring by the U. S. Department of Education and is subject to renewal due March 31, 2015.

(b) The Legislature further finds that the funding for West Virginia public schools comes from about fifty-nine percent state and thirty-one percent local revenue sources with the federal government contributing only about ten percent of the state's total school funding. Federal funding under the Elementary and

Secondary Education Act amounted to about \$362 million for the 2012-2013 school year and supplements the education of disadvantaged and special needs students. The receipt of federal funding allows the federal government to require accountability for funds expended for certain educational purposes and to require college and career ready standards and aligned assessments. The West Virginia Board of Education and Department of Education shall collaborate with the federal government to implement these accountability systems in a manner which does not hamper their constitutional mandate to supervise the free schools of the state and does not hamper the Legislature's constitutional mandate to provide a thorough and efficient system of free schools.

(c) In response to the foregoing findings the state superintendent shall:

(1) Undertake a comprehensive review of the standards to ensure that:

(A) West Virginia's standards are college and career ready as required in section thirty-nine, article two of this chapter;

(B) West Virginia's standards are revised as needed to ensure that West Virginia students will be adequately prepared for college and careers;

(C) Schools and school systems in West Virginia have adequate and appropriate curriculum and instructional strategies to provide instruction that enables students to meet college and career ready standards;

(D) Sufficient training and professional development is provided to equip teachers and leaders to utilize curriculum and instructional strategies that enable students to meet college and career ready standards; and

(E) Schools and school systems in West Virginia have appropriate information and resources to engage and assist parents with helping improve the learning of their children.

(2) Establish English Language Arts and Mathematics standards review committees which may be subdivided by content and grade level. The review committees shall assist and advise the state superintendent in the review and revision process to ensure that the standards recommended to the West Virginia Board of Education for adoption are college and career ready. The review committees shall consist of, at a minimum, the following members:

(A) West Virginia certified teachers with subject matter and grade level expertise;

(B) At least one representative from each of the following groups:

(i) A West Virginia parent;

(ii) A West Virginia teacher organization representative;

(iii) A West Virginia school administrator;

(iv) A West Virginia principal;

(v) A representative of the West Virginia School Board Association;

(vi) A West Virginia employer;

(vii) Three senators appointed by the President of the Senate, one of whom shall be the chair of the Senate Education Committee and one of whom shall be a member of the minority party, and three delegates appointed by the Speaker of the House, one of whom shall be the chair of the House Education Committee and one of whom shall be a member of the minority party; and

(viii) Other individuals selected by the state superintendent.

(3) Conduct at least four regional town hall style meetings to engage members of the public in the standards review process: *Provided*, That the public also shall be provided an opportunity to participate in the standards review process through an online review and comment platform.

(4) Regularly inform the Legislature of any actions taken with respect to standards, assessments, accountability and professional development through reporting to the Legislative Oversight Commission on Education Accountability.

(d) At the conclusion of the comprehensive review process set forth in subsection (c) of this section, but not later than January 1, 2017, the state superintendent shall recommend to the West Virginia Board of Education such amendments, additions or deletions to the English Language Arts and Mathematics standards as are necessary to assure that the standards are college and career ready.

(e) As part of review process the state superintendent shall recommend to the West Virginia Board of Education an appropriate schedule of statewide summative assessment schedule for grades three through twelve. Also, as part of the review process, the state superintendent shall direct a review of the Student Data Accessibility, Transparency and Accountability Act set forth in section five-h, article two of this chapter and the longitudinal data system set forth in section ten, article one-d, chapter eighteen-b of this code.

(f) The collection of confidential student information and the disclosure of personally identifiable student information not in accordance with section five-h, article two of this chapter and other applicable state law is prohibited.

(g) West Virginia shall cease using any Smarter Balanced Assessment Consortium (SBAC) and Partnership for Assessment of

Readiness for College and Careers (PARCC) assessment after the 2016-2017 school year unless the Legislature amends the code before that time to allow continued use of the assessment.

(h) The Legislative Oversight Commission on Education Accountability shall monitor and inform the Legislature on implementation of this section.

On motion of Senator Plymale, the following amendment to the Education committee amendment to bill (Eng. Com. Sub. for H. B. No. 2934) was reported by the Clerk:

On page eight, section five-b, by striking out all of subsection (g) and inserting in lieu thereof a new subsection, designated subsection (g), to read as follows:

(g) As a result of the review process set forth in subsection (c) of this section, the state superintendent shall recommend to the state board the appropriate statewide summative assessments and schedule of assessments.

The question being on the adoption of Senator Plymale's amendment to the Education committee amendment to the bill, the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were eighteen "yeas" and sixteen "nays".

Whereupon, Senator Cole (Mr. President) declared Senator Plymale's amendment to the Education committee amendment to the bill adopted.

On motions of Senators Sypolt and Boso, the following amendments to the Education committee amendment to the bill

(Eng. Com. Sub. for H. B. No. 2934), as amended, were next reported by the Clerk, considered simultaneously, and adopted:

On page eight, section five-b, after subsection (g), by inserting a new subsection, designated subsection (h), to read as follows:

(h) The content standards and objectives based upon the Common Core State Standards for all programs of study in effect on March 14, 2015, shall remain in effect and may not be amended in any way until the comprehensive review process is completed in accordance with subsection (d) of this section.;

And,

By relettering the remaining subsection.

The question now being on the adoption of the Education committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2934), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—20.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—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. 2934) passed.

At the request of Senator Sypolt, 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 Sypolt, Boso and Plymale, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill No. 2934—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-5b, relating to making findings with respect to a thorough and efficient education and role of the Legislature; making findings with respect to the West Virginia Board of Education; making findings with respect to the Elementary and Secondary Education Act and the effect of certain amendments; making findings with respect to changes in standards and assessments; making findings with respect to reverse in trend of improving student National Assessment of Educational Progress scores and likely causes; making findings with respect to ESEA flexibility relief, state application and subsequent actions; making findings with respect to school funding sources, the influence of federal funds and the use of federal funds to coerce changes in standards, assessments and accountability system; making findings with respect to inappropriate usurpation of state sovereignty over public education and results sufficient to impede process for improving education; directing certain actions by state superintendent in response to findings; requiring state superintendent to undertake a comprehensive review of standards; requiring state superintendent to establish English Language Arts and Mathematics standards review committees; requiring state superintendent to conduct at least four regional town hall style meetings; require the public be provided an opportunity to participate in the standards review process through an online review and comment platform; requiring the state superintendent to regularly inform the Legislature of certain actions; requiring the state superintendent to recommend to the state board such amendments, additions or deletions to the English Language Arts

and Mathematics standards as are necessary to assure that the standards are college and career ready; requiring recommendation relating to an appropriate schedule of statewide summative assessment schedule; requiring review of the Student Data Accessibility, Transparency and Accountability Act and the longitudinal data system; prohibiting collection and disclosure of certain information; requiring the state superintendent to make certain recommendations to the state board; requiring certain content standards and objectives remain in effect and not be amended until review process completed; and requiring the Legislative Oversight Commission on Education Accountability to monitor and inform the Legislature on the implementation of certain provisions.

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. 3006, Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 3006) passed with its title.

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

Eng. House Bill No. 3020, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

On third reading, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3020) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3020) takes effect from passage.

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

Eng. House Bill No. 3021, Making a supplementary appropriation to the Department of Health and Human Resources.

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 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator M. Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

There being no further amendments offered,

Having been engrossed, the bill (Eng. H. B. No. 3021) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3021) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3021) takes effect from passage.

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

Eng. House Bill No. 3022, Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.

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 13, 2015, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator M. Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

There being no further amendments offered,

Having been engrossed, the bill (Eng. H. B. No. 3022) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3022) passed.

At the request of Senator M. Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 3022) takes effect from passage.

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

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Carmichael, the Senate recessed until 2:30 p.m. today.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Boso, unanimous consent being granted, Senator Boso addressed the Senate regarding a meeting of the committee of conference on Engrossed Committee Substitute for Senate Bill No. 37 (*Creating Revised Uniform Arbitration Act*).

The Senate proceeded to the fourth order of business.

Senator Cole (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Concurrent Resolution No. 66, Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.

Senate Concurrent Resolution No. 68, Requesting Joint Committee on Government and Finance study public library funding.

And,

House Concurrent Resolution No. 131, Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

William P. Cole III,
Chairman, ex officio.

At the request of Senator Carmichael, unanimous consent being granted, Senate Concurrent Resolution No. 66 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

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

At the request of Senator Carmichael, unanimous consent being granted, Senate Concurrent Resolution No. 68 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

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

At the request of Senator Carmichael, unanimous consent being granted, House Concurrent Resolution No. 131 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

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

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Carmichael, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for Senate Bill No. 323, Relating to municipal home rule.

Passed by the Senate on yesterday, Friday, March 13, 2015,

The bill still being in the possession of the Senate,

On motion of Senator Carmichael, the Senate reconsidered the vote as to the passage of the bill,

The vote thereon having been reconsidered,

On motion of Senator Carmichael, the Senate reconsidered its action by which it adopted Senator Carmichael's motion that the Senate concur in the House of Delegates amendments, as amended (*shown in the Senate Journal of yesterday, Friday, March 13, 2015, pages 2475 through 2486, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's motion that the Senate concur in the House of Delegates amendments, as amended (Eng. Com. Sub. for S. B. No. 323).

Thereafter, at the request of Senator Carmichael, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Carmichael, the Senate reconsidered its action by which on yesterday, Friday, March 13, 2015, it adopted Senator Carmichael's amendments to the House of Delegates amendments to the bill (*shown in the Senate Journal of that day, pages 2485 and 2486*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's amendments to the House of Delegates amendments to the bill.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, Senator Carmichael's amendments to the House of Delegates amendments to the bill were withdrawn.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendments to the bill was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 323—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; allowing participation of thirty Class I, Class II and Class III

municipalities; allowing participation of four Class IV municipalities; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality's amendment to its home rule plan and that a municipal ordinance is nullified if the municipality's amendment to its home rule plan is not approved by the municipal home rule board; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules or regulations enacted pursuant the municipality's approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from taxpayers or moneys distributed to municipalities by the tax division under the pilot program; removing obsolete provisions; and reorganizing existing provisions.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as just amended.

Engrossed Committee Substitute for Senate Bill No. 323, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Carmichael, Facemire, Ferns, Gaunch, D. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—27.

The nays were: Beach, Miller, Romano and Woelfel—4.

Absent: Boso, M. Hall and Maynard—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. 323) 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 Carmichael, the Senate recessed until 5 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 5:20 p.m. today:

Eng. Com. Sub. for Senate Bill No. 37, Creating Revised Uniform Arbitration Act.

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 amendment, 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. 192, Authorizing Department of Transportation promulgate legislative rules.

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

Delegates Fast, Hanshaw and Lynch.

On motion of Senator Carmichael, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Trump, Carmichael and Palumbo.

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

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill No. 518, Permitting county and municipal economic development authorities invest certain funds.

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

Delegates Walters, Espinosa and H. White.

On motion of Senator Carmichael, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators M. Hall, Blair and Snyder.

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. House Bill No. 2646, Legalizing and regulating the sale and use of fireworks.

On motion of Senator Carmichael, 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 Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators D. Hall, Leonhardt and Williams.

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 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. 2939, Reading to requirements for mandatory reporting of sexual offenses on school premises involving students.

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

Delegates Sobonya, Summers and Hicks.

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. 60, Requiring food handler examinations and cards.

On motion of Senator Carmichael, 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 §16-2-16, to read as follows:

ARTICLE 2. LOCAL BOARDS OF HEALTH.

§16-2-16. Food handler examinations and cards.

A food handler permit or card issued pursuant to the procedures put in place by a local county health department shall be valid for at least one year but not longer than three years. The permit or card shall be valid in all counties of this state if the applicant pays an additional fee not to exceed \$10. If required, a permit or card shall be obtained within thirty days of a person being hired in a restaurant or other applicable food establishment. The Bureau for Public Health shall develop minimum guidelines for training programs for individuals seeking a food handler permit or card that may be adopted by local county health departments. In lieu of state guidelines, a local health department may use training courses developed by the American National Standards Institute or other nationally recognized entities for food safety training.;

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. 60—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-16, relating to the regulation of food handlers; permitting the issuance of a food handler's card; permitting the issuance of the food handler's permit; requiring a

food handler's card to be valid for a certain time frame; requiring a food handler's permit to be valid for a certain time frame; permitting the food handler's card to be valid in all counties subject to payment of an additional fee; permitting the food handler's permit to be valid in all counties subject to payment of an additional fee; requiring a food handler's card to be obtained within thirty days of being hired; requiring a food handler's permit to be obtained within thirty days of being hired; requiring the Bureau for Public Health to develop minimum training guidelines; and permitting a local health department to adopt certain training programs.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 60, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 60) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended 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. 88, Creating WV Clearance for Access: Registry and Employment Screening Act.

On motion of Senator Carmichael, 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 §15-2-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be 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 to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-24. Criminal Identification Bureau; establishment; supervision; purpose; fingerprints, photographs, records and other information; reports by courts and prosecuting attorneys; offenses and penalties.

(a) The superintendent of the department shall establish, equip and maintain at the departmental headquarters a criminal identification bureau for the purpose of receiving and filing fingerprints, photographs, records and other information pertaining to the investigation of crime and the apprehension of criminals, as

hereinafter provided. The superintendent shall appoint or designate a supervisor to be in charge of the Criminal Identification Bureau and such supervisor shall be responsible to the superintendent for the affairs of the bureau. Members of the department assigned to the Criminal Identification Bureau shall carry out their duties and assignments in accordance with internal management rules and regulations pertaining thereto promulgated by the superintendent.

(b) The Criminal Identification Bureau shall cooperate with identification bureaus of other states and of the United States to develop and carry on a complete interstate, national and international system of criminal identification.

(c) The Criminal Identification Bureau may furnish fingerprints, photographs, records or other information to authorized law-enforcement and governmental agencies of the United States and its territories, of foreign countries duly authorized to receive the same, of other states within the United States and of the State of West Virginia upon proper request stating that the fingerprints, photographs, records or other information requested are necessary in the interest of and will be used solely in the administration of official duties and the criminal laws.

(d) The Criminal Identification Bureau may furnish, with the approval of the superintendent, fingerprints, photographs, records or other information to any private or public agency, person, firm, association, corporation or other organization, other than a law-enforcement or governmental agency as to which the provisions of subsection (c) of this section shall govern and control, but all requests under the provisions of this subsection for such fingerprints, photographs, records or other information must be accompanied by a written authorization signed and acknowledged by the person whose fingerprints, photographs, records or other information is to be released.

(e) The Criminal Identification Bureau may furnish fingerprints, photographs, records and other information of persons arrested or

sought to be arrested in this state to the identification bureau of the United States government and to other states for the purpose of aiding law enforcement.

(f) Persons in charge of any penal or correctional institution, including any city or county jail in this state, shall take, or cause to be taken, the fingerprints and description of all persons lawfully committed thereto or confined therein and furnish the same in duplicate to the Criminal Identification Bureau, Department of Public Safety. Such fingerprints shall be taken on forms approved by the superintendent of the Department of Public Safety. All such officials as herein named may, when possible to do so, furnish photographs to the Criminal Identification Bureau of such persons so fingerprinted.

(g) Members of the Department of Public Safety, and all other state law-enforcement officials, sheriffs, deputy sheriffs, and each and every peace officer in this state, shall take or cause to be taken the fingerprints and description of all persons arrested or detained by them, charged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution, or of any person who they have reason to believe is a fugitive from justice or a habitual criminal, and furnish the same in duplicate to the Criminal Identification Bureau of the Department of Public Safety on forms approved by the superintendent of said department. All such officials as herein named may, when possible to do so, furnish to the Criminal Identification Bureau, photographs of such persons so fingerprinted. For the purpose of obtaining data for the preparation and submission to the Governor and the Legislature by the Department of Public Safety of an annual statistical report on crime conditions in the state, the clerk of any court of record, the magistrate of any magistrate court and the mayor or clerk of any municipal court before which a person appears on any criminal charge shall report to the Criminal Identification Bureau the sentence of the court or other disposition of the charge and the prosecuting attorney of every county shall report to the Criminal Identification Bureau such additional information as the

bureau may require for such purpose, and all such reports shall be on forms prepared and distributed by the Department of Public Safety, shall be submitted monthly and shall cover the period of the preceding month.

(h) All persons arrested or detained pursuant to the requirements of this article shall give fingerprints and information required by subsections (f) and (g) of this section. Any person who has been fingerprinted or photographed in accordance with the provisions of this section, who is acquitted of the charges upon which he or she was arrested, and who has no previous criminal record, may, upon the presentation of satisfactory proof to the department, have such fingerprints or photographs, or both, returned to them.

(i) All state, county and municipal law-enforcement agencies shall submit to the bureau uniform crime reports setting forth their activities in connection with law enforcement. It shall be the duty of the bureau to adopt and promulgate rules and regulations prescribing the form, general content, time and manner of submission of such uniform crime reports. Willful or repeated failure by any state, county or municipal law-enforcement official to submit the uniform crime reports required by this article shall constitute neglect of duty in public office. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and the Legislature semiannual reports based on such reports. A copy of such reports shall be furnished to all prosecuting attorneys and law-enforcement agencies.

(j) Neglect or refusal of any person mentioned in this section to make the report required herein, or to do or perform any act on his or her part to be done or performed in connection with the operation of this section, shall constitute a misdemeanor and, such person shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for a period of not more than sixty days, or both. Such neglect shall constitute misfeasance in office and subject such persons to removal from office. Any person who willfully removes, destroys or

mutilates any of the fingerprints, photographs, records or other information of the Department of Public Safety shall be guilty of a misdemeanor and, such person shall, upon conviction thereof, be punished by a fine of not more than \$100, or by imprisonment in the county jail for a period of not more than six months, or both.

(k) The Criminal Identification Bureau (CIB) and the Federal Bureau of Investigation (FBI) shall retain applicant fingerprints for the purpose of participating in the Rap Back Program to determine suitability or fitness for a permit, license or employment. Agencies participating in the program shall notify applicants and employees subject to a criminal history check that their fingerprint shall be retained by the CIB and the FBI. Notification shall also be given to the applicant and employee subject to the Rap Back Program.

(l) The State Police may assess a fee to applicants, covered providers or covered contractors for conducting the criminal background check and for collecting and retaining fingerprints for rap back as authorized under article forty-six, chapter sixteen of this code. The assessment shall be deposited into a nonappropriated special revenue account within the State Treasurer's Office to be known as the WVSP Criminal History Account. Expenditures from this account shall be made by the superintendent for purposes set forth in this article and are authorized from collections. The account shall be administered by the superintendent and may not be deemed a part of the general revenue of the state.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 46. WEST VIRGINIA CLEARANCE FOR ACCESS: REGISTRY AND EMPLOYMENT SCREENING ACT.

§16-46-1. Definitions.

As used in this article:

(1) “Applicant” means an individual who is being considered for employment or engagement with a covered provider or covered contractor.

(2) “Background check” means a prescreening of registries specified by the secretary by rule and a fingerprint-based search of state and federal criminal history record information.

(3) “Covered contractor” means an individual or entity, including their employees and subcontractors, that contracts with a covered provider to perform services that include any direct access services.

(4) “Covered provider” means the following facilities or providers:

(i) A skilled nursing facility;

(ii) A nursing facility;

(iii) A home health agency;

(iv) A provider of hospice care;

(v) A long-term care hospital;

(vi) A provider of personal care services;

(vii) A provider of adult day care;

(viii) A residential care provider that arranges for, or directly provides, long-term care services, including an assisted living facility;

(ix) An intermediate care facility for individuals with intellectual disabilities; and

(x) Any other facility or provider required to participate in the West Virginia Clearance for Access: Registry and Employment Screening program as determined by the secretary by legislative rule.

(5) “Department” means the Department of Health and Human Resources.

(6) “Direct access” means physical contact with a resident, member, beneficiary or client of a covered provider, or access to their property, personally identifiable information, protected health information or financial information.

(7) “Direct access personnel” means an individual who has direct access by virtue of ownership, employment, engagement or agreement with a covered provider or covered contractor. Direct access personnel does not include volunteers or students performing irregular or supervised functions, or contractors performing repairs, deliveries, installations or similar services for the covered provider. The secretary shall determine by legislative rule whether the position in question involves direct access.

(8) “Disqualifying offense” means:

(A) A conviction of any crime described in 42 U. S. C. §1320a-7(a); or

(B) A conviction of any other crime specified by the secretary in rule, which shall include crimes against care-dependent or vulnerable individuals, crimes of violence, sexual offenses and financial crimes.

(9) “Negative finding” means a finding in the prescreening that excludes an applicant from direct access personnel positions.

(10) “Notice of ineligibility” means a notice pursuant to section three of this article that the secretary’s review of the applicant’s criminal history record information reveals a disqualifying offense.

(11) “Prescreening” means a mandatory search of databases and registries specified by the secretary in legislative rule for exclusions and licensure status prior to the submission of fingerprints for a criminal history record information check.

(12) “Rap back” means the notification to the department when an individual who has undergone a fingerprint-based, state or federal criminal history record information check has a subsequent state or federal criminal history event.

(13) “Secretary” means the Secretary of the West Virginia Department of Health and Human Resources, or his or her designee.

(14) “State Police” means the West Virginia State Police Criminal Identification Bureau.

§16-46-2. Background check program for covered providers and covered contractors.

(a) The secretary shall create and implement a background check program to facilitate the processing and analysis of the criminal history and background of applicants to covered providers and covered contractors with direct access. This program shall be called the West Virginia Clearance for Access: Registry and Employment Screening.

(b) The purpose of the program is to protect West Virginia’s vulnerable populations by requiring registry and criminal background checks for all direct access personnel of covered providers and covered contractors.

(c) The program shall include:

(1) A centralized Internet-based system of registries to allow covered providers and covered contractors to perform a mandatory prescreening of applicants;

(2) Fingerprint-based state and federal criminal background checks on all direct access personnel; and

(3) An integrated rap back program with the State Police to allow retention of fingerprints and updates of state and federal criminal information on all direct access personnel until such time as the individual is no longer employed or engaged by the covered provider or covered contractor.

(d) The department shall notify applicants subject to a criminal history record check that their fingerprints shall be retained by the State Police Criminal Identification Bureau and the Federal Bureau of Investigation.

§16-46-3. Prescreening and criminal background checks.

(a) Except as otherwise permitted in this article, the covered provider or covered contractor may not employ or engage an applicant prior to completing the background check process.

(b) If the applicant has a negative finding on any required prescreening registry or database, the employer shall notify the individual of such finding.

(c) If the applicant has a negative finding on any required prescreening registry or database, that individual may not immediately be engaged by a covered provider or covered contractor. However, that individual or the employer may apply for a variance pursuant to section five of this article.

(d) If the applicant does not have a negative finding in the prescreening process, the applicant shall submit to fingerprinting for a state and federal criminal history record information check.

(e) The State Police shall notify the secretary of the results of the criminal history record information check.

(f) If the secretary's review of the criminal history record information reveals that the applicant does not have a disqualifying offense, the secretary shall provide written notice to the covered provider or covered contractor that the individual may be engaged.

§16-46-4. Notice of ineligibility; prohibited participation as direct access personnel.

(a) If the secretary's review of the applicant's criminal history record information reveals a disqualifying offense, the secretary shall provide written notice to the covered provider or covered contractor advising that the applicant is ineligible for work. The secretary may not disseminate the criminal history record information.

(b) The covered provider or covered contractor may not engage an applicant with a disqualifying offense as direct access personnel. If the applicant has been provisionally employed pursuant to section six of this article, the employer shall terminate the provisional employment upon receipt of the notice.

§16-46-5. Variance; appeals.

(a) If the prescreening process reveals a negative finding, or if the secretary issues a notice of ineligibility, the applicant, or the employer on the applicant's behalf, may file a written request for a variance with the secretary not later than thirty days after the date of the notice required by section three or four of this article.

(b) The secretary may grant a variance if:

(1) Mitigating circumstances surrounding the negative finding or disqualifying offense is provided; and

(2) The secretary finds that the individual will not pose a danger or threat to residents, members and their property.

(c) The secretary shall establish in legislative rule factors that qualify as mitigating circumstances.

(d) The secretary shall mail to the applicant and the covered provider or covered contractor a written decision within ninety days of receipt of the request indicating whether a variance has been granted or denied.

(e) If an applicant believes that their criminal history record information within this state is incorrect or incomplete, they may challenge the accuracy of such information by writing to the State Police for a personal review. However, if the discrepancies are at the charge or final disposition level, the applicant must address this with the court or arresting agency that submitted the record to the State Police.

(f) If an applicant believes that their criminal history record information outside this state is incorrect or incomplete, they may appeal the accuracy of such information by contacting the Federal Bureau of Investigation for instructions.

(g) If any changes, corrections or updates are made in the criminal history record information, the State Police shall notify the secretary that the applicant has appealed the accuracy of the criminal history records and provide the secretary with the updated results of the criminal history record information check, which the secretary shall review de novo in accordance with the provisions of this article.

§16-46-6. Provisional employment pending completion of background check.

(a) A covered provider or covered contractor may permit an applicant to work on a provisional basis for not more than sixty days pending notification from the secretary regarding the results of the criminal background check if:

(1) The applicant is subject to direct on-site supervision, as specified in rule by the secretary, during the course of the provisional period; and

(2) In a signed statement the applicant:

(A) Affirms that he or she has not committed a disqualifying offense;

(B) Acknowledges that a disqualifying offense reported in the required criminal history record information check shall constitute good cause for termination; and

(C) Acknowledges that the covered provider or covered contractor may terminate the individual if a disqualifying offense is reported in the background check.

(b) Provisional employees who have requested a variance shall not be required to sign such a statement. A covered provider or covered contractor may continue to employ an applicant if an applicant applies for a variance of his or her fitness determination until the variance is resolved.

§16-46-7. Clearance for subsequent employment.

(a) An applicant is not required to submit to fingerprinting and a criminal background check if:

(1) The individual previously submitted to fingerprinting and a full criminal background check as required by this article;

(2) The prior criminal background check confirmed that the individual did not have a disqualifying offense or the individual received prior approval from the secretary to work for or with the same type of covered provider or covered contractor; and

(3) The rap back program has not identified any criminal activity that constitutes a disqualifying offense.

(b) The secretary shall provide notice of prior clearance for direct access status upon request by a subsequent covered provider or covered contractor.

§16-46-8. Fees.

In order to enforce the requirements and intent of this article, the following fees may be charged:

(1) The State Police may assess a fee to applicants, covered providers or covered contractors for conducting the criminal background check and for collecting and retaining fingerprints for rap back as authorized under this article.

(2) The secretary may assess a fee to applicants, covered providers or covered contractors for the maintenance of the internet-based system required by this article. The assessment shall be deposited into a special revenue account within the State Treasurer's Office to be known as the DHHR Criminal Background Administration Account. Expenditures from the account shall be made by the secretary for purposes set forth in this article and are authorized from collections. The account shall be administered by the secretary and may not be deemed a part of the general revenue of the state.

§16-46-9. Rules; penalties; confidentiality; immunity.

(a) The secretary shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement the provisions of this article. The secretary may promulgate emergency rules, if justified, pursuant to section fifteen, article three, chapter twenty-nine-a of this code as may be required.

(b) Failure of a covered provider or covered contractor to ensure proper completion of the background check process for each individual employed as direct access personnel may result in the imposition of monetary civil penalties. In addition, engaging individuals knowing that they are ineligible to work may subject the employer to monetary civil penalties.

(c) The secretary shall treat and maintain any criminal background search information obtained under this article as confidential. The secretary shall limit the use of records solely to the purposes authorized in this article. The criminal history record information in the custody of the secretary is not subject to subpoena, other than one issued in a criminal action or investigation; is confidential by law and privileged; and is not subject to discovery or admissible in evidence in any private civil action.

(d) The secretary, the department and its employees are immune from liability, civil or criminal, that might otherwise be incurred or imposed for good faith conduct in determining eligibility or granting variances permitted by this article.;

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. 88—A Bill to amend and reenact §15-2-24 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, §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 centralized database to maintain criminal history record information and results; establishing prescreening process conducted by covered providers; requiring applicants to provide fingerprints and undergo criminal background check; authorizing the State Police to assess a fee for conducting the criminal background check; providing for deposit of State Police collected fees into a nonappropriated special revenue fund; directing notification to be given to applicants regarding the retention of fingerprints; 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 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 civil and criminal immunity.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 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, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 195, Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That article nine, chapter sixty-four of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-12. Conservation Committee.

The legislative rule filed in the State Register on July 28, 2014, authorized under the authority of section four-a, article twenty-one-a, chapter nineteen of this code, modified by the Conservation Committee to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November

21, 2014, relating to the Conservation Committee (financial assistance programs, 63 CSR 2), is not authorized.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 195, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 195) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 195) 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. 234, Exempting certain water and sewer utilities owned by political subdivisions from PSC jurisdiction.

On motion of Senator Carmichael, 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 §8-12-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §8-16-19 of said code be amended and reenacted; that §8-19-4 of said code be amended and reenacted; that §16-13A-1a, §16-13A-9 and §16-13A-25 of said code be amended and reenacted; that §24-1-1, §24-1-1b and 24-1-2 of said code be amended and reenacted; that §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, §24-2-7 and §24-2-11 of said code be amended and reenacted; and that §24-3-5 of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES,

**GOVERNING BODIES AND MUNICIPAL
OFFICERS AND EMPLOYEES; SUITS AGAINST
MUNICIPALITIES.**

PART V. SALE OR LEASE OF MUNICIPAL PUBLIC UTILITY.

§8-12-17. Sale or lease of municipal public utility.

In any case where a municipality ~~shall own~~ owns a gas system, an electric system, a waterworks system, a sewer system or other public utility, and a majority of not less than sixty percent of the members of the governing body thereof shall deem it for the best interest of such municipality that such utility be sold or leased, the governing body shall, ~~by ordinance legally adopted, submit to the qualified voters of such municipality, at any regular municipal election or at any special municipal election called for that purpose, the question of making or effecting such sale or lease.~~ In such case the governing body shall, in the ordinance submitting such question to a vote, set forth in full the terms of such proposed sale or lease, the name of the proposed purchaser or lessee and the date of such election, and a notice containing this information shall be published as a Class H-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be such municipality. Such election shall be held in all respects in compliance with the provisions of chapter three of this code, so far as the same are applicable and not inconsistent herewith, and the provisions of article five of this chapter. If a majority of the legal votes cast at such election upon such question be in favor of the proposed sale or lease of such utility, the governing body, upon the ascertainment of the result of such election, may so sell or lease such gas system, electric system, waterworks system, sewer system or other public utility upon such terms and conditions as said governing body in its discretion considers in the best interest of the municipality: *Provided*, That such sale or lease may be made only upon: (1) The publication of notice of a hearing before the governing body of the municipality, 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 municipality, such publication to be made not earlier than twenty days and not later than seven days prior to the hearing; and (2) the approval by the Public Service Commission of West Virginia. The governing body, upon the approval of the sale or lease by a majority of its members of not less than sixty percent of the members of the governing body, shall have full power and authority to proceed to execute or effect such sale or lease in accordance with the terms and conditions prescribed in the ordinance approved as aforesaid, and shall have power to do any and all things necessary or incident thereto: *Provided, however,* That if at any time after such ~~election approval~~ approval and before the execution of the authority under the ordinance, any person should present to the governing body an offer to buy such public utility at a price which exceeds by at least five percent the sale price which shall have been so ~~voted upon approved~~ approved and authorized or to lease the same upon terms which the governing body, in its discretion, shall consider more advantageous to the municipality than the terms of the lease which shall have been ~~authorized by vote~~ previously approved as aforesaid, the governing body shall have the power to accept such subsequent offer, and to make such sale or such lease to the person making the offer, ~~without resubmitting the question to a vote upon approval of the offer by a majority of not less than sixty percent of the members of the governing body;~~ but, if a sale shall have been ~~authorized by vote~~ approved by the governing body as aforesaid, and ~~such the~~ subsequent proposition be for a lease, or, if a lease shall have been ~~so authorized~~ approved by the governing body, and the subsequent proposition shall be for a sale, the governing body shall have ~~no power~~ the authority to accept the same ~~without submitting the question thereof to a vote of the people as first above provided. Before any such second or subsequent proposition shall be submitted to a vote, after a sale or lease shall have been authorized at an election held hereunder, the~~ upon approval of the offer by a majority of not less than sixty percent of the members of the governing body. The person making such

proposition shall furnish bond, with security to be approved by the governing body, in a penalty of not less than twenty-five percent of such proposed bid, conditioned to carry such proposition into execution, if the same shall be approved ~~at the election to be called thereon by the governing body~~. In any case where any such public utility shall be sold or leased by the governing body as hereinabove provided, no part of the moneys derived from such sale or lease shall be applied to the payment of current expenses of the municipality, but the proceeds of such sale or lease shall be applied in payment and discharge of any ~~bonded~~ indebtedness created in respect to such public utility, and in case there be no ~~bonded~~ indebtedness, the governing body, in its discretion, shall have the power and authority to expend all such moneys when received for the purchase or construction of fire-fighting equipment and buildings for housing such equipment, a municipal building or city hall, and the necessary land upon which to locate the same, or for the construction of paved streets, avenues, roads, alleys, ways, sidewalks, sewers and other like permanent improvements, and for no other purposes. In case there be a surplus after the payment of such ~~bonded~~ indebtedness, the surplus shall be used as aforesaid.

The requirements of this section shall not apply to the sale or lease of any part of the properties of any such public utility determined by the governing body to be unnecessary for the efficient rendering of the service of such utility.

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

PART VI. IMPOSITION OF RATES OR CHARGES.

§8-16-19. Appeal to Public Service Commission from rates fixed.

If any party in interest is dissatisfied with the rates fixed under the provisions of ~~the immediately preceding section~~ section eighteen of this article, such party shall have the right to appeal to

the Public Service Commission at any time within thirty days after the fixing of such rates by the governing body, but the rates so fixed by the governing body shall remain in full force and effect, until set aside, altered or amended by the Public Service Commission.

**ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND
ELECTRIC POWER SYSTEMS.**

PART VI. REVENUE BOND FINANCING.

§8-19-4. Estimate of cost; ordinance or order for issuance of revenue bonds; interest on bonds; rates for services; exemption from taxation.

Whenever a municipality or county commission shall, under the provisions of this article, determine to acquire, by purchase or otherwise, construct, establish, extend or equip a waterworks system or an electric power system, or to construct any additions, betterments or improvements to any waterworks or electric power system, it shall cause an estimate to be made of the cost thereof, and may, by ordinance or order, provide for the issuance of revenue bonds under the provisions of this article, which ordinance or order shall set forth a brief description of the contemplated undertaking, the estimated cost thereof, the amount, rate or rates of interest, the time and place of payment and other details in connection with the issuance of the bonds. ~~Such~~ The bonds shall be in such form and shall be negotiated and sold in such manner and upon such terms as the governing body of such municipality or county commission may, by ordinance or order, specify. All ~~such~~ the bonds and the interest thereon shall be exempt from all taxation by this state, or any county, municipality or county commission, political subdivision or agency thereof. Notwithstanding any other provision of this code to the contrary, the real and personal property which a municipality or county has acquired and constructed according to the provisions of this article, and any leasehold interest therein held by other persons, shall be deemed public property and shall be exempt from taxation by the state, or any county, municipality or other levying body, so long as the same is owned by ~~such~~ the municipality or county:

Provided, That with respect to electric power systems, this exemption for real and personal property shall be applicable only for such the real and personal property: (1) Physically situate within the municipal or county boundaries of the municipality or county which acquired or constructed such the electric power system and there was in place prior to the effective date of the amendments to this section made in the year 1992 an agreement between the municipality and the county commission for payments in lieu of tax; or (2) acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate. Notwithstanding anything contained in this statute to the contrary, this exemption shall be applicable to any leasehold or similar interest held by persons other than a municipality or county only if acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate: *Provided, however,* That payments made to any county commission, county school board or municipality in lieu of tax pursuant to such an agreement shall be distributed as if the payments resulted from ad valorem property taxation. Such The bonds shall bear interest at a rate per annum set by the municipality or county commission, payable at such times, and shall be payable as to principal at such times, not exceeding fifty years from their date, and at such place or places, within or without the state, as shall be prescribed in the ordinance or order providing for their issuance. Unless the governing body of the municipality or county commission shall otherwise determine, such the ordinance or order shall also declare that a statutory mortgage lien shall exist upon the property so to be acquired, constructed, established, extended or equipped, fix minimum rates or charges for water or electricity to be collected prior to the payment of all of said bonds and shall pledge the revenues derived from the waterworks or electric power system for the purpose of paying such the bonds and interest thereon, which pledge shall definitely fix and determine the amount of revenues which shall be necessary to be set apart and applied to the payment of the principal of and interest upon the bonds and the proportion of

the balance of ~~such~~ the revenues, which are to be set aside as a proper and adequate depreciation account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates or charges to be charged for the services from ~~such~~ the waterworks or electric power system shall be sufficient at all times to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same become due, and reasonable reserves therefor, and to provide for the repair, maintenance and operation of the waterworks or electric power system, and to provide an adequate depreciation fund, and to make any other payments which shall be required or provided for in the ordinance or order authorizing the issuance of said bonds.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-1a. Jurisdiction of the Public Service Commission.

The jurisdiction of the Public Service Commission relating to public service districts shall be expanded to include the following powers and ~~such~~ the powers shall be in addition to all other powers of the Public Service Commission set forth in this code:

(a) To study, modify, approve, deny or amend the plans created under section one-b of this article for consolidation or merger of public service districts and their facilities, personnel or administration;

(b) To petition the appropriate circuit court for the removal of a public service district board member or members; and

(c) To create by general order a separate division within the Public Service Commission to provide assistance to public service districts in technological, operational, financial and regulatory matters, including, upon written request of the public service board, assistance to the board in deliberations regarding a proposed rate change or project.

§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.

(a) (1) The board may make, enact and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of paragraphs (A), (B) and (C) of this subdivision; or

(E) May be determined on any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees or charges for stormwater services may be assessed against

highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least four thousand five hundred customers and annual combined gross revenue of \$3 million or more from its separate or combined services may make, enact and enforce all needful rules in connection with the enactment or amendment of rates, fees and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees and charges by causing a notice of intent to effect such a change to be specified on the monthly billing statement of the customers of the district for the month next preceding the month in which the contemplated change is to be before the board on first reading.

(B) Adequate prior public notice of the contemplated rates, fees and charges by causing to be published as a Class I legal advertisement of the proposed action, in compliance with the provisions of article three, chapter fifty-nine of the code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall state the current rates, fees and charges and the proposed changes to said rates, fees and charges; the date, time and place of both a public hearing on the proposal and the proposed final vote on adoption; and the place or places within the district where the proposed rates, fees and charges may be inspected by the public. A reasonable number of copies of the proposal shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed rates, fees and charges.

(D) The proposed rates, fees and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public hearing may be conducted with or following the second reading.

(E) Rates, fees and charges approved by an affirmative vote of the board shall be forwarded in writing to the county commission appointing the approving board. The county commission shall publish notice of the proposed rates, fees and charges by a Class 1 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of the code. Within forty-five days of receipt of the proposed rates, fees and charges, the county commission shall take action to approve or reject the proposed rates, fees and charges. After forty-five days, the proposed rates, fees and charges shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees and charges, and the appointing county commission.

(F) Enactment of the proposed rates, fees and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than forty-five days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

~~(2)~~ (3) Where water, sewer, stormwater or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the

district. Notwithstanding the provisions of section eight, article three, chapter twenty-four of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50, with the district to secure the payment of service rates, fees and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After twelve months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of twenty days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, ten days after the water or gas services become delinquent: *Provided, however*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) In the event that any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately water facilities, sewer facilities or stormwater facilities and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer or stormwater service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer and stormwater service has the right to terminate water service for delinquency in payment of water, sewer or stormwater bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or stormwater account: *Provided, however*, That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Division of

Health to compel all owners, tenants or occupants of any houses, dwellings and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Division of Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of section nine, article one, chapter sixteen of this code, from the houses, dwellings or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment and disposal of sewage and waste matters from the houses, dwellings and buildings where there is gravity flow or transportation by any other methods approved by the Division of Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of section nine, article one of this chapter and the houses, dwellings and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance and purchase of a pump or any other method approved by the Division of Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than thirty days after service of petition to the appropriate owners, tenants or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant or occupant of any house, dwelling or building located near the sewer facility and the engineer for the district has

certified that the sewer facilities are available to and are adequate to serve the owner, tenant or occupant and sewage will flow by gravity or be transported by other methods approved by the Division of Health from the house, dwelling or building into the sewer facilities, the district may charge, and the owner, tenant or occupant shall pay, the rates and charges for services established under this article only after thirty days' notice of the availability of the facilities has been received by the owner, tenant or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's or occupant's specific customer class.

(e) The owner, tenant or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. §122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant or occupant shall pay the rates, fees and charges for stormwater services established under this article only after thirty days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates and charges of the district for either water facilities, sewer facilities, gas facilities or stormwater systems

or stormwater management programs are liens on the premises served of equal dignity, rank and priority with the lien on the premises of state, county, school and municipal taxes. Nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in section three, article eleven, chapter twenty-two of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by section eleven of said article, is exempt from the provisions of this section.

(h) A public service district which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office.

§16-13A-25. Borrowing and bond issuance; procedure.

~~(a) Notwithstanding any other provisions of this article to the contrary, a A public service district may not has plenary power to borrow money, enter into contracts for the provision of engineering, design or feasibility studies, issue or contract to issue revenue bonds or exercise any of the powers conferred by the provisions of section thirteen, twenty or twenty-four of this article, without the prior consent and approval of the Public Service Commission. *Provided,* That approval of funding set forth in section eleven, article two, chapter twenty-four of this code or this section is not required if the funding is for a project which has received a certificate of public convenience and necessity after July 8, 2005, from the commission and where the cost of the project changes but the change does not affect the rates established for the project. Upon written request of the public service board contemplating such transaction or project, the Public Service Commission shall provide technical support to the public service board, including, but not limited to, engineering, design and financial analysis of the proposed transaction or project.~~

~~(b) The Public Service Commission may waive the provision of prior consent and approval for entering into contracts for engineering, design or feasibility studies pursuant to this section for good cause shown which is evidenced by the public service district filing a request for waiver of this section stated in a letter directed to the commission with a brief description of the project, a verified statement by the board members that the public service district has complied with chapter five-g of this code, and further explanation of ability to evaluate their own engineering contract, including, but not limited to:~~

~~(1) Experience with the same engineering firm; or~~

~~(2) Completion of a construction project requiring engineering services. The district shall also forward an executed copy of the engineering contract to the commission after receiving approval of the waiver.~~

~~(c) An engineering contract that meets one or more of the following criteria is exempt from the waiver or approval requirements:~~

~~(1) A contract with a public service district that is a Class A utility on April 1, 2003, or subsequently becomes a Class A utility as defined by commission rule;~~

~~(2) A contract with a public service district that does not require borrowing and that can be paid out of existing rates;~~

~~(3) A contract where the payment of engineering fees are contingent upon the receipt of funding, and commission approval of the funding, to construct the project which is the subject of the contract, or~~

~~(4) A contract that does not exceed \$15,000.~~

~~(d) Requests for approval or waivers of engineering contracts shall be deemed granted thirty days after the filing date unless the staff of the Public Service Commission or a party files an objection to the request. If an objection is filed, the Public Service Commission shall issue its decision within one hundred twenty days of the filing date. In the event objection is received to a request for a waiver, the application shall be considered a request for waiver as well as a request for approval in the event a waiver is not appropriate.~~

~~(e) Unless the properties to be constructed or acquired represent ordinary extensions or repairs of existing systems in the usual course of business, a public service district must first obtain a certificate of public convenience and necessity from the Public Service Commission in accordance with the provision of chapter twenty-four of this code when a public service district is seeking to acquire or construct public service property.~~

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

§24-1-1. Legislative purpose and policy; plan for internal reorganization; promulgation of plan as rule; cooperation with Joint Committee on Government and Finance.

(a) It is the purpose and policy of the Legislature in enacting this chapter to confer upon the Public Service Commission of this state the authority and duty to enforce and regulate the practices, services and rates of public utilities in order to:

(1) Ensure fair and prompt regulation of public utilities in the interest of the using and consuming public;

(2) Provide the availability of adequate, economical and reliable utility services throughout the state;

(3) Encourage the well-planned development of utility resources in a manner consistent with state needs and in ways consistent with the productive use of the state's energy resources, such as coal;

(4) Ensure that rates and charges for utility services are just, reasonable, applied without unjust discrimination or preference, applied in a manner consistent with the purposes and policies set forth in article two-a of this chapter and based primarily on the costs of providing these services;

(5) Encourage energy conservation and the effective and efficient management of regulated utility enterprises; and

(6) Encourage removal of artificial barriers to rail carrier service, stimulate competition, stimulate the free flow of goods and passengers throughout the state and promote the expansion of the tourism industry, thereby improving the economic condition of the state.

(b) The Legislature creates the Public Service Commission to exercise the legislative powers delegated to it. The Public Service Commission is charged with the responsibility for appraising and balancing the interests of current and future utility service

customers, the general interests of the state's economy and the interests of the utilities subject to its jurisdiction in its deliberations and decisions.

(c) The Legislature directs the Public Service Commission to identify, explore and consider the potential benefits or risks associated with emerging and state-of-the-art concepts in utility management, rate design and conservation. The commission may conduct inquiries and hold hearings regarding such concepts in order to provide utilities subject to its jurisdiction and other interested persons the opportunity to comment and shall report to the Governor and the Legislature regarding its findings and policies to each of these areas not later than the first day of the regular session of the Legislature in the year 1985, and every two years thereafter.

(d) It is legislative policy to ensure that the Legislature and the general public become better informed regarding the regulation of public utilities in this state and the conduct of the business of the Public Service Commission. To aid in the achievement of this policy, the Public Service Commission annually shall present to the Joint Committee on Government and Finance, created by article three, chapter four of this code, or a subcommittee designated by the joint committee, a management summary report which describes in a concise manner:

(1) The major activities of the commission for the year especially as such activities relate to the implementation of the provisions of this chapter;

(2) Important policy decisions reached and initiatives undertaken during the year;

(3) The current balance of supply and demand for natural gas and electric utility services in the state and forecast of the probable balance for the next ten years; and

(4) Other information considered by the commission to be important, including recommendations for statutory reform and the reasons for such recommendations.

(e) In addition to any other studies and reports required to be conducted and made by the Public Service Commission pursuant to any other provision of this section, the commission shall study and initially report to the Legislature no later than the first day of the regular session of the Legislature in the year 1980 upon:

(1) The extent to which natural gas wells or wells heretofore supplying gas utilities in this state have been capped off or shut in; the number of such wells; their probable extent of future production and the reasons given and any justification for capping off or shutting in such wells; the reasons, if any, why persons engaged or heretofore engaged in the development of gas wells in this state or the Appalachian areas have been discouraged from drilling, developing or selling the production of such wells; and whether there are fixed policies by any utility or group of utilities to avoid the purchase of natural gas produced in the Appalachian region of the United States generally and in West Virginia specifically.

(2) The extent of the export and import of natural gas utility supplies in West Virginia.

(3) The cumulative effect of the practices mentioned in subdivisions (1) and (2) of this subsection upon rates theretofore and hereafter charged gas utility customers in West Virginia.

In carrying out the provisions of this section the commission shall have jurisdiction over such persons, whether public utilities or not, as may be in the opinion of the commission necessary to the exercise of its mandate and may compel attendance before it, take testimony under oath and compel the production of papers or other documents. Upon reasonable request by the commission, all other state agencies

shall cooperate with the commission in carrying out the provisions and requirements of this subsection.

(f) No later than the first day of the regular session of the Legislature in the year 1980, the Public Service Commission shall submit to the Legislature a plan for internal reorganization which plan shall specifically address the following:

(1) A division within the Public Service Commission which shall include the office of the commissioners, the hearing examiners and such support staff as may be necessary to carry out the functions of decisionmaking and general supervision of the commission, which functions shall not include advocacy in cases before the commission;

(2) The creation of a division which shall act as an advocate for the position of and in the interest of all customers;

(3) The means and procedures by which the division to be created pursuant to the provisions of subdivision (2) of this subsection shall protect the interests of each class of customers and the means by which the commission will assure that such division will be financially and departmentally independent of the division created by subdivision (1) of this subsection;

(4) The creation of a division within the Public Service Commission which shall assume the duties and responsibilities now charged to the commissioners with regard to motor carriers which division shall exist separately from those divisions set out in subdivisions (1) and (2) of this subsection and which shall relieve the commissioners of all except minimal administrative responsibilities as to motor carriers and which plan shall provide for a hearing procedure to relieve the commissioners from hearing motor carrier cases;

(5) Which members of the staff of the Public Service Commission shall be exempted from the salary schedules or pay plan adopted by the Civil Service Commission and identify such

staff members by job classification or designation, together with the salary or salary ranges for each such job classification or designation;

(6) The manner in which the commission will strengthen its knowledge and independent capacity to analyze key conditions and trends in the industries it regulates extending from general industry analysis and supply-demand forecasting to continuing and more thorough scrutiny of the capacity planning, construction management, operating performance and financial condition of the major companies within these industries.

Such plan shall be based on the concept that each of the divisions mentioned in subdivisions (1), (2) and (4) of this subsection shall exist independently of the others and the plan shall discourage ex parte communications between them by such means as the commission shall direct, including, but not limited to, separate clerical and professional staffing for each division. Further, the Public Service Commission is directed to incorporate within the said plan to the fullest extent possible the recommendations presented to the subcommittee on the Public Service Commission of the Joint Committee on Government and Finance in a final report dated February, 1979, and entitled "A Plan for Regulatory Reform and Management Improvement."

The commission shall, before January 5, 1980, adopt said plan by order, which order shall promulgate the same as a rule of the commission to be effective upon the date specified in said order, which date shall be no later than December 31, 1980. Certified copies of such order and rule shall be filed on the first day of the 1980 regular session of the Legislature, by the chairman of the commission with the clerk of each house of the Legislature, the Governor and the Secretary of State. The chairman of the commission shall also file with the office of the Secretary of State the receipt of the clerk of each house and of the Governor, which receipt shall evidence compliance with this section.

Upon the filing of a certified copy of such order and rule, the clerk of each house of the Legislature shall report the same to their respective houses and the presiding officer thereof shall refer the same to appropriate standing committee or committees.

Within the limits of funds appropriated therefor, the rule of the Public Service Commission shall be effective upon the date specified in the order of the commission promulgating it unless an alternative plan be adopted by general law or unless the rule is disapproved by a concurrent resolution of the Legislature adopted prior to adjournment sine die of the regular session of the Legislature to be held in the year 1980: *Provided*, That if such rule is approved in part and disapproved in part by a concurrent resolution of the Legislature adopted prior to such adjournment, such rule shall be effective to the extent and only to the extent that the same is approved by such concurrent resolution.

The rules promulgated and made effective pursuant to this section shall be effective notwithstanding any other provisions of this code for the promulgation of rules or regulations.

(g) The Public Service Commission is hereby directed to cooperate with the Joint Committee on Government and Finance of the Legislature in its review, examination and study of the administrative operations and enforcement record of the Railroad Safety Division of the Public Service Commission and any similar studies.

(h) (1) The Legislature hereby finds that rates for natural gas charged to customers of all classes have risen dramatically in recent years to the extent that such increases have adversely affected all customer classes. The Legislature further finds that it must take action necessary to mitigate the adverse consequences of these dramatic rate increases.

(2) The Legislature further finds that the practices of natural gas utilities in purchasing high-priced gas supplies, in purchasing gas

supplies from out-of-state sources when West Virginia possesses abundant natural gas, and in securing supplies, directly or indirectly by contractual agreements including take-or-pay provisions, indefinite price escalators or most-favored nation clauses have contributed to the dramatic increase in natural gas prices. It is therefore the policy of the Legislature to discourage such purchasing practices in order to protect all customer classes.

(3) The Legislature further finds that it is in the best interests of the citizens of West Virginia to encourage the transportation of natural gas in intrastate commerce by interstate or intrastate pipelines or by local distribution companies in order to provide competition in the natural gas industry and in order to provide natural gas to consumers at the lowest possible price.

(i) The Legislature further finds that transactions between utilities and affiliates are a contributing factor to the increase in natural gas and electricity prices and tend to confuse consideration of a proper rate of return calculation. The Legislature therefore finds that it is imperative that the Public Service Commission have the opportunity to properly study the issue of proper rate of return for lengthy periods of time and to limit the return of a utility to a proper level when compared to return or profit that affiliates earn on transactions with sister utilities.

(j) The Legislature further finds that water and sewer utilities that are political subdivisions of the state providing separate or combined services and having at least four thousand five hundred customers and annual gross revenues of \$3 million or more are most fairly and effectively regulated by the local governing body with respect to rates, borrowing and capital projects. Therefore, notwithstanding any contrary provisions of this section, the jurisdiction of the Public Service Commission over water and sewer utilities that are political subdivisions of the state is limited to that granted specifically in this code.

(k) The Legislature further finds that an adequate cash working capital fund is essential to allow water and sewer utilities that are political subdivisions of the state to deliver continuous and compliant service. Therefore, these utilities shall maintain a working capital reserve in an amount of no less than one eighth of actual annual operation and maintenance expense. This reserve shall be separate and distinct from and in addition to any repair and replacement fund that may be required by bond covenants.

§24-1-1b. Supplemental rule for reorganization.

The Public Service Commission shall, by general order, create a division within its staff which shall, upon written request of the governing body of a political subdivision that operates a water, sewer and/or stormwater utility, provide legal, operational, engineering, financial, ratemaking and accounting advice and assistance to public service districts and ~~Class III and Class IV towns or villages in operational, financial, and regulatory matters; water, sewer and/or stormwater utilities that are political subdivisions of the state~~ and may perform or participate in the studies required under section one-b, article thirteen-a, chapter sixteen of this code: ~~Provided, That advice and assistance to a Class III city or Class IV town or village shall only be given if such advice or assistance is specifically requested by the Class III city or the Class IV town or village. The request may be withdrawn by the city or town at any time, after which the commission shall not provide further assistance or advice.~~

§24-1-2. Definitions.

Except where a different meaning clearly appears from the context, the words “public utility”, when used in this chapter, shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in any business, whether herein enumerated or not, which is, or shall hereafter be held to be, a public service. Whenever in this chapter the words “commission” or “Public Service Commission” occur, such word or words shall, unless a different intent clearly

appears from the context, be taken to mean the Public Service Commission of West Virginia. Whenever used in this chapter, “customer” shall mean and include any person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale. Whenever in this chapter the words “governing body” occur, such word or words shall, unless a different intent clearly appears from the context, be taken to mean the municipal body charged with the authority and responsibility of enacting ordinances of the municipality, as defined in section two, article one, chapter eight of this code, or a public service board of a public service district, as defined in section three, article thirteen-a, chapter sixteen of this code.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity by municipalities or others; sewer systems servicing twenty-five or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal

Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of article thirteen-a, chapter sixteen of this code; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however,* That natural gas producers who provide natural gas service to not more than twenty-five residential customers are exempt from the jurisdiction of the commission with regard to the provisions of such residential service: *Provided further,* That upon request of any of the customers of such natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates and charges of such producer and for such length of time as the commission may consider to be proper: ~~*And provided further,* That the jurisdiction the commission may exercise over the rates and charges of municipally operated public utilities is limited to that authority granted the commission in section four-b of this article: *And provided further,* That the decision-making authority granted to the commission in sections four and four-a of this article shall, in respect to an application filed by a public service district, be delegated to a single hearing examiner appointed from the commission staff, which hearing examiner shall be authorized to carry out all decision-making duties assigned to the commission by said sections, and to issue orders having the full force and effect of orders of the commission.~~

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in section five of this article;

(2) Regulation of measurements, practices, acts or services, as granted and described in section seven of this article;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in section eight of this article;

(4) Submission of information to the commission regarding rates, tolls, charges or practices, as granted and described in section nine of this article;

(5) Authority to subpoena witnesses, take testimony and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in section ten of this article; and

(6) Investigation and resolution of disputes involving political subdivisions of the state regarding inter-utility agreements, rates, fees and charges, service areas and contested utility combinations.

(7) Customers of water and sewer utilities operated by a political subdivision of the state and customers of stormwater utilities operated by a public service district may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints.

(8) In the event that a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, the bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

~~(b)~~ (c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) Said area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

~~(c)~~ (d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article as if the certificate of public convenience and necessity for such facility were a siting certificate issued under said section and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(2) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator

under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility, that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, shall not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility, regardless of whether such facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That such owner or operator shall be subject to subdivision (5) of this subsection if a material modification of such facility is made or constructed.

(4) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt

wholesale generator under applicable federal law prior to commercial operation of the facility, that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of section eleven of this article and, except for the provisions of section eleven-c of this article, shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to section eleven

of this article to construct an electric generating facility described in this subsection or to make or construct a material modification of such electric generating facility as an application for a siting certificate pursuant to section eleven-c of this article if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by, and described in this subsection, shall not be deemed to affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of such facility and any affiliated public utility subject to the provisions of this chapter.

§24-2-2. General power of commission to regulate public utilities.

(a) The commission is hereby given power to investigate all rates, methods and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules and timetables in effect and used by the public utility or other person to be filed with the commission, and all other information desired by the commission relating to the investigation and requirements, including inventories of all property in such form and detail as the commission may prescribe. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the Supreme Court of Appeals directly, and the proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge with respect to matters of a purely local nature which have not been regulated by or pursuant to an act of Congress and may prescribe a rate, charge or toll that is just and reasonable,

and change or prohibit any practice, device or method of service in order to prevent undue discrimination or favoritism between persons and between localities and between commodities for a like and contemporaneous service. But in no case shall the rate, toll or charge be more than the service is reasonably worth, considering the cost of the service. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in the order, or until revoked or modified by the commission, unless the order is suspended, modified or revoked by order or decree of a court of competent jurisdiction: *Provided*, That in the case of utilities used by emergency shelter providers, the commission shall prescribe such rates, charges or tolls that are the lowest available. "Emergency shelter provider" means any nonprofit entity which provides temporary emergency housing and services to the homeless or to victims of domestic violence or other abuse.

(b) Notwithstanding any other provision of this code to the contrary, rates are not discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project.

(c) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state providing a separate or combined services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more shall be limited to those powers enumerated in subsection (b), section one of this article.

§24-2-3. General power of commission with respect to rates.

(a) The commission shall have power to enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities except for water and/or sewer utilities that are political subdivisions of this state providing a

separate or combined services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more: Provided, That the commission may exercise such rate authority over ~~municipal~~ municipally owned electric or natural gas utilities or a municipally owned water and/or sewer utility having less than four thousand five hundred customers and \$3 million dollars annual combined gross revenues, only under the circumstances and limitations set forth in section four-b of this article. And whenever the commission shall, after hearing, find any existing rates, tolls, tariffs, joint rates or schedules enacted or maintained by a utility regulated under the provisions of this section to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provisions of law, and the said commission, in fixing the rate of any railroad company, may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of such railroad.

(b) In determining just and reasonable rates, the commission may audit and investigate management practices and policies, or have performed an audit and investigation of such practices and policies, in order to determine whether the utility is operating with efficiency and is utilizing sound management practices. The commission shall adopt rules and regulations setting forth the scope, frequency and application of such audits and investigations to the various utilities subject to its jurisdiction. The commission may include the cost of conducting the management audit in the cost of service of the utility.

(c) In determining just and reasonable rates, the commission shall investigate and review transactions between utilities and affiliates. The commission shall limit the total return of the utility to a level which, when considered with the level of profit or return the affiliate earns on transactions with the utility, is just and reasonable.

§24-2-4a. Procedure for changing rates after June 30, 1981.

(a) 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, for water and/or sewer utilities that are political subdivisions of the state providing separate or combined services and having at least four thousand five hundred customers and annual gross revenue of \$3 million or more from its separate or combined services,~~ 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.

(b) 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: *Provided*, That in the case of a public utility having two thousand five hundred customers or less and which is not a political subdivision 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 a political subdivision 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 a political subdivision 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 regulated 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 by 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 of the suspension period are prospective in effect ~~only~~.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) No utility regulated under the provisions of this section 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 subsection (f) of

this section. The provisions of this subsection 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 municipal water and/or sewer utilities that are political subdivisions of the state with at least four thousand five hundred customers and annual combined gross revenue of less than \$3 million dollars, 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 that are political subdivisions of the state providing water, sewer, electric and natural gas services and all rates and charges for local exchange services set by telephone cooperatives shall be just, reasonable, applied without unjust discrimination ~~or preference between or preference for any customer or class of customer~~ and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service, and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable plant-in-service depreciation expense. The rates and charges shall be adopted by the electric, natural gas, ~~or~~ telephone cooperative or political subdivision's governing board or body and, in the case of the municipally operated public utility, by municipal ordinance to be effective not sooner than forty-five days after adoption. The 45-day waiting period may be

waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *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 and the utility governing body 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 proposed rate change or and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. 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 and charges of electric cooperatives, natural gas cooperatives, telephone cooperatives, or municipal electric or natural gas utilities and municipally owned water and/or sewer utilities that are political subdivisions of the state and having less than four thousand five hundred customers and \$3 million dollars of annual combined gross

revenues 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 electric or natural gas public utility or municipally owned water and/or sewer utility having less than four thousand five hundred customers and \$3 million dollars annual combined gross revenues 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~~ owned electric or natural gas 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 of the municipally owned electric or natural gas public utility who is affected by the change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between a 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~~ owned electric or natural gas public utility or a municipally owned water and/or sewer utility having less than four thousand five hundred customers or \$3 million dollars annual combined gross revenues 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 of said chapter 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.~~

~~(h)~~ (g) The commission may, upon petition by a municipality or an electric, natural gas or telephone cooperative; or municipal electric or natural gas public utility or a municipally owned water and/or sewer utility having less than four thousand five hundred customers and \$3 million dollars annual combined gross revenues, 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 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) The commission shall, upon written request of the governing body of a political subdivision, provide technical assistance to the governing body in its deliberations regarding a proposed rate increase.

(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.

(j) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state and having at least four thousand five hundred customers and annual gross combined revenues of \$3 million or more shall be limited to those powers enumerated in subsection (b), section one of this article.

§24-2-7. Unreasonable, etc., regulations, practices and services; receivership; procedures respecting receivership; appointment and compensation of receiver; liquidation.

(a) Whenever, under the provisions of this chapter, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or shall find that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in the state in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable.

(b) If the Public Service Commission shall determine that any utility is unable or unwilling to adequately serve its customers or has been actually or effectively abandoned by its owners, or that its

management is grossly and willfully inefficient, irresponsible or unresponsive to the needs of its customers, the commission may petition to the circuit court of any county wherein the utility does business for an order attaching the assets of the utility and placing such utility under the sole control and responsibility of a receiver. If the court determines that the petition is proper in all respects and finds, after a hearing thereon, that the allegations contained in the petition are true, it shall grant the same and shall order that the utility be placed in receivership. The court, in its discretion and in consideration of the recommendation of the commission, shall appoint a receiver who shall be a responsible individual, partnership or corporation knowledgeable in public utility affairs and who shall maintain control and responsibility for the running and management of the affairs of ~~such~~ the utility. In so doing, the receiver shall operate the utility so as to preserve the assets of the utility and to serve the best interests of its customers. The receiver shall be compensated from the assets of said utility in an amount to be determined by the court.

(c) Control of and responsibility for said utility shall remain in the receiver until the same can, in the best interest of the customers, be returned to the owners, transferred to other owners or assumed by another utility or public service corporation: *Provided*, That if the court after hearing, determines that control of and responsibility for the affairs of the utility should not, in the best interests of its customers, be returned to the legal owners thereof, the receiver shall proceed to liquidate the assets of ~~such~~ the utility in the manner provided by law.

(d) The laws generally applicable to receivership shall govern receiverships created pursuant to this section.

§24-2-11. Requirements for certificate of public convenience and necessity.

(a) A public utility, person or corporation other than a political subdivision of the state providing water, sewer and/or stormwater services and having at least four thousand five hundred customers

and annual gross combined revenues of \$3 million dollars or more may not begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in section one, article two of this chapter, nor apply for, nor obtain any franchise, license or permit from any municipality or other governmental agency, except ordinary extensions of existing systems in the usual course of business, unless and until it shall obtain from the Public Service Commission a certificate of public convenience and necessity authorizing such construction franchise, license or permit.

(b) Upon the filing of any application for the certificate, and after hearing, the commission may, in its discretion, issue or refuse to issue, or issue in part and refuse in part, the certificate of convenience and necessity: *Provided*, That the commission, after it gives proper notice and if no substantial protest is received within thirty days after the notice is given, may waive formal hearing on the application. Notice shall be given by publication which shall state that a formal hearing may be waived in the absence of substantial protest, made within thirty days, to the application. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The publication area shall be the proposed area of operation.

(c) Any public utility, person or corporation subject to the provisions of this section other than a political subdivision of the state providing water and/or sewer services having at least four thousand five hundred customers and combined annual gross revenue of \$3 million dollars or more shall give the commission at least thirty days' notice of the filing of any application for a certificate of public convenience and necessity under this section: *Provided*, That the commission may modify or waive the thirty-day notice requirement and shall waive the thirty-day notice requirement for projects approved by the Infrastructure and Jobs Development Council.

(d) The commission shall render its final decision on any application filed under the provisions of this section or section

eleven-a of this article within two hundred seventy days of the filing of the application and within ninety days after final submission of any such application for decision following a hearing: *Provided*, That if the application is for authority to construct a water and sewer project and the projected total cost is less than \$10 million, the commission shall render its final decision within two hundred twenty-five days of the filing of the application.

(e) The commission shall render its final decision on any application filed under the provisions of this section that has received the approval of the Infrastructure and Jobs Development Council pursuant to article fifteen-a, chapter thirty-one of this code within one hundred eighty days after filing of the application: *Provided*, That if a substantial protest is received within thirty days after the notice is provided pursuant to subsection (b) of this section, the commission shall render its final decision within two hundred seventy days or two hundred twenty-five days of the filing of the application, whichever is applicable as determined in subsection (d) of this section.

(f) If the projected total cost of a project which is the subject of an application filed pursuant to this section or section eleven-a of this article is greater than \$50 million, the commission shall render its final decision on any such application filed under the provisions of this section or section eleven-a of this article within four hundred days of the filing of the application and within ninety days after final submission of any such application for decision after a hearing.

(g) If a decision is not rendered within the time frames established in this section, the commission shall issue a certificate of convenience and necessity as applied for in the application.

(h) The commission shall prescribe rules as it may deem proper for the enforcement of the provisions of this section; and, in establishing that public convenience and necessity do exist, the burden of proof shall be upon the applicant.

(i) Pursuant to the requirements of this section, the commission may issue a certificate of public convenience and necessity to any intrastate pipeline, interstate pipeline or local distribution company for the transportation in intrastate commerce of natural gas used by any person for one or more uses, as defined by rule, by the commission in the case of:

(1) Natural gas sold by a producer, pipeline or other seller to the person; or

(2) Natural gas produced by the person.

(j) A public utility, including a public service district, which has received a certificate of public convenience and necessity after July 8, 2005, from the commission and has been approved by the Infrastructure and Jobs Development Council is not required to, and cannot be compelled to, reopen the proceeding if the cost of the project changes but the change does not affect the rates established for the project.

(k) Any public utility, person or corporation proposing any electric power project that requires a certificate under this section is not required to obtain such certificate before applying for or obtaining any franchise, license or permit from any municipality or other governmental agency.

(l) Water, sewer and/or stormwater utilities that are political subdivisions of the state and having at least four thousand five hundred customers and combined gross revenues of \$3 million dollars or more desiring to pursue construction projects that are not in the ordinary course of business shall provide notice to both current customers and those citizens who will be affected by the proposed construction as follows:

(1) Adequate prior public notice of the contemplated construction by causing a notice of intent to pursue a project that is not in the ordinary course of business to be specified on the monthly billing

statement of the customers of the utility for the month next preceding the month in which the contemplated construction is to be before the governing body on first reading.

(2) Adequate prior public notice of the contemplated construction by causing to be published as a Class I legal advertisement of the proposed action, in compliance with the provisions of article three, chapter fifty-nine of the code. The publication area for publication shall be all territory served by the district. If the political subdivision provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the political subdivision provides service.

(3) The public notice of the proposed construction shall state the scope of the proposed construction, the current rates, fees and charges, the proposed changes to said rates, fees and charges; the date, time and place of both a public hearing on the proposal and the proposed final vote on adoption; and, the place or places within the political subdivision where the proposed construction and the rates, fees and charges may be inspected by the public. A reasonable number of copies of the proposal shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the political subdivision and be heard with respect to the proposed construction and the proposed rates, fees and charges.

(4) The proposed construction and the proposed rates, fees and charges shall be read at two meetings of the governing body with at least two weeks intervening between each meeting. The public hearing may be conducted with or following the second reading.

(5) Enactment of the proposed construction and the proposed rates, fees and charges shall follow an affirmative vote of the governing body and shall be effective no sooner than forty-five days following the action of the governing body. If the political subdivision proposes rates that will go into effect prior than the completion of construction of the proposed project, the 45-day

waiting period may be waived by public vote of the governing body only if the political subdivision finds and declares the political subdivision to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the political subdivision to deliver continued and compliant public services: *Provided*, That in no event shall the rate become effective prior to the date that the county commission has entered an order approving the action of the public service district board.

(6) Rates, fees and charges approved by an affirmative vote of the public services district board shall be forwarded in writing to the county commission appointing the approving board. The county commission shall, within forty-five days of receipt of the proposed rates, fees and charges, take action to approve or reject the proposed rates, fees and charges. After forty-five days, and absent action by the county commission, the proposed rates, fees and charges shall be effective with no further action by the board or county commission. In any event this 45-day period may be extended by official action of both the board proposing the rates, fees and charges and the appointing county commission.

(7) The county commission shall provide notice to the public by a Class I legal advertisement of the proposed action, in compliance with the provisions of article three, chapter fifty-nine of this code, of the meeting where it shall consider the proposed increases in rates, fees and charges no later than one week prior to the meeting date.

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-5. Schedule of rates to be filed with commission.

Every public utility ~~subject to the provisions of this chapter~~ shall file with the commission, and keep open to public inspection, schedules showing all the rates, charges and tolls for service to be rendered by it or by other persons, firms or corporations in connection with it: *Provided*, That the reports and tariffs filed by

interstate carriers with the Public Service Commission may be copies of its reports and tariffs filed with the Interstate Commerce Commission; but nothing herein shall preclude the Public Service Commission from requiring interstate carriers to furnish information bearing upon any complaint or question pending before said Public Service Commission and with which it has a right to deal.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 234—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-19 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §16-13A-1a, §16-13A-9 and §16-13A-25 of said code; to amend and reenact §24-1-1, §24-1-1b and §24-1-2 of said code; to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, §24-2-7 and §24-2-11 of said code; and to amend and reenact §24-3-5 of said code, all relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; modifying procedure for sale or lease of municipal public utility; providing procedures for adjustment of rates by certain public service districts and municipal water and sewer utilities; eliminating requirement for consent and approval of Public Service Commission with respect to public service districts borrowing money, issuing bonds and entering into certain engineering contracts; relating to the authority of bondholders to petition the Public Service Commission for redress when there is a deficiency in bond revenue or bond reserve accounts or is otherwise in breach of bond covenants; limiting jurisdiction of Public Service Commission over certain water and sewer utilities owned or operated by political subdivisions of the state; defining terms; providing procedure for providing notice of construction projects to be undertaken by certain water and sewer utilities; requiring all public utilities to file schedules of rates with Public Service Commission; expanding jurisdiction of the Public Service Commission to provide

assistance to public service districts and municipal corporations regarding proposed rate changes; providing for a working capital reserve; expanding powers of certain public service boards; providing mechanism for Public Service Commission to address deficiencies in the measurements, practices acts or services provided by certain public utility that is a political subdivision of the state; and providing mechanisms for various functions of political subdivisions related to water and sewer services.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 234, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 234) 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. Senate Bill No. 250, Relating to Conservation Agency financial assistance applications from district supervisors.

On motion of Senator Carmichael, 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, after line twenty-two, by inserting a new subsection, designated subsection (d), to read as follows:

(d) The State Conservation Committee may propose emergency rules as necessary to implement the provisions of this section.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 250, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 250) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 250) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended 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. 286, Relating to compulsory immunizations of students; exemptions.

On motion of Senator Carmichael, 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 §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.

§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.

(a) Whenever a resident birth occurs, the ~~state director of health commissioner~~ shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, private, parochial school in this state or a state-regulated child care center.

(b) ~~All children~~ Except as hereinafter provided, a child entering school for the first time or a state-regulated child care center in this state shall have been must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubeola, rubella, tetanus and whooping cough. ~~Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that an immunization for any or all diphtheria, polio, rubeola, rubella, tetanus and whooping cough is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be immunized for diphtheria, polio, rubeola, rubella, tetanus and whooping cough prior to being admitted in any of the schools in the state.~~

(c) No child or person ~~shall~~ may be admitted or received in any of the schools of the state or a state-regulated child care center until he or she has been immunized as hereinafter provided or produces a certificate from a reputable physician showing that an immunization for against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubeola, rubella, tetanus and whooping cough has been done or is impossible or improper or other sufficient reason why such immunizations have not been done or produces a certificate from a licensed physician granting the child or

person an exemption from the compulsory immunization requirements of this section.

(d) Any teacher school or state-regulated child care center personnel having information concerning any person who attempts to enter be enrolled in a school for the first time or state-regulated child care center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubeola; rubella, tetanus and whooping cough shall report the names of all such persons to the county health officer. ~~It shall be the duty of the health officer in counties having a full-time health officer to see that such persons are immunized before entering school:~~ Provided, That persons commissioner.

(e) Persons enrolling from schools ~~outside of the state~~ may be provisionally enrolled under minimum criteria established by the director of the department of health commissioner so that the person's immunization may be completed while missing a minimum amount of school. ~~Provided, however, That no~~ No person shall be allowed to enter school without at least one dose of each required vaccine.

~~In counties where there is no full-time health officer or district health officer, the county commission or municipal council shall appoint competent physicians to do the immunizations and fix their compensation:~~

(f) County health departments shall furnish the biologicals for this immunization free of charge for children of parents or guardians who attest that they cannot afford or otherwise access vaccines elsewhere.

(g) Health officers and physicians who shall do this immunization work shall give to all persons and children provide vaccinations must present the person vaccinated with a certificate free of charge showing that they have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubeola; rubella, tetanus and whooping cough, or he or she may give the

certificate to any person or child whom he or she knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(h) A person shall qualify for a medical exemption to a compulsory vaccination by:

(1) Filing a certificate from a licensed physician at least fifteen days prior to entering school stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine with the school this child will attend and contemporaneously filing the certificate with the Commissioner for the Bureau for Public Health.

(2) Within ten business days of the filing, the commissioner may condition, deny, suspend or revoke an exemption only after consulting with the child's licensed physician who certified the exemption. The commissioner shall provide a reason based upon by substantial medical evidence that the immunization is not contraindicated or there does not exist a specific precaution to a particular vaccine.

(3) The final determination of the state health officer is subject to a right of appeal pursuant to the provisions of article five, chapter twenty-nine-a of this code.

(i) The Secretary of the Department of Health and Human Resources and the Commissioner of the Bureau for Public Health shall not add to the compulsory vaccinations required by this section through the promulgation of a rule.

(j) The changes made to this section during the 2015 regular session of the Legislature supersede any interpretive rule and any action taken by the Department of Health and Human Resources in the promulgation of an interpretive rule regarding compulsory immunizations. That rule and any action taken pursuant to it will be null and void with upon the effective date of this legislation.

(k) ~~If any A physician shall give~~ who provides any person with a false certificate of immunization against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubeola, rubella, tetanus and whooping cough ~~he or she shall be~~ is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$100.

~~Any parent or guardian who refuses to permit his or her child to be immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough, who cannot give satisfactory proof that the child or person has been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough previously, or a certificate from a reputable physician showing that immunization for any or all is impossible or improper, or sufficient reason why any or all immunizations should not be done, shall be guilty of a misdemeanor and, except as herein otherwise provided, shall, upon conviction, be punished by a fine of not less than ten nor more than \$50 for each offense.~~

§16-3-5. Distribution of free vaccine preventives of disease.

(a) *Declaration of legislative findings and purpose.* – The Legislature finds and declares that early immunization for preventable diseases represents one of the most cost-effective means of disease prevention. The savings which can be realized from immunization, compared to the cost of health care necessary to treat the illness and lost productivity, are substantial. Immunization of children at an early age serves as a preventative preventive measure both in time and money and is essential to maintain our children's health and well-being. The costs of childhood immunizations should not be allowed to preclude the benefits available from a comprehensive, medically supervised child immunization service. Furthermore, the federal government has established goals that require ninety percent of all children to be immunized by age two and provided funding to allow uninsured children to meet this goal.

(b) The ~~State Director~~ Commissioner of the Bureau for Public Health shall acquire vaccine for the prevention of polio, measles, meningitis, mumps, rubella, chickenpox, diphtheria, pertussis, tetanus, hepatitis-b, haemophilus influenzae-b and other vaccine preventives of disease preventable diseases as ~~may be deemed considered~~ necessary or required by law and shall distribute the same, free of charge, in ~~such~~ quantities as he or she ~~may deem considers~~ necessary, to ~~county and municipal health officers~~ public and private providers, to be used by them for the benefit of ~~and without expense to the citizens within their respective jurisdictions~~, to check contagions and control epidemics.

(c) The ~~county and municipal health officers~~ shall have Commissioner of the Bureau for Public Health, through the immunization program, has the responsibility to ~~properly store and distribute~~, ensure the distribution, free of charge, of federally supplied vaccines to public and private medical or osteopathic physicians within their jurisdictions providers to be ~~utilized~~ used to check contagions and control epidemics: *Provided*, That the public and private medical or osteopathic physicians shall providers may not make a charge for the vaccine itself when administering it to a patient. The ~~county and municipal health officers~~ shall ~~provide a receipt to the State Director of Health for~~ Commissioner of the Bureau for Public Health, through the immunization program, shall keep an accurate record of any vaccine delivered as ~~herein~~ provided in this section.

(d) The ~~Director of the Division of Health~~ commissioner is charged with establishing ~~a childhood~~ an Immunization Advisory Committee. The advisory committee is to plan for universal access; make recommendations on the distribution of vaccines acquired pursuant to this section, advise the secretary on the changing needs and opportunities for immunization from known diseases for all persons across their life span and tracking of track immunization compliance in accordance with federal and state laws. ~~The childhood~~ Members of the Immunization Advisory Committee shall be designated and appointed by the ~~Secretary of the Department of the Health and Human~~

Resources commissioner no later than ~~the first day of July, one thousand nine hundred ninety-four and~~ July 1, 2015. The advisory committee shall be comprised of representatives from the following groups: Public health nursing, public health officers, primary health care providers, pediatricians, family practice physicians, health care administrators, ~~state Medicaid program~~ pharmacists, the Commissioner of the Bureau for Medical Services, or his or her designee, the health insurance industry, the Director of the Public Employees Insurance Agency, or his or her designee, the self-insured industry and a minimum of three consumers. The state epidemiologist ~~shall serve~~ serves as an advisor to the committee. The commissioner, or his or her designee, serves as the chair of the advisory committee. Members of the advisory committee ~~shall serve two-year~~ four-year terms.

(e) An advisory committee member may not participate in a matter involving specific parties that will have a direct and predicable effect on their financial interest. An effect will not be direct in instances where the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative.

~~(e)~~ (f) All health insurance policies and prepaid care policies issued in this state which provide coverage for the children of the insured shall provide coverage for child immunization services to include the cost of the vaccine, if incurred by the health care provider, and all costs of administration from birth through age ~~sixteen~~ eighteen years. These services ~~shall be~~ are exempt from any deductible, per-visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not exempt other health care services provided at the time of immunization from any deductible ~~and/or~~ or copayment provisions.

~~(f)~~ (g) Attending physicians, midwives, nurse practitioners, hospitals, birthing centers, clinics and other appropriate health care providers shall provide parents of newborns and preschool age children with information on the following immunizations: Diphtheria, polio, mumps, meningitis, measles, rubella, tetanus, hepatitis-b, hemophilus influenzae-b, chickenpox and whooping

cough. This information should include the availability of free immunization services for children.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 286—A Bill to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to compulsory immunizations; adding chickenpox, hepatitis-B, meningitis and mumps to the list of diseases for which vaccination is required; requiring children entering or enrolled in state regulated child care centers to be immunized; providing for qualifications for medical exemptions to compulsory vaccination; authorizing the Commissioner of the Bureau for Public Health to condition, deny, suspend or revoke a medical exemption to compulsory immunization requirements; providing for a review of a decision by the state health officer; providing a right of appeal of a final determination of the state health officer; prohibiting the Secretary of the Department of Health and Human Resources and the Commissioner of the Bureau of Public Health from adding compulsory vaccinations through promulgation of a rule; providing that amendments made to this section supersede any interpretative rules; clarifying the duty of county health departments to provide immunization services; repealing the criminal offense of refusing to permit a child to be vaccinated; removing an inaccurate legislative finding; clarifying the duties of the commissioner to acquire and distribute vaccines; clarifying the duties of the Immunization Advisory Committee; establishing a date upon which members of the advisory committee must be appointed; prohibiting members of the advisory committee from participating in matters that will have a direct and predictable effect on their financial interests; establishing the commissioner as the chair of the advisory committee; extending the terms of the members of the advisory committee from two to four years; and

requiring health insurance policies and prepaid care to provide coverage for child immunization services through age eighteen.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 286) 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 amendments, as to

Eng. Com. Sub. for Senate Bill No. 315, Relating to civil actions filed under Consumer Protection Act.

On motion of Senator Carmichael, 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, section one hundred six, line thirteen, after the word "proper." by inserting the following: Any party to an action for damages under this subsection has the right to demand a jury trial.;

On page eleven, section one hundred six, lines fourteen through nineteen, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) No award of damages in an action pursuant to subsection (a) of this section may be made without proof that the person seeking

damages suffered an actual out-of-pocket loss that was proximately caused by a violation of this article. If a person seeking to recover damages for a violation of this article alleges that an affirmative misrepresentation is the basis for his or her claim, then he or she must prove that the deceptive act or practice caused him or her to enter into the transaction that resulted in his or her damages. If a person seeking to recover damages for a violation of this article alleges that the concealment or omission of information is the basis for his or her claim, then he or she must prove that the person's loss was proximately caused by the concealment or omission.;

On page eleven, section one hundred six, line twenty-one, after the word "action" by inserting the words "counterclaim, cross-claim or third party claim";

On page eleven, section one hundred six, line twenty-four, after the word "mail" by inserting the words "return receipt requested";

And,

On page eleven, section one hundred six, line twenty-six, after the word "violation" by inserting a comma and the words "but ten days in the case a cause of action has already been filed,".

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 315, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Kessler, Romano and Snyder—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 315) 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. 316, Exempting new veteran-owned business from certain fees paid to Secretary of State.

On motion of Senator Carmichael, 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 twenty-three, section two-a, line fifty-three, after the word “code.” by inserting the following: Notwithstanding anything in this code to the contrary, a veteran must be honorably discharged or under honorable conditions, and as described in 38 U. S. C. §101.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill No. 316, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 316) passed with its title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill No. 2011, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill No. 2011—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating generally to a workplace employee injury caused by the deliberate intention of the employer required for the employer to lose immunity from a lawsuit; defining actual knowledge; eliminating obsolete language referring to the West Virginia Workers Compensation Fund and board of managers; establishing standards related to blood tests administered after accident; providing that intoxication shown by a positive blood test for alcohol or drugs that meet certain thresholds is the proximate cause of any injury; clarifying provisions outlining who may assert claims on behalf of an employee under this section; requiring that a claim for worker's compensation benefits be filed prior to bringing a cause of action under this section unless good cause is shown; providing that actual knowledge must be specifically proven by the employee or other person seeking to recover under this section and shall not be deemed or presumed; providing an employee may prove actual knowledge by evidence of an employer's intentional or deliberate failure to conduct a legally required inspection, audit or assessment; establishing actual knowledge is not established by what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent; establishing that proof of actual knowledge of prior accidents, near misses, safety complaints or citations must be proven by documentary or other credible evidence; defining a commonly accepted and well-known safety standard within the industry or business of the employer; exempting certain codes or standards from applying to volunteer fire departments, municipal fire departments and emergency medical response personnel if those entities have followed rules promulgated by the Fire Commission; requiring that if the unsafe working condition relates to a violation of a state or federal safety provision that safety provision must address the specific work, working conditions and hazards involved; establishing that the applicability of state or federal safety provisions is a matter for judicial determination; defining generally serious compensable injury; establishing four categories of serious

compensable injury including an injury rated at a whole person impairment of at least thirteen percent (13%) and other threshold requirements, an injury or condition likely to result in death within eighteen (18) months from the date of the filing of the complaint, an injury not capable of whole person impairment if it causes permanent serious disfigurement, causes permanent loss or significant impairment of function of any bodily organ or system, or results in objectively verifiable bilateral or multi-level dermatomal radiculopathy and is not a physical injury that has no objective medical evidence to support a diagnosis, or if an employee suffers from complicated pneumoconiosis or pulmonary massive fibrosis and that condition has resulted in an impairment rating of at least fifteen percent (15%); establishing certification requirements for the categories of serious compensable injury; requiring that a verified statement submitted from a person with knowledge and expertise of the workplace safety, statutes, rules, regulations and consensus industry standards specifically applicable to the industry and workplace involved in an injury be served with any complaint asserting certain causes of action brought under this section; providing for the minimum contents of the required verified statement; limiting the use of the required verified statement during litigation; providing for consideration of bifurcation of discovery in certain circumstances; establishing the venue in which claims under this section may be brought; providing that actions accruing prior to the effective date are not affected; and establishing the effective date of July 1, 2015, for the amendments to this section.

On motion of Senator Carmichael, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill No. 2011, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall,

Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Romano and Snyder—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 H. B. No. 2011) 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 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. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Senator Carmichael, the Senate refused to recede from its amendment to the bill and requested the appointment of a committee of conference of seven from each house on the disagreeing votes of the two houses.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators M. Hall, Walters, Sypolt, Boso, Prezioso, Stollings and Plymale.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, to take effect from passage, 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. 2674, Making home schooled students eligible for a PROMISE scholarship without taking the GED test.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill No. 2674—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility requirements for the PROMISE scholarship.

On motion of Senator Carmichael, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill No. 2674, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller,

Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2674) passed with its House of Delegates amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2674) takes effect from passage.

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

At the request of Senator M. Hall, and by unanimous consent, Senator M. Hall addressed the Senate regarding Engrossed Committee Substitute for House Bill No. 2016 (*Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution*).

At the request of Senator Stollings, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Carmichael, the Senate recessed until 6:15 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2005, Relating to alternative programs for the education of teachers.

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. 2627, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.

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. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

On motion of Senator Carmichael, 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 Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Walters, Gaunch and Palumbo.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2793, Relating to exemptions from mandatory school attendance.

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. 2867, Requiring recommendations for higher education course credit transfer.

At the request of Senator Walters, unanimous consent being granted, Senator Walters addressed the Senate announcing a meeting of the committee of conference on Engrossed House Bill No. 2664 (*Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs*).

At the request of Senator D. Hall, and by unanimous consent, Senator D. Hall addressed the Senate announcing a meeting of the committee of conference on Engrossed House Bill No. 2646 (*Legalizing and regulating the sale and use of fireworks*).

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 West Virginia Division of Highways to install signs at each end of the Dingess Tunnel, located on County Route 3/05, past Laurel Lake at mile post 9.32, in Mingo County, West Virginia, that boldly state “Historic Dingess Tunnel, Constructed 1892” commemorating the more than 100 years of history associated with the tunnel.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 77—Designating the second Friday in July as West Virginia Collector Car Appreciation Day.

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. 79—Requesting the Division of Highways to name bridge number 52-15-8.43 (39.579426, -80.591794), locally known as the Willey Fork Bridge, carrying county Route 15/17 over Willey Fork in Wetzel County, the “U.S. Army PFC Junior David Starkey Memorial Bridge”.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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

House Concurrent Resolution No. 92—Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises.

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. 105—Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 110—Requesting the Joint Committee on Government and Finance to study reducing the West Virginia Department of Education budget and redirecting those funds toward increasing teacher salaries.

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. 114—Requesting that the Joint Committee on Government and Finance study the circumstances where West Virginia home schooled students who have completed their course work should be authorized to take the GED test, the TASC test or other approved high school equivalency assessments and earn a West Virginia High School Equivalency Diploma.

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. 115—Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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 conduct a study of agencies that are exempt from article three, chapter five-a and their policies and procedures for procurement, if any.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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 conduct a study of creating a Statewide Interoperable Radio Network by statute.

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. 120—Requesting the Joint Committee on Government and Finance authorize a study on the James “Tiger” Morton catastrophic illness fund.

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. 122—Requesting the Joint Committee on Government and Finance authorize a study on increasing state government budget and spending transparency.

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. 123—Requesting the Joint Committee on Government and Finance conduct a study of the impact of admitting all Class I, II, III, and IV municipalities to the Municipal Home Rule Pilot Program on the Home Rule Board in processing and reviewing plans, on the Tax Commissioner in administering, enforcing and collecting a municipal sales tax, and on businesses who must remit a municipal sales tax enacted by a municipality.

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. 124—Requesting that the Joint Committee on Government and Finance authorize a study on

the regulation of public utilities by political subdivisions of the State of West Virginia.

Referred to the Committee on Rules.

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

House Concurrent Resolution No. 125—Requesting the Joint Committee on Government and Finance conduct a study of public access and availability in one location to all ordinances, rules and regulations adopted by a county commission or municipality in this state.

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. 128—Requesting the Joint Committee on Government and Finance study the need for the health insurance policies to provide adequate coverage to encourage adoption of abuse deterrent formulation technologies for opioids in order to assist in the state's continuing efforts to eliminate prescription drug abuse.

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. 134—Requesting the Joint Committee on Government and Finance to study the Health Care Authority and the certificate of need review process.

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. 135—Requesting the Joint Committee on Government and Finance to study state hospitals in regards to the Hartley Case.

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. 136—Requesting the Joint Committee on Government and Finance study that insurers cover topical ophthalmic treatment early refills in a manner similar to or consistent with CMS guidelines for all covered individuals.

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. 137—Requesting the Joint Committee on Government and Finance to study access and costs associated with cancer clinical trials.

Referred to the Committee on Rules.

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

House Concurrent Resolution No. 138—Requesting the Joint Committee on Government and Finance to study and review the managed care system within the Bureau for Medical Services.

Referred to the Committee on Rules.

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

House Concurrent Resolution No. 139—Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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 the Joint Committee on Government and Finance to conduct a study on public school finance.

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. 141—Requesting that the Joint Committee on Government and Finance study the appropriate process for removing county, school district and municipal officers with fixed terms of office by voter petition, the circumstances, if any, when county, school district and municipal officers with fixed terms of office should be removed for failure to attend meetings and whether counties, school districts and municipalities should be authorized to establish local standards for removing their officers for lack of attendance.

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. 143—Requesting the Joint Committee on Government and Finance, to study the feasibility and, if indicated, develop a proposal for divestiture and privatization or development of a performance-based, public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 145—Requesting the Joint Committee on Government and Finance to study direct primary care.

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. 146—Requesting the Joint Committee on Government and Finance to study the special funds of the State.

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. 147—Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 148—Requesting the Joint Committee on Government and Finance to study the collection, distribution and use of telecommunications fee revenues in support of emergency communications centers, the State Interoperable Radio Network, State Police communications and the Wireless Tower Access Assistance program and ways to maximize efficiencies and better provide for public needs.

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. 149—Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years, including potential one-time improvements, potential ongoing improvements, and potential improvements for specific classes of retirees categorized by length of retirement in five year increments (individuals retired for 10-15 years, individuals retired for 15-20 years, individuals retired for 20-25 years, and so forth).

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 150—Requesting that the Joint Committee on Government and Finance study the distribution of unemployment rates across the state’s fifty-five counties, the availability of money and other resources to stimulate economic growth in the state’s counties and whether additional money or other resources should be made available to stimulate economic growth in counties with the highest rates of unemployment.

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. 151—Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers.

At the request of Senator Carmichael, and by unanimous consent, reference of the resolution to a committee was dispensed with, and it 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.

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. 152—Requesting the Joint Committee on Government and Finance to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs.

Referred to the Committee on Rules.

On motion of Senator Carmichael, the Senate recessed until 7:20 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened.

At the request of Senator D. Hall, unanimous consent being granted, Senator D. Hall addressed the Senate announcing a meeting of the committee of conference on Engrossed House Bill No. 2646 (*Legalizing and regulating the sale and use of fireworks*).

The Senate then resumed business under the third order.

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. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

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

Delegates Soboyna, Summers and Byrd.

At the request of Senator Walters, 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 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. 2646, Legalizing and regulating the sale and use of fireworks.

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

Delegates O'Neal, Cooper and R. Phillips.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Beach.

At the request of Senator Carmichael, and by unanimous consent, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:54 p.m. tonight:

Eng. Com. Sub. for House Bill No. 2939, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

The Clerk announced the following conference committee reports had been filed at 7:55 p.m. tonight:

Eng. Com. Sub. for Senate Bill No. 192, Authorizing Department of Transportation promulgate legislative rules.

And,

Eng. House Bill No. 2646, Legalizing and regulating the sale and use of fireworks.

The Clerk announced the following conference committee report had been filed at 7:56 p.m. tonight:

Eng. House Bill No. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

The Clerk announced the following conference committee report had been filed at 8 p.m. tonight:

Eng. Senate Bill No. 518, Permitting county and municipal economic development authorities invest certain funds.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill No. 325, Relating to filing of candidates’ financial disclosure statements.

On motion of Senator Carmichael, 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. 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-2-6. Financial disclosure statement; filing requirements.

(a) The financial disclosure statement shall be filed on February 1 of each calendar year to cover the period of the preceding calendar year, except insofar as may be otherwise provided herein. The following persons must file the financial disclosure statement required by this section with the Ethics Commission:

(1) All elected officials in this state, including, but not limited to, all persons elected statewide, all county elected officials, municipal elected officials in municipalities which have, by ordinance, opted to be covered by the disclosure provisions of this section, all members of the several county or district boards of education and all county or district school board superintendents;

(2) All members of state boards, commissions and agencies appointed by the Governor; and

(3) Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads.

(b) For purposes of subsection (a) of this section, a person is required to file if the person holds one of the positions listed in subdivision (1), (2) or (3), subsection (a) of this section as of January 31 of each calendar year.

(c) A person who is required to file a financial disclosure statement under this section by virtue of becoming an elected or appointed public official whose office is described in subdivision (1), (2) or (3), ~~of this subsection (a) of this section~~ and who assumes the office less than ten days before a filing date established herein or who assumes the office after the filing date shall file a financial disclosure statement for the previous twelve months no later than thirty days after the date on which the person assumes the duties of the office unless the person has filed a financial disclosure statement with the commission during the twelve-month period before he or she assumed office.

~~(b) A candidate for public office shall file a financial disclosure statement for the previous calendar year with the state Ethics Commission no later than ten days after he or she files a certificate of candidacy, but in all circumstances, not later than ten days prior to the election, unless he or she has filed a financial disclosure statement with the state Ethics Commission during the previous calendar year.~~

(d) A person seeking to be a candidate for office shall first file a certificate of candidacy as provided by law and, second, shall file, no later than ten days of filing the certificate of candidacy, a financial disclosure statement with the Ethics Commission. No person may be certified as a candidate who has failed to file both documents.

(e) The Ethics Commission shall ~~file~~ provide a duplicate copy of the financial disclosure statement required in this section in the following offices within ~~ten~~ three days of the receipt of the candidate's statement of disclosure or by the eighty-fourth day prior to the general election, whichever is sooner. The Ethics Commission may transmit such duplicate copy by mail, electronic communication or facsimile to ensure prompt and timely delivery.

(1) Municipal candidates in municipalities which have opted, by ordinance, to be covered by the disclosure provisions of this section, in the office of the clerk of the municipality in which the candidate is seeking office;

~~(2) Legislative candidates in single county districts and candidates~~ Candidates for a county office or county school board, in the office of the clerk of the county commission of the county in which the candidate is seeking office;

(3) Legislative candidates, ~~from multicounty districts~~ circuit judge or family court judge candidates, candidates for statewide office and congressional candidates, in the office of the ~~clerk of the county commission of the county of the candidate's residence~~ Secretary of State.

After a ninety-day period following any election, the ~~clerks who offices that~~ receive the financial disclosure statements of candidates may destroy or dispose of those statements filed by candidates who were unsuccessful in the election.

~~(c) No candidate for public office may maintain his or her place on a ballot and no~~

(f) (1) Any candidate for public office who has failed to file a financial disclosure statement with the state Ethics Commission as required by this section is disqualified, and the vacancy on the ballot created by the disqualification is subject to section nineteen, article five, chapter three of this code.

(2) No public official may take the oath of office or enter or continue upon his or her duties or receive compensation from public funds unless he or she has filed a financial disclosure statement with the state Ethics Commission as required by the provisions of this section.

~~(d)~~ (g) The Ethics Commission may, upon request of any person required to file a financial disclosure statement, and for good cause shown, extend the deadline for filing such statement for a reasonable period of time: *Provided*, That no extension of time shall be granted to a candidate who has not filed a financial disclosure statement for the preceding filing period.

~~(e)~~ (h) No person shall fail to file a statement required by this section.

~~(f)~~ (i) No person shall knowingly file a materially false statement that is required to be filed under this section.

(g) (j) The Ethics Commission shall publish either on the internet or by printed document made available to the public a list of all persons who have violated any Ethics Commission's financial disclosure statement filing deadline.

(h) (k) The Ethics Commission shall, in addition to making all financial disclosure statements available for inspection upon request:

(1) Publish on the internet all financial disclosure statements filed by members of the Legislature and candidates for legislative office, elected members of the executive department and candidates for the offices that constitute the executive department, and members of the Supreme Court of Appeals and candidates for the Supreme Court of Appeals, commencing with those reports filed on or after January 1, 2012; and

(2) Publish on the internet all financial disclosure statements filed by any other person required to file such financial disclosure statements, as the commission determines resources are available to permit the Ethics Commission to make such publication on the internet. The commission shall redact financial disclosure statements published on the internet to exclude from publication personal information such as signatures, home addresses and mobile and home telephone numbers.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. No. 325) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 439, Relating to higher education personnel.

On motion of Senator Carmichael, 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 ten, section two-a, line one, after the word “shall” by striking out the remainder of the subsection and inserting in lieu thereof the following: create the following positions, and fill the positions beginning July 1, 2016, with well-qualified and appropriately credentialed individuals who will report to the Vice Chancellor for Human Resources and work collaboratively with governing boards and their employees at all levels:

(1) A generalist/manager who is responsible for a wide range of human resources management, the Human Resources Information System, reporting and program development activities;

(2) A director of classification and compensation who is responsible for maintaining job classification systems, assisting organizations with classification and compensation matters, coordinating compensation studies with the compensation planning and review committee and external vendors, and conducting annual compensation program updates or market reviews;

(3) A training and development specialist who is responsible for assessing training needs, and for planning, designing, developing, implementing and/or coordinating delivery of training and development programs and activities as required in subdivision (9), subsection (e) of this section and section six, article seven of this chapter.;

On page eleven, section one, lines three and four, after the word “transparency” by striking out the comma and the words “when possible,”;

On page thirteen, section one, after line two, by inserting a new subsection, designated subsection (e), to read as follows:

(e) It is further the intent of the Legislature to encourage strongly that each organization dedicate a portion of future tuition increases to fund the classified salary schedule and, after full funding of the salary schedule is achieved, to move toward meeting salary goals for faculty, classified and nonclassified employees.;

On page thirteen, section two, line eight, before the word “Benefits” by inserting “(1)”;

On page thirteen, section two, line twelve, before the word “Compensation” by inserting “(2)”;

On page thirteen, section two, line fourteen, before the word “Compensatory” by inserting “(3)”;

On page fourteen, section two, line one, before the word “Employee” by inserting “(4)”;

On page fourteen, section two, line six, before the word “Full-time” by inserting “(5)”;

On page fourteen, section two, line ten, before the word “Health” by inserting “(6)”;

On page twenty, section eight, line fourteen, by striking out “(A)” and inserting in lieu thereof “(1)”;

On page twenty, section eight, line sixteen, by striking out “(B)” and inserting in lieu thereof “(2)”;

On page twenty-three, section eleven, line nineteen, after the word “state.” by inserting the following: An institution may not have more than ten percent of its total number of classified and nonclassified employees in positions considered by the president to be critical to the institution pursuant to said section.;

On page twenty-five, section eleven, line two, by striking out the word “reports” and inserting in lieu thereof the word “report”;

On page twenty-six, section eleven, line seven, by striking out “(A)” and inserting in lieu thereof “(1)”;

On page twenty-six, section eleven, line thirteen, by striking out the word “reports” and inserting in lieu thereof the word “report”;

On page twenty-six, section eleven, line fifteen, by striking out “(B)” and inserting in lieu thereof “(2)”;

On page twenty-seven, section eleven, line ten, by striking out “(c)” and inserting in lieu thereof “(d)”;

On page twenty-seven, section eleven, line sixteen, by striking out “(d)” and inserting in lieu thereof “(e)”;

On page thirty-one, section two, line five, before the word “Classified” by inserting “(1)”;

On page thirty-two, section two, line four, before the word “Salary” by inserting “(2)”;

On page thirty-two, section two, line eight, before the word “Schedule” by inserting “(3)”;

On page thirty-two, section two, line ten, before the word “Years” by inserting “(4)”;

On page thirty-five, section two, line nineteen, before the word “Classification” by inserting “(1)”;

On page thirty-six, section two, line three, before the word “Classified” by inserting “(2)”;

On page thirty-six, section two, line twelve, before the word “Job” by inserting “(3)”;

On page thirty-six, section two, line fifteen, before the word “Job” by inserting “(4)”;

On page thirty-six, section two, line eighteen, before the word “Job” by inserting “(5)”;

On page thirty-seven, section two, line five, before the word “Job” by inserting “(6)”;

On page thirty-seven, section two, line eight, before the word “Job” by inserting “(7)”;

On page thirty-eight, section two, line fifteen, before the word “Job” by inserting “(8)”;

On page thirty-seven, section two, line nineteen, before the word “Job” by inserting “(9)”;

On page thirty-eight, section two, line two, before the word “Midpoint” by inserting “(10)”;

On page thirty-eight, section two, line six, before the word “Nonclassified” by inserting “(11)”;

On page thirty-eight, section two, line twelve, by striking out “(1)” and inserting in lieu thereof “(A)”;

On page thirty-eight, section two, line thirteen, after the word “level;” by striking out the word “or”;

On page thirty-eight, section two, line fourteen, by striking out “(2)” and inserting in lieu thereof “(B)”;

On page thirty-eight, section two, line fifteen, after the word “organization” by changing the period to a semicolon and inserting the following: or

(C) Is in a position considered by the president to be critical to the institution pursuant to policies adopted by the governing board.;

On page thirty-eight, section two, line sixteen, before the word “Organization” by inserting “(12)”;

On page thirty-nine, section two, line one, before the word “Pay” by inserting “(13)”;

On page thirty-nine, section two, line three, before the word “Point” by inserting “(14)”;

On page thirty-nine, section two, line nine, before the word “Position” by inserting “(15)”;

On page forty, section two, line three, before the word “Pay” by inserting “(16)”;

On page forty, section three, line ten, by striking out “(a)”;

On page forty-one, section four, line seventeen, by striking out “(A)” and inserting in lieu thereof “(1)”;

On page forty-two, section four, line six, by striking out “(B)” and inserting in lieu thereof “(2)”;

On page forty-two, section four, line eleven, by striking out “(C)” and inserting in lieu thereof “(3)”;

On page forty-seven, section five, line fourteen, by striking out the word “external”;

On page forty-seven, section five, line fourteen, after the word “study” by inserting the words “conducted by an external vendor pursuant to section six of this article”;

On page forty-nine, section six, line fourteen, by striking out “(c)” and inserting in lieu thereof “(b)”;

On page fifty, section six, line one, by striking out “(d)” and inserting in lieu thereof “(c)”;

On page fifty, section six, line twelve, by striking out “(e)” and inserting in lieu thereof “(d)”;

On page fifty, section six, line fourteen, by striking out the words “at least once within each five-year period” and inserting in lieu thereof a period and the following: The study shall be completed by December 1, 2016, and on December 1 every fifth year thereafter.;

On page fifty, section six, line fifteen, by striking out the words “of the” and inserting in lieu thereof the words “of each”;

On page fifty-one, section six, line six, by striking out “(f)” and inserting in lieu thereof “(e)”;

On page fifty, section six, line seventeen, by striking out “(g)” and inserting in lieu thereof “(f)”;

On page fifty-two, section six, line sixteen, by striking out “(h)” and inserting in lieu thereof “(g)”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 439—A Bill to amend and reenact §18B-4-2a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-8, §18B-7-9, §18B-7-11 and §18B-7-16 of said code; to amend and reenact §18B-9-1 and §18B-9-2 of said code; to amend and reenact §18B-9A-1, §18B-9A-2, §18B-9A-3, §18B-9A-4, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new section, designated §18B-9A-5a, all relating to public higher education personnel generally; clarifying roles and

certain responsibilities of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; modifying legislative purposes and intent for higher education personnel, classification and compensation system and classified employee salary schedule; defining terms and modifying defined terms; modifying and clarifying duties of Vice Chancellor for Human Resources of the Higher Education Policy Commission; eliminating outdated and redundant reporting, rule and review requirements; requiring certain personnel provisions be created and specifying responsibilities; modifying certain reporting requirements; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; modifying percentages and criteria of percentages of employees designated as nonclassified; modifying requirements for study of employment practices; expanding applicability of certain salary schedule provisions and flexibilities; clarifying that certain provisions are only applicable to classified employees; modifying and clarifying powers and duties of the Job Classification Committee and Compensation Planning and Review Committee; eliminating certain approval of members of Job Classification Committee and Compensation Planning and Review Committee; eliminating requirement that salary schedules fall within relative market equity; clarifying role and considerations of the Higher Education Policy Commission and Community and Technical College Council in developing salary schedules for classified employees; requiring classification and compensation rules; deleting obsolete provisions; and making technical corrections.

On motion of Senator Sypolt, the following amendment to the House of Delegates amendments to the bill was reported by the Clerk and adopted:

On page fifty, section six, subsection (d), by striking out the words “December 1, 2016, and on December 1” and inserting in lieu thereof the words “January 31, 2016, and on January 31”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 439, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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.

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 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. 447, Allowing issuance of diploma by public, private or home school administrator.

On motion of Senator Carmichael, 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. 447—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-12, relating to allowing administrator of secondary education program at public, private or home school to issue diploma or other appropriate credential; establishing legal sufficiency of diploma or credential; prohibiting discrimination by state agency or institution of higher learning; and reserving to state agency and institution of higher learning authority to inquire about program content for certain purposes.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill No. 447, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 447) 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. 455, Relating to public higher education procurement and payment of expenses.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §12-3A-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §18B-1F-4 of said code be amended and reenacted; that §18B-5-4, §18B-5-6 and §18B-5-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18B-5-4a, all to read as follows:

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.

§12-3A-6. Receipting of electronic commerce purchases.

(a) The State Treasurer may establish a system for acceptance of credit card and other payment methods for electronic commerce purchases from spending units. Notwithstanding any other provision of this code to the contrary, each spending unit utilizing WEB commerce, electronic commerce or other method that offers products or services for sale shall utilize the State Treasurer's system for acceptance of payments except as provided in subsection (b) of this section.

(b) A state institution of higher education may receive credit card payments from systems of acceptance other than that provided by the State Treasurer if:

(1) The proposed alternate system is compliant with the Payment Card Industry Data Security Standards for acceptance of payments, and the institution is proposing to use the alternate system for the sole purpose of:

(A) Processing the payment of academic transcripts; or

(B) Accepting payment for applications for admission if necessary to participate in a national or regional program for applications for admission; or

(2) The institution certifies that the use of the alternate system will not cause a reduction in the volume of credit card revenues by more than ten percent as compared to previous credit card revenues processed on behalf of the institution during the previous fiscal year and the State Treasurer consents to the use.

~~(b)~~ (c) To facilitate electronic commerce, the State Treasurer may charge a spending unit for the banking and other expenses incurred by the Treasurer on behalf of the spending unit and for any work performed, including, without limitation, assisting in the development of a website and utilization of the Treasurer's payment gateway. A special revenue account, entitled the Treasurer's Financial Electronic Commerce Fund, is created in the State Treasury to receive the amounts charged by the Treasurer. The Treasurer may expend the funds received in the Treasurer's Financial Electronic Commerce Fund only for the purposes of this article and for other purposes as determined by the Legislature.

~~(c)~~ (d) The State Treasurer may authorize a spending unit to assess and collect a fee to recover or pay the cost of accepting bank, charge, check, credit or debit cards from amounts collected.

~~(d)~~ (e) Upon written request from a political subdivision, the State Treasurer may provide services of his or her office to a political subdivision and charge for the services.

~~(e)~~ (f) The State Treasurer shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this section.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1F. MANAGEMENT AGREEMENTS FOR THE HIGHER EDUCATION POLICY COMMISSION.

§18B-1F-4. Powers and duties of board of directors and corporation.

(a) The primary responsibility of the corporation is to manage the day to day operations of the technology park through collaboration agreements with the commission. To that end, the board of directors has the following powers and duties:

(1) To employ an executive director subject to the provisions of section five of this article;

(2) To approve employment of other staff recommended by the executive director as being necessary and appropriate to carry out the purposes of this article and subject to agreements with the commission;

(3) To serve as fiscal agent and provide additional services, including, but not limited to, property management, human resources management and purchasing;

(4) To meet as a governing body. A corporation created under this article is exempt from the provisions of section three, article nine-a, chapter six of this code and from the provisions of article one, chapter twenty-nine-b of this code;

(5) To receive, purchase, hold, lease, use, sell and dispose of real and personal property of all classes, subject to the provisions of subdivision (8) of this subsection and section eight of this article;

(6) To receive from any source whatsoever grants to be expended in accomplishing the objectives of this article;

(7) To receive from any source whatsoever aid or contributions of money, property or other things of value to be held, used and applied only for the purposes for which the aid or contributions may be made;

(8) To accept and expend any gift, grant, contribution, bequest, endowment or other money for the purposes of this article. Any transfer of endowment or other assets by the commission to the corporation or by the corporation to the commission for management shall be formalized in a memorandum of agreement to assure, at a minimum, that any restrictions governing the future disposition of funds are preserved. The commission may not transfer ownership of the technology park property to the corporation;

(9) To make, amend and repeal bylaws, rules and its governing documents consistent with the provisions of this article to effectuate the purpose and scope of the corporation;

(10) To alter the purpose or scope of the corporation; and

(11) To delegate the exercise of any of its powers except for the power to approve budgets to the executive director, subject to the directions and limitations contained in its governing documents.

(b) The commission may issue revenue bonds under the terms of section eight, article ten of this chapter for capital improvements at the technology park.

~~(b)~~ (c) In addition to the powers and duties provided for in this section and any other powers and duties that may be assigned to it

by law or agreement, the corporation has other powers and duties necessary to accomplish the objectives of this article or as provided by law.

ARTICLE 5. HIGHER EDUCATION BUDGETS AND EXPENDITURES.

§18B-5-4. Purchase or acquisition of materials, supplies, equipment, services and printing.

(a) The council, commission and each governing board shall purchase or acquire all materials, supplies, equipment, services and printing required for that governing board or the council or commission, as appropriate, and the state institutions of higher education under their jurisdiction, except the governing boards of Marshall University and West Virginia University, respectively, are subject to subsection (d) of this section.

(b) The commission and council jointly shall adopt rules governing and controlling acquisitions and purchases in accordance with this section. The rules shall ensure that the following procedures are followed:

(1) No person is precluded from participating and making sales thereof to the council, commission or governing board except as otherwise provided in section five of this article. Providing consulting services such as strategic planning services does not preclude or inhibit the governing boards, council or commission from considering a qualified bid or response for delivery of a product or a commodity from the individual providing the services;

(2) Specifications are established and prescribed for materials, supplies, equipment, services and printing to be purchased;

(3) Purchase order, requisition or other forms as may be required are adopted and prescribed;

(4) Purchases and acquisitions in such quantities, at such times and under contract, are negotiated for and made in the open market or through other accepted methods of governmental purchasing as may be practicable in accordance with general law;

(5) Bids are advertised on all purchases exceeding ~~\$25,000~~ \$50,000 and made by means of sealed or electronically submitted bids and competitive bidding or advantageous purchases effected through other accepted governmental methods and practices. Competitive bids are not required for purchases of ~~\$25,000~~ \$50,000 or less;

(6) Notices for acquisitions and purchases for which competitive bids are being solicited are posted either in the purchasing office of the specified institution involved in the purchase or by electronic means available to the public, at least ~~two weeks~~ five days prior to making the purchases. The rules shall ensure that the notice is available to the public during business hours;

(7) Purchases are made in the open market;

(8) Vendors are notified of bid solicitation and emergency purchasing; and

(9) No fewer than three bids are obtained when bidding is required, except if fewer than three bids are submitted, an award may be made from among those received.

(c) When a state institution of higher education submits a contract, agreement or other document to the Attorney General for approval as to form as required by this chapter, the following conditions apply:

(1) "Form" means compliance with the Constitution and statutes of the State of West Virginia;

(2) The Attorney General does not have the authority to reject a contract, agreement or other document based on the substantive provisions in the contract, agreement or document or any extrinsic matter as long as it complies with the Constitution and statutes of this state;

(3) Within fifteen days of receipt, the Attorney General shall notify the appropriate state institution of higher education in writing that the contract, agreement or other document is approved or disapproved as to form. If the contract, agreement or other document is disapproved as to form, the notice of disapproval shall identify each defect that supports the disapproval; and

(4) If the state institution elects to challenge the disapproval by filing a writ of mandamus or other action and prevails, then the Attorney General shall pay reasonable attorney fees and costs incurred.

(d) Pursuant to this subsection, the governing boards of Marshall University and West Virginia University, respectively, may carry out the following actions:

(1) Purchase or acquire all materials, supplies, equipment, services and printing required for the governing board without approval from the commission or the Vice Chancellor for Administration and may issue checks in advance to cover postage as provided in subsection (f) of this section;

(2) ~~Make purchases~~ Purchase from cooperative buying groups, consortia, the federal government or from federal government contracts if the materials, supplies, services, equipment or printing to be purchased is available from these groups and if this would be the most financially advantageous manner of making the purchase;

(3) Select and acquire by contract or lease all grounds, buildings, office space or other space, and capital improvements, including

equipment, if the rental is necessarily required by the governing board; and

(4) Use purchase cards under terms approved for the commission, the council and governing boards of state institutions of higher education and participate in any expanded program of use as provided in subsection (u) of this section.

(e) The governing boards shall adopt sufficient accounting and auditing procedures and promulgate and adopt appropriate rules subject to section six, article one of this chapter to govern and control acquisitions, purchases, leases and other instruments for grounds, buildings, office or other space, and capital improvements, including equipment, or lease-purchase agreements.

(f) The council, commission or each governing board may issue a check in advance to a company supplying postage meters for postage used by that board, the council or commission and by the state institutions of higher education under their jurisdiction.

(g) When a purchase is to be made by bid, any or all bids may be rejected. However, all purchases based on advertised bid requests shall be awarded to the lowest responsible bidder taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the governing boards, council or commission and delivery terms. The preference for resident vendors as provided in section thirty-seven, article three, chapter five-a of this code applies to the competitive bids made pursuant to this section.

(h) The governing boards, council and commission shall maintain a purchase file, which shall be a public record and open for public inspection.

(1) After the award of the order or contract, the governing boards, council and commission shall indicate upon the successful bid the following information:

(A) Designation as the successful bid;

(B) The reason any bids were rejected; and

(C) The reason for rejection, if the mathematical low vendor was not awarded the order or contract.

(2) A record in the purchase file may not be destroyed without the written consent of the Legislative Auditor. Those files in which the original documentation has been held for at least one year and in which the original documents have been reproduced and archived on microfilm or other equivalent method of duplication may be destroyed without the written consent of the Legislative Auditor.

(3) All files, no matter the storage method, shall be open for inspection by the Legislative Auditor upon request.

(i) The commission and council, also jointly, shall promulgate rules to prescribe qualifications to be met by any person who is to be employed as a buyer pursuant to this section. These rules shall require that a person may not be employed as a buyer unless that person, at the time of employment, has one of the following qualifications:

(1) Is 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.

(j) Any person making purchases and acquisitions pursuant to this section shall execute a bond in the penalty of \$50,000, payable to the State of West Virginia, with a corporate bonding or surety company authorized to do business in this state as surety thereon, in form prescribed by the Attorney General and conditioned upon the faithful performance of all duties in accordance with this section and sections five through eight, inclusive, of this article and the rules of the governing board and the council and commission. In lieu of

separate bonds for these buyers, a blanket surety bond may be obtained. The bond shall be filed with the Secretary of State and the cost of the bond shall be paid from funds appropriated to the applicable governing board or the council or commission.

(k) All purchases and acquisitions shall be made in consideration and within limits of available appropriations and funds and in accordance with applicable provisions of article two, chapter five-a of this code relating to expenditure schedules and quarterly allotments of funds. Notwithstanding any other provision of this code to the contrary, only those purchases exceeding the dollar amount for competitive sealed bids in this section are required to be encumbered. ~~and they~~ Such purchases may be entered into the state's centralized accounting system by the staff of the commission, council or governing boards to satisfy the requirements of article two, chapter five-a of this code to determine whether the amount of the purchase is within the quarterly allotment of the commission, council or governing board, is in accordance with the approved expenditure schedule and otherwise conforms to the article: Provided, That, notwithstanding the foregoing provisions of this subsection or any other provision of this code to the contrary, purchases by Marshall University or West Virginia University are not required to be encumbered.

(l) The governing boards, council and commission may make requisitions upon the State Auditor for a sum to be known as an advance allowance account, not to exceed five percent of the total of the appropriations for the governing board, council or commission, and the State Auditor shall draw a warrant upon the Treasurer for those accounts. All advance allowance accounts shall be accounted for by the applicable governing board or the council or commission once every thirty days or more often if required by the State Auditor.

(m) Contracts entered into pursuant to this section shall be signed by the applicable governing board or the council or commission in the name of the state and shall be approved as to form by the Attorney General. A contract which requires approval as to form by

the Attorney General is considered approved if the Attorney General has not responded within fifteen days of presentation of the contract. A contract or a change order for that contract and notwithstanding any other provision of this code to the contrary, associated documents such as performance and labor/material payments, bonds and certificates of insurance which use terms and conditions or standardized forms previously approved by the Attorney General and do not make substantive changes in the terms and conditions of the contract do not require approval as to form by the Attorney General. The Attorney General shall make a list of those changes which he or she considers to be substantive and the list, and any changes to the list, shall be published in the State Register. A contract that exceeds the dollar amount requiring competitive sealed bids in this section shall be filed with the State Auditor. If requested to do so, the governing boards, council or commission shall make all contracts available for inspection by the State Auditor. The governing board, council or commission, as appropriate, shall prescribe the amount of deposit or bond to be submitted with a bid or contract, if any, and the amount of deposit or bond to be given for the faithful performance of a contract.

(n) If the governing board, council or commission purchases or contracts for materials, supplies, equipment, services and printing contrary to sections four through seven, inclusive, of this article or the rules pursuant to this article, the purchase or contract is void and of no effect.

(o) A governing board or the council or commission, as appropriate, may request the director of purchasing to make available the facilities and services of that department to the governing boards, council or commission in the purchase and acquisition of materials, supplies, equipment, services and printing. The director of purchasing shall cooperate with that governing board, council or commission, as appropriate, in all such purchases and acquisitions upon that request.

(p) Each governing board or the council or commission, as appropriate, may permit private institutions of higher education to join as purchasers on purchase contracts for materials, supplies, services and equipment entered into by that governing board or the council or commission. A private institution desiring to join as purchaser on purchase contracts shall file with that governing board or the council or commission, as appropriate, an affidavit signed by the president or designee of the private institution requesting that it be authorized to join as purchaser on purchase contracts of that governing board or the council or commission, as appropriate. The private institution shall agree that it is bound by such terms and conditions as that governing board or the council or commission may prescribe and that it will be responsible for payment directly to the vendor under each purchase contract.

(q) Notwithstanding any other provision of this code to the contrary, the governing boards, council and commission, as appropriate, may make purchases from cooperative buying groups, consortia, the federal government or from federal government contracts if the materials, supplies, services, equipment or printing to be purchased is available from that source, and purchasing from that source would be the most financially advantageous manner of making the purchase.

(r) An independent performance audit of all purchasing functions and duties which are performed at any state institution of higher education ~~except Marshall University and West Virginia University~~ shall be performed at least once in each fiscal year three-year period. The Joint Committee on Government and Finance shall conduct the performance audit and the governing boards, council and commission, as appropriate, are responsible for paying the cost of the audit from funds appropriated to the governing boards, council or commission.

(1) ~~The governing boards of Marshall University and West Virginia University, respectively~~ board shall provide for independent performance audits of all purchasing functions and duties on ~~their~~ its campuses at least once in each three-year period.

(2) Each audit shall be inclusive of the entire time period that has elapsed since the date of the preceding audit.

(3) Copies of all appropriate documents relating to any audit performed by ~~the governing boards of Marshall University and West Virginia University~~ a governing board shall be furnished to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Education Accountability within thirty days of the date the audit report is completed.

(s) The governing boards shall require each institution under their respective jurisdictions to notify and inform every vendor doing business with that institution of section fifty-four, article three, chapter five-a of this code, also known as the Prompt Pay Act of 1990.

(t) Consultant services, such as strategic planning services, do not preclude or inhibit the governing boards, council or commission from considering any qualified bid or response for delivery of a product or a commodity because of the rendering of those consultant services.

(u) Purchasing card use may be expanded by the council, commission and state institutions of higher education pursuant to this subsection.

(1) The council and commission jointly shall establish procedures to be implemented by the council, commission and any institution under their respective jurisdictions using purchasing cards. The procedures shall ensure that each meets the following conditions:

(A) Appropriate use of the purchasing card system;

(B) Full compliance with article three, chapter twelve of this code relating to the purchasing card program; and

(C) Sufficient accounting and auditing procedures for all purchasing card transactions.

(2) Notwithstanding any other provision of this code to the contrary, the council, commission and any institution authorized pursuant to subdivision (3) of this subsection may use purchasing cards for the following purposes:

(A) Payment of travel expenses directly related to the job duties of the traveling employee, including, but not limited to, fuel and food; and

(B) Payment of any routine, regularly scheduled payment, including, but not limited to, utility payments and real property rental fees.

(3) The commission and council each shall evaluate the capacity of each institution under its jurisdiction for complying with the procedures established pursuant to subdivision (2) of this subsection. The commission and council each shall authorize expanded use of purchasing cards pursuant to that subdivision for any institution it determines has the capacity to comply.

§18B-5-4a. Construction projects.

Notwithstanding any other provision of this code to the contrary, and specifically section one, article twenty-two, chapter five of this code, a state institution of higher education is not required to solicit competitive bids or require a valid bid bond or other surety for any construction project unless the value exceeds \$100,000 in total cost.

§18B-5-6. Other code provisions relating to purchasing and design-build procurement not controlling; exceptions; criminal provisions and penalties; financial interest of governing boards, etc.; receiving anything of value from interested party and penalties therefor; application of bribery statute.

The provisions of article three, chapter five-a of this code and section five, article twenty-two-a, chapter five of this code do not control or govern design-build procurement or the purchase, acquisition or other disposition of any equipment, materials,

supplies, services or printing by the commission or the governing boards, except as provided in sections four through seven, inclusive, of this article. Sections twenty-nine, thirty and thirty-one, article three, chapter five-a of this code apply to all purchasing activities of the commission and the governing boards.

Neither the commission, the governing boards, nor any employee of the commission or governing boards, may be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase of any equipment, materials, supplies, services or printing, nor in any firm, partnership, corporation or association furnishing them, except as may be authorized by the provisions of chapter six-b of this code. Neither the commission, the governing boards nor any employee of the commission or governing boards may accept or receive directly or indirectly from any person, firm or corporation, known by the commission, governing boards or such 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, except as may be authorized by the provisions of chapter six-b of this code.

A person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned 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 imprisoned and fined, in the discretion of the court. Any person who violates any provisions of this section by receiving money or other thing of value 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 section nine of said article.

§18B-5-7. Disposition of obsolete and unusable equipment, surplus supplies and other unneeded materials.

(a) The commission, the council and the governing boards shall dispose of obsolete and unusable equipment, surplus supplies and

other unneeded materials, either by transfer to other governmental agencies or institutions, by exchange or trade, or by sale as junk or otherwise. The commission, the council and each governing board shall adopt rules governing and controlling the disposition of all such equipment, supplies and materials. The rules shall provide for disposition of the equipment, supplies and materials as sound business practices warrant under existing circumstances and conditions and for adequate prior notice to the public of the disposition.

~~(1) At least ten days prior to the disposition, the Commission, the Council or the governing boards, as applicable, shall advertise, by newspaper publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, in the county in which the equipment, supplies and materials are located, the availability or sales of such disposable equipment, supplies and materials.~~

~~(2) The Commission, the Council or governing boards, as applicable, may sell the disposable equipment, supplies and materials, in whole or in part, at public auction or by sealed bid, or may transfer, exchange or trade the same to other governmental agencies or institutions (if by transfer, exchange or trade, then without advertising), in whole or in part, as sound business practices may warrant under existing circumstances and conditions.~~

~~(3) The requirements set forth in subsection (a) of this section apply to Marshall University and West Virginia University relating only to those items of obsolete and unusable equipment, surplus supplies and other unneeded materials that exceed five thousand dollars in recorded net book value. Marshall University and West Virginia University may dispose of obsolete and unusable computers and computer-related equipment pursuant to the provisions of section two, article three of this chapter.~~

~~(b) The commission, council or governing board, as appropriate, except for Marshall University and West Virginia University shall~~

report ~~annually~~ biannually to the Legislative Auditor all sales of commodities made during the preceding ~~six months~~ biennium. ~~(†)~~ The report shall include a description of the commodities sold, the name of the buyer to whom each commodity was sold, ~~and~~ the price paid by the buyer.

~~(2) Marshall University and West Virginia University shall report biennially to the Legislative Auditor the total sales of commodities made during the preceding biennium along with the total recorded net book value of such commodities.~~

(c) The proceeds of sales or transfers shall be deposited in the State Treasury to the credit on a pro rata basis of the fund or funds from which the purchase of the particular commodities or expendable commodities was made. The commission, council or governing board, as appropriate, may charge and assess fees reasonably related to the costs of care and handling with respect to the transfer, warehousing, sale and distribution of state property that is disposed of or sold pursuant to the provisions of this section.

(d) Notwithstanding the provisions of this section, the commission, council or a governing board may donate equipment, supplies and materials with the approval of the commission, council or governing board or their designee, as appropriate.;

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. 455—A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1F-4 of said code; to amend and reenact §18B-5-4, §18B-5-6 and §18B-5-7 of said code; and to amend said code by adding thereto a new section, designated §18B-5-4a, all relating to public higher education procurement and payment generally; modifying receipting of certain electronic

commerce purchases; increasing monetary threshold for certain required bids and surety; modifying notification of certain required bids; exempting purchases by certain higher education institutions from requirement to be encumbered; providing certain exemptions from certain design-build procurement requirements; increasing time period for certain required audits; authorizing higher education policy commission to issue certain revenue bonds; and modifying requirements for disposition of certain items and the reporting requirements therefor.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 455, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Beach, Laird, Miller and Unger—4.

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. 455) 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, passage as amended, to take effect July 1, 2015, 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. 2478, Relating to public school finance.

On motion of Senator Carmichael, 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 seven, subsection (a), subdivision (1), paragraph (F), subparagraph (3), by striking out “\$17,815,268” and inserting in lieu thereof the words “15,000,000 and the amount for the school year beginning July 1, 2016, will be \$18,000,000”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill No. 2478—A Bill to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-4, §18-9A-5, §18-9A-7, §18-9A-11 and §18-9A-12 of said code, all relating to public school finance; removing the reduction in a county’s basic foundation allowance to a county school system for professional educators and service personnel if the number employed is less than the maximum allowed for formula funding; adjusting the foundation school program allowance for transportation costs for the school years 2015-2016 and 2016-2017; including propane as an eligible fuel for the ten percent additional percentage allowance for school bus systems using alternative fuels; fixing the amounts to be used for the replacement of buses for school years 2015-2016 and 2016-2017 as a component of the allowance in the foundation school program for

transportation; eliminating requirements that payments or contributions in lieu of property taxes which are distributed by the sheriff to the county board of education be deducted from the allocated state aid share for the county; and eliminating certain adjustments in basic foundation program.

On motion of Senator Carmichael, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill No. 2478, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Takubo, Trump, Walters, Woelfel, Yost and Cole (Mr. President)—24.

The nays were: Beach, Kessler, Kirkendoll, Laird, Miller, Prezioso, Stollings, Sypolt, Unger and Williams—10.

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. 2478) passed with its House of Delegates amended title.

Senator Carmichael moved that the bill take effect July 1, 2015.

On this question, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Takubo, Trump, Walters, Woelfel, Yost and Cole (Mr. President)—24.

The nays were: Beach, Kessler, Kirkendoll, Laird, Miller, Prezioso, Stollings, Sypolt, Unger and Williams—10.

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. 2478) takes effect July 1, 2015.

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

(Senator Boley in the Chair.)

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. 453, Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §17A-6A-1, §17A-6A-3, §17A-6A-4, §17A-6A-5, §17A-6A-6, §17A-6A-8, §17A-6A-8a, §17A-6A-9, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15 and §17A-6A-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto five new

sections, designated §17A-6A-12a, §17A-6A-14a, §17A-6A-15a, §17A-6A-15b and §17A-6A-15c, all to read as follows:

**ARTICLE 6A. MOTOR VEHICLE DEALERS, DISTRIBUTORS,
WHOLESALEERS AND MANUFACTURERS.**

§17A-6A-1. Legislative finding.

The Legislature finds and declares that the distribution and sale of motor vehicles in this state vitally affects the general economy and the public welfare and that in order to promote the public welfare and in exercise of its police power, it is necessary to regulate motor vehicle dealers, manufacturers, distributors and representatives of vehicle manufacturers and distributors doing business in this state in order to avoid undue control of the independent new motor vehicle dealer by the vehicle manufacturer or distributor and to ensure that dealers fulfill their obligations under their franchises and provide adequate and sufficient service to consumers generally and to protect and preserve the investments and properties of the citizens and motor vehicle dealers of this state.

§17A-6A-3. Definitions.

For the purposes of this article, the words and phrases defined in this section have the meanings ascribed to them, except where the context clearly indicates a different meaning.

(1) “Dealer agreement” means the franchise, agreement or contract in writing between a manufacturer, distributor and a new motor vehicle dealer which purports to establish the legal rights and obligations of the parties to the agreement or contract with regard to the purchase, lease or sale of new motor vehicles, accessories, service and sale of parts for motor vehicles.

(2) “Designated family member” means the spouse, child, grandchild, parent, brother or sister of a deceased new motor vehicle dealer who is entitled to inherit the deceased dealer’s ownership

interest in the new motor vehicle dealership under the terms of the dealer's will, or who has otherwise been designated in writing by a deceased dealer to succeed the deceased dealer in the new motor vehicle dealership, or is entitled to inherit under the laws of intestate succession of this state. With respect to an incapacitated new motor vehicle dealer, the term means the person appointed by a court as the legal representative of the new motor vehicle dealer's property. The term also includes the appointed and qualified personal representative and the testamentary trustee of a deceased new motor vehicle dealer. However, the term means only that designated successor nominated by the new motor vehicle dealer in a written document filed by the dealer with the manufacturer or distributor, if such a document is filed.

(3) "Distributor" means any person, resident or nonresident who, in whole or in part, offers for sale, sells or distributes any new motor vehicle to a new motor vehicle dealer or who maintains a factor representative, resident or nonresident, or who controls any person, resident or nonresident who, in whole or in part, offers for sale, sells or distributes any new motor vehicle to a new motor vehicle dealer.

(4) "Established place of business" means a permanent, enclosed commercial building located within this state easily accessible and open to the public at all reasonable times and at which the business of a new motor vehicle dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances and as licensed by the Division of Motor Vehicles.

(5) "Factory branch" means an office maintained by a manufacturer or distributor for the purpose of selling or offering for sale vehicles to a distributor, wholesaler or new motor vehicle dealer, or for directing or supervising, in whole or in part, factory or distributor representatives. The term includes any sales promotion organization maintained by a manufacturer or distributor which is

engaged in promoting the sale of a particular make of new motor vehicles in this state to new motor vehicle dealers.

(6) “Factory representative” means an agent or employee of a manufacturer, distributor or factory branch retained or employed for the purpose of making or promoting the sale of new motor vehicles or for supervising or contracting with new motor vehicle dealers or proposed motor vehicle dealers.

(7) “Good faith” means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade.

(8) “Manufacturer” means any person who manufactures or assembles new motor vehicles; or any distributor, factory branch or factory representative and, in the case of a school bus, truck tractor, road tractor or truck as defined in section one, article one of this chapter, also means a person engaged in the business of manufacturing a school bus, truck tractor, road tractor or truck, their engines, power trains or rear axles, including when engines, power trains or rear axles are not warranted by the final manufacturer or assembler, and any distributor, factory branch or representative.

(9) “Motor vehicle” means that term as defined in section one, article one of this chapter, including motorcycle, ~~and~~ school bus, truck tractor, road tractor, truck, recreational vehicle, all-terrain vehicle and utility terrain vehicle as defined in subsections (c), ~~and~~ (d), (f), (h), (l), (nn) and (vv), respectively, of said section, but not including a farm tractor or farm equipment. The term “motor vehicle” also includes a school bus, truck tractor, road tractor, truck, its component parts, including, but not limited to, its engine, transmission or rear axle manufactured for installation in a school bus, truck tractor, road tractor or truck.

(10) “New motor vehicle” means a motor vehicle which is in the possession of the manufacturer, distributor or wholesaler, or has been sold only to a new motor vehicle dealer and on which the original title has not been issued from the new motor vehicle dealer.

(11) “New motor vehicle dealer” means a person who holds a dealer agreement granted by a manufacturer or distributor for the sale of its motor vehicles, who is engaged in the business of purchasing, selling, leasing, exchanging or dealing in new motor vehicles, service of said vehicles, warranty work and sale of parts who has an established place of business in this state and is licensed by the Division of Motor Vehicles.

(12) “Person” means a natural person, partnership, corporation, association, trust, estate or other legal entity.

(13) “Proposed new motor vehicle dealer” means a person who has an application pending for a new dealer agreement with a manufacturer or distributor. “Proposed motor vehicle dealer” does not include a person whose dealer agreement is being renewed or continued.

(14) “Relevant market area” means the area located within a twenty-air mile radius around an existing same line-make new motor vehicle dealership: *Provided*, That a fifteen-mile relevant market area as it existed prior to the effective date of this statute shall apply to any proposed new motor vehicle dealership as to which a manufacturer or distributor and the proposed new motor vehicle dealer have executed on or before the effective date of this statute a written agreement, including a letter of intent, performance agreement or commitment letter, concerning the establishment of the proposed new motor vehicle dealership.

§17A-6A-4. Cancellation of dealer contract; notification.

(1) Notwithstanding any agreement, a manufacturer or distributor shall not cancel, terminate, fail to renew or refuse to continue any dealer agreement with a new motor vehicle dealer unless the manufacturer or distributor has complied with all of the following:

(a) Satisfied the notice requirement of section seven of this article;

(b) Acted in good faith;

(c) Engaged in full and open communication with franchised dealer; and

(d) Has good cause for the cancellation, termination, nonrenewal or discontinuance.

(2) Notwithstanding any agreement, good cause exists when a manufacturer or distributor can demonstrate termination is necessary due to a material breach of a reasonable term or terms of the agreement by a dealer when weighed against the interests of the dealer and the public. The burden of proof is on the manufacturer to prove good cause by a preponderance of the evidence. The interests of the dealer and the public shall include consideration of:

(a) The relationship of the dealer's sales to the sales in the relevant market;

(b) The investment and financial obligations of the dealer under the terms of the franchise agreement;

(c) The effect on the public cancellation of the franchise agreement would cause;

(d) The adequacy of the dealer's sales and service facilities, equipment, parts and personnel in relation to other dealers in the relevant market;

(e) Whether the dealer is honoring existing warranties;

(f) Whether the dealer is complying, or can comply within a reasonable time, with reasonable capitalization requirements; and

(g) The dealer's overall performance under the reasonable terms of the franchise agreement. This shall include the overall fairness of

the agreement terms, the enforceability of the agreement and the relative bargaining power of the parties.

(h) Whether the manufacturer made available the appropriate volumes and type of motor vehicles to the dealer and a reasonable opportunity for sales and service training to the dealer.

(3) If In addition to the requirements of subsection (2) of this section, if the failure by the new motor vehicle dealer to comply with a provision of the dealer agreement relates to the performance of the new motor vehicle dealer in sales or service, good cause exists for the purposes of a termination, cancellation, nonrenewal or discontinuance under subsection (1) of this section when the new motor vehicle dealer failed to effectively carry out the performance provisions of the dealer agreement if all of the following have occurred:

(a) The new motor vehicle dealer was given written notice by the manufacturer or distributor of the failure;

(b) The notification stated that the notice of failure of performance was provided pursuant to this article;

(c) The new motor vehicle dealer was afforded a reasonable opportunity to exert good faith efforts to carry out the dealer agreement; and

(d) The failure continued for more than three hundred sixty days after the date notification was given pursuant to subdivision (a) of this subsection.

§17A-6A-5. Circumstances not constituting good cause.

Notwithstanding any agreement, the following alone ~~shall~~ does not constitute good cause for the termination, cancellation, nonrenewal or discontinuance of a dealer agreement under subdivision (d), subsection (1), section four of this article:

(a) A change in ownership of the new motor vehicle dealer's dealership. This subdivision does not authorize any change in ownership which would have the effect of a sale or an assignment of the dealer agreement or a change in the principal management of the dealership without the manufacturer's or distributor's prior written consent which may not be unreasonably or untimely withheld.

(b) The refusal of the new motor vehicle dealer to purchase or accept delivery of any new motor vehicle parts, accessories or any other commodity or services not ordered by the new motor vehicle dealer.

(c) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a dealer agreement for the sale of another make or line of new motor vehicles, or that the new motor vehicle dealer has established another make or line of new motor vehicles in the same dealership facilities as those of the manufacturer or distributor: *Provided*, That the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicles, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the dealer agreement and with any reasonable facilities' requirements of the manufacturer or distributor.

(d) The fact that the new motor vehicle dealer sells or transfers ownership of the dealership or sells or transfers capital stock in the dealership to the new motor vehicle dealer's spouse, son or daughter: *Provided*, That the sale or transfer shall not have the effect of a sale or an assignment of the dealer agreement or a change in the principal management of the dealership without the manufacturer's or distributor's prior written consent.

(e) This section does not apply to any voluntary agreement entered into after a disagreement or civil action has arisen for which the dealer has accepted separate and valuable consideration. Any prospective agreement is void as a matter of law.

§17A-6A-6. Burden of proof.

For each termination, cancellation, nonrenewal or discontinuance, the manufacturer or distributor ~~shall have~~ has the burden of proof by a preponderance of the evidence for showing that he or she has acted in good faith, that the notice requirement has been complied with, and that there was good cause by a preponderance of the evidence for the termination, cancellation, nonrenewal or discontinuance.

§17A-6A-8. Reasonable compensation to dealer.

(1) Upon the termination, cancellation, nonrenewal or discontinuance of any dealer agreement, the new motor vehicle dealer shall be allowed fair and reasonable compensation by the manufacturer or distributor for the following:

(a) Any new motor vehicle inventory, manufactured for sale in the United States, purchased from the manufacturer, distributor or other dealers, in the ordinary course of business, which has not been materially altered, substantially damaged or driven for more than seven hundred fifty one thousand miles, except that for any new motorcycle, new all-terrain vehicle or utility terrain vehicle inventory including motorhomes and travel trailers, regardless of gross vehicle weight, purchased from the manufacturer or distributor, that inventory must not have been materially altered, substantially damaged or driven for more than fifty miles and for motor vehicles with a rating greater than twenty-six thousand one pounds gross vehicle weight driven no more than five thousand miles. For purposes of a school bus, truck tractor, road tractor or truck, materially altered does not include dealer add-ons, such as, but not limited to, racks, mud flaps, fifth wheel assemblies, dump or tank bodies;

(b) Supplies and parts inventory purchased at the published list price purchased from, or at the direction of, the manufacturer or distributor ~~and~~. Parts shall be restricted to those listed in the manufacturer's or distributor's current parts catalog;

(c) Equipment, special tools, furnishings and signs purchased or leased from, or at the direction of, the manufacturer or distributor; and

(d) Special computer software, hardware, license fees and other programs mandated by the manufacturer to provide training or communication with the manufacturer.

(2) Upon the termination, cancellation, nonrenewal or discontinuance of a dealer agreement by the manufacturer or distributor, the manufacturer or distributor shall also pay to the new motor vehicle dealer a sum equal to the current, fair rental value of his or her established place of business for a period of three years from the effective date of termination, cancellation, nonrenewal or discontinuance, or the remainder of the lease, whichever is less. If the dealer, directly or indirectly, owns the dealership facility, the manufacturer shall pay the dealer a sum equal to the reasonable rental value of the dealership premises for three years. However, the dealer shall have the obligation to mitigate his or her damages, including, but not limited to, listing the facility with a commercial real estate agent and other reasonable steps to sell or lease the property. During this three-year period the manufacturer shall have the right to occupy and use the facilities until such time as the dealer is able to otherwise sell or lease the property to another party. The payment required by this subsection does not apply to any termination, cancellation, nonrenewal or discontinuance made pursuant to subsection (c), ~~section five~~ seven of this article.

(3) ~~Upon~~ In addition to the items listed in subsections (1) and (2) of this section, the termination, cancellation or nonrenewal where the manufacturer or distributor is discontinuing the sale of a product line, the manufacturer or distributor shall pay or provide to the motor vehicle dealer:

~~(a) Compensation consistent with the length of time the dealer carried the line and the investment and timing thereof required by the manufacturer or distributor of the dealer; and~~

~~(b) (a) Support of the manufacturer's or distributor's warranty obligations by making parts available and compensating dealers for warranty parts and labor for five years: *Provided*, That the motor vehicle dealer has adequate facilities, trained personnel and equipment to perform warranty repairs.~~

~~(b) Any actual damages that can be proven by a dealer by a preponderance of the evidence;~~

~~(c) Any costs the dealer incurred for facility upgrades or alternations required by the manufacturer, distributor or factory branch within the previous five years; and~~

~~(d) Within forty-five days after termination, dealer shall submit evidence of items to the manufacturer in accordance with reasonable manufacturer requirements. The manufacturer shall have thirty days from receipt of this evidence to note any objection. If not objected thereto, payment by the manufacturer to the dealer shall be made within thirty days. Thereafter, interest accumulates at the rate of the Fifth Federal Reserve District's secondary discount rate in effect on January 2 of the year in which payment is due plus five percentage points. If a dispute arises over the sufficiency of any evidence or an amount submitted, when interest begins to accumulate will be determined in accordance with West Virginia common law.~~

§17A-6A-8a. Compensation to dealers for service rendered.

(1) Every motor vehicle manufacturer, distributor or wholesaler, factory branch or distributor branch, or officer, agent or representative thereof, shall:

(a) Specify in writing to each of its motor vehicle dealers, the dealer's obligation for delivery, preparation, warranty and factory recall services on its products;

(b) Compensate the motor vehicle dealer for warranty and factory recall service required of the dealer by the manufacturer, distributor or wholesaler, factory branch or distributor branch or officer, agent or representative thereof; and

(c) Provide the dealer the schedule of compensation to be paid the dealer for parts, work and service in connection with warranty and recall services and the time allowance for the performance of the work and service.

(2) In no event may:

(a) The schedule of compensation fail to compensate the dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations, or fail to adequately and fairly compensate the dealers for labor, parts and other expenses incurred by the dealer to perform under and comply with manufacturer's warranty agreements and factory recalls;

(b) Any manufacturer, distributor or wholesaler, or representative thereof, pay its dealers an amount of money for warranty or recall work that is less than that charged by the dealer to the retail customers of the dealer for nonwarranty and nonrecall work of the like kind; and

(c) Any manufacturer, distributor or wholesaler, or representative thereof, compensate for warranty and recall work based on a flat-rate figure that is less than what the dealer charges for retail work.

(3) It is a violation of this section for any manufacturer, distributor, wholesaler or representative to require any dealer to pay in any manner, surcharges, limited allocation, audits, charge backs or other retaliation if the dealer seeks to recover its nonwarranty retail rate for warranty and recall work.

(4) The retail rate charged by the dealer for parts is established by the dealer submitting to the manufacturer or distributor one hundred

sequential nonwarranty customer-paid service repair orders that contain warranty-like parts or ninety consecutive days of nonwarranty customer-paid service repair orders that contain warranty-like parts covering repairs made no more than one hundred eighty days before the submission and declaring the average percentage markup.

(5) The retail rate customarily charged by the dealer for labor rate must be established using the same process as provided under subsection (4) of this section and declaring the average labor rate. The average labor rate must be determined by dividing the amount of the dealer's total labor sales by the number of total hours that generated those sales. If a labor rate and parts markup rate simultaneously declared by the dealer, the dealer may use the same repair orders to complete each calculation as provided under subsection (4) of this section. A reasonable allowance for labor for diagnostic time shall be either included in the manufacturer's labor time allowance or listed as a separate compensable item. A dealer may request additional time allowance for either diagnostic or repair time, which request shall not be unreasonable denied by the manufacturer.

(6) In calculating the retail rate customarily charged by the dealer for parts and labor, the following work may not be included in the calculation:

(a) Repairs for manufacturer or distributor special events, specials or promotional discounts for retain customer repairs;

(b) Parts sold at wholesale;

(c) Routine maintenance not covered under any retail customer warranty, including fluids, filters and belts not provided in the course of repairs;

(d) Nuts, bolts fasteners and similar items that do not have an individual part number;

(e) Tires;

(f) Vehicle reconditioning.

(7) The average of the parts markup rates and labor rate is presumed to be reasonable and must go into effect thirty days following the manufacturer's approval. A manufacturer or distributor may rebut the presumption by a preponderance of the evidence that a rate is unreasonable in light of the practices of all other same line-make franchised motor vehicle dealers in an economically similar area of the state offering the same line-make vehicles, not later than thirty days after submission. If the average parts markup rate or average labor rate is rebutted, or both, the manufacturer or distributor shall propose an adjustment of the average percentage markup based on that rebuttal not later than thirty days after submission.

(8) Each manufacturer, in establishing a schedule of compensation for warranty work, shall rely on the vehicle dealer's declaration of hourly labor rates and parts as stated in subsections (4), (5) and (6) of this section and may not obligate any vehicle dealer to engage in unduly burdensome or time-consuming documentation of rates or parts, including obligating vehicle dealers to engage in transaction-by-transaction or part-by-part calculations.

(9) A dealer or manufacturer may demand that the average parts markup or average labor rate be calculated using the process provided under subsections (4) and (5) of this section; however, the demand for the average parts markup may not be made within twelve months of the last parts markup declaration and the demand for the average labor rate may not be made within twelve months of the last labor rate declaration. If a parts markup or labor rate is demanded by the dealer or manufacturer, the dealer shall determine the repair orders to be included in the calculation under subsections (4) and (5) of this section.

(10) As it applies to a school bus, truck tractor, road tractor and truck as defined in section one, article one of this chapter, with a gross vehicle weight on excess of twenty-six thousand one pounds the manufacturer, distributor and/or O. E. M. supplier shall pay the dealer its incurred actual time at the retail labor rate for retrieving a motor vehicle and returning a motor vehicle to dealer's designated parking area. Dealer shall be paid \$50 minimum for each operation that requires the use of each electronic tool (i.e. laptop computer). The manufacturer or distributor may not reduce what is paid to a dealer for this retrieval or return time, or for the electronic tool charge. The dealer is allowed to add to a completed warranty repair order three hours for every twenty-four hours the manufacturer, distributor and/or O. E. M. supplier makes the dealer stop working on a vehicle while the manufacturer, distributor and/or O. E. M. supplier decides how it wants the dealer to proceed with the repairs.

~~(4)~~ (11) All claims made by motor vehicle dealers pursuant to the section for compensation for delivery, preparation, warranty and recall work, including labor, parts and other expenses, shall be paid by the manufacturer within thirty days after approval and shall be approved or disapproved by the manufacturer within thirty days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. No claim which has been approved and paid may be charged back to the dealer unless it can be shown that the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition or the dealer failed to reasonable substantiate the claim in accordance with the written requirements of the manufacturer or distributor in effect at the time the claim arose. No charge back may be made until the dealer has had notice and an opportunity to support the claim in question. No otherwise valid reimbursement claims may be denied once properly submitted within manufacturers' submission guidelines due to a clerical error or omission or based on a different level of technician technical certification or the dealer's failure to subscribe to any manufacturer's computerized training programs.

(5) (12) Notwithstanding the terms of a franchise agreement or provision of law in conflict with this section, the dealer's delivery, preparation, warranty and recall obligations constitutes the dealer's sole responsibility for product liability as between the dealer and manufacturer and, except for a loss caused by the dealer's failure to adhere to the obligations, a loss caused by the dealer's negligence or intentional misconduct or a loss caused by the dealer's modification of a product without manufacturer authorization, the manufacturer shall reimburse the dealer for all loss incurred by the dealer, including legal fees, court costs and damages, as a result of the dealer having been named a party in a product liability action.

§17A-6A-9. Payment of compensation.

(1) Compensation for new motor vehicle inventory under subdivision (a), subsection (1), section eight of this article shall be paid within sixty days after the effective date of the termination, cancellation, nonrenewal or discontinuance. Compensation for items of personal property required by subdivisions (b), (c) and (d), subsection (1), section eight of this article shall be paid within sixty days after the effective date of the termination, cancellation, nonrenewal or discontinuance. ~~if the~~ The new motor vehicle dealer ~~has met~~ will meet all reasonable requirements of the dealer agreement with respect to the return of the repurchased personal property, including providing clear title.

(2) Reasonable compensation pursuant to subdivision (a), subsection (1), section eight of this article may not be less than the new motor vehicle dealer's net acquisition cost, including any special promotions ordered by the manufacturer, such as advertising charges, ~~and special tools purchased from the manufacturer or distributor within three years of the date of termination, cancellation, nonrenewal or discontinuance.~~ Reasonable compensation pursuant to subdivision (b) of said subsection shall be the amount stated in the manufacturer's or distributor's current parts price list. Reasonable compensation pursuant to subdivisions (c) and (d) of said subsection shall be the fair market value of the personal property: determined by a five-year straight line depreciation schedule.

(3) In the event payment is not made within ninety days as provided in subsection (1) of this section, interest accrues on all amounts due the new motor vehicle dealer at a rate of twelve percent per annum. shall accumulate at the rate of the Fifth Federal Reserve District's secondary discount rate in effect on January 2 of the year in which payment is due plus five percentage points. In determining when interest begins to accumulate, the court may consider whether the dealer reasonably complied with the reasonable manufacturer's submission requirements and the reasonableness of the manufacturer's determinations in refusing or delaying payment to the dealer.

§17A-6A-10. Prohibited practices.

(1) A manufacturer or distributor may not require any new motor vehicle dealer in this state to do any of the following:

(a) Order or accept delivery of any new motor vehicle, part or accessory of the vehicle, equipment or any other commodity not required by law which was not voluntarily ordered by the new motor vehicle dealer. This section does not prevent the manufacturer or distributor from requiring that new motor vehicle dealers carry a reasonable inventory of models offered for sale by the manufacturer or distributor;

(b) Order or accept delivery of any new motor vehicle with special features, accessories or equipment not included in the list price of the new motor vehicle as publicly advertised by the manufacturer or distributor;

(c) Unreasonably participate monetarily in any advertising campaign or contest, or purchase any promotional materials, display devices, display decorations, brand signs and dealer identification, nondiagnostic computer equipment and displays or other materials at the expense of the new motor vehicle dealer;

(d) Enter into any agreement with the manufacturer or distributor or do any other act prejudicial to the new motor vehicle dealer by threatening to terminate a dealer agreement, limit inventory, invoke

sales and service warranty or other types of audits or any contractual agreement or understanding existing between the dealer and the manufacturer or distributor. Notice in good faith to any dealer of the dealer's violation of any terms or provisions of the dealer agreement is not a violation of this article;

(e) Change the capital structure or financial requirements of the new motor vehicle dealership without reasonable business justification in light of the dealer's market, historical performance and compliance with prior capital structure or financial requirements and business necessity, or the means by or through which the dealer finances the operation of the dealership if the dealership at all times meets any reasonable capital standards determined by the manufacturer in accordance with uniformly applied criteria. The burden of proof is on the manufacturer to prove business justification by a preponderance of the evidence;

(f) Refrain from participation in the management of, investment in or the acquisition of any other line of new motor vehicle or related products, provided that the dealer maintains a reasonable line of credit for each make or line of vehicle, remains in compliance with reasonable facilities requirements and makes no change in the principal management of the dealer. Notwithstanding the terms of any franchise agreement, a manufacturer or distributor may not enforce any requirements, including facility requirements, that a new motor vehicle dealer establish or maintain exclusive facilities, personnel or display space, when the requirements are unreasonable considering current economic conditions and are not otherwise justified by reasonable business considerations. The burden of proving that current economic conditions or reasonable business considerations justify exclusive facilities is on the manufacturer or distributor and must be proven by a preponderance of the evidence;

(g) Change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises, where to do so would be unreasonable. The burden is on the manufacturer

or distributor to prove reasonableness by a preponderance of the evidence; and

(h) Prospectively assent to a waiver of trial by jury release, arbitration, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this article or require any controversy between a new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of the this state or the United States if the referral would be binding upon the new motor vehicle dealer. District Courts of the Northern or Southern Districts of West Virginia. Nothing in this prevents a motor vehicle dealer, after a civil action is filed, from entering into any agreement of settlement, arbitration, assignment or waiver of a trial by jury;

(i) To coerce or require any dealer, whether by agreement, program, incentive provision or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs or franchisor image elements completed within the proceeding ten years that were required and approved by the manufacturer, factory branch, distributor or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor or distributor branch offers incentives or other payments to a consumer or dealer paid on individual vehicle sales under a program offered after the effective date of this subdivision and available to more than one dealer in the state that are premised, wholly or in part, on dealer facility improvements or installation of franchiser image elements required by and approved by the manufacturer, factory branch, distributor or distributor branch and completed within ten years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed with that ten year period. This subdivision shall not apply to a program that is in effect with more than one dealer in the state on the effective date of this subsection, nor to any renewal of such

program, nor to a modification that is not a substantial modification of a material term or condition of such program;

(j) To condition the award, sale, transfer, relocation or renewal of a franchise or dealer agreement or to condition sales, service, parts or finance incentives upon site control or an agreement to renovate or make substantial improvements to a facility: *Provided*, That voluntary and noncoerced acceptance of such conditions by the dealer in writing, including, but not limited to, a written agreement for which the dealer has accepted separate and valuable consideration, does not constitute a violation;

(k) To enter into a contractual requirement imposed by the manufacturer, distributor or a captive finance source as follows:

(i) In this section, “captive finance source” means any financial source that provides automotive-related loans or purchases retail installment contracts or lease contracts for motor vehicles in this state and is, directly or indirectly, owned, operated or controlled by such manufacturer, factory branch, distributor or distributor branch.

(ii) It shall be unlawful for any manufacturer, factory branch, captive finance source, distributor or distributor branch, or any field representative, officer, agent or any representative of them, notwithstanding the terms, provisions or conditions of any agreement or franchise, to require any of its franchised dealers located in this state to agree to any terms, conditions or requirements in subdivisions (a) through (j), inclusive, of this subsection in order for any such dealer to sell to any captive finance source any retail installment contract, loan or lease of any motor vehicles purchased or leased by any of the dealer’s customers, or to be able to participate in, or otherwise, directly or indirectly, obtain the benefits of the consumer transaction incentive program payable to the consumer or the dealer and offered by or through any captive finance source as to that incentive program.

(iii) The applicability of this section is not affected by a choice of law clause in any agreement, waiver, novation or any other written instrument.

(iv) It shall be unlawful for a manufacturer or distributor to use any subsidiary corporation, affiliated corporation or any other controlled corporation, partnership, association or person to accomplish what would otherwise be illegal conduct under this section on the part of the manufacturer or distributor.

(2) A manufacturer or distributor may not do any of the following:

(a) (i) Fail to deliver new motor vehicles or new motor vehicle parts or accessories within a reasonable time and in reasonable quantities relative to the new motor vehicle dealer's market area and facilities, unless the failure is caused by acts or occurrences beyond the control of the manufacturer or distributor, or unless the failure results from an order by the new motor vehicle dealer in excess of quantities reasonably and fairly allocated by the manufacturer or distributor. No manufacturer or distributor may penalize a new motor vehicle dealer for an alleged failure to meet sales quotas where the alleged failure is due to actions of the manufacturer or distributor;

(ii) Refuse to offer to its same line-make new motor vehicle dealers all models manufactured for that line-make, including, but not limited to, any model that contains a separate label or badge indicating an upgraded version of the same model. This provision does not apply to motorhome, travel trailer or fold-down camping trailer manufacturers; or

(iii) Require as a prerequisite to receiving a model or series of vehicles that a new motor vehicle dealer pay an extra unreasonable acquisition fee or surcharge, or purchase unreasonable advertising displays or other materials, or conduct unreasonable remodeling,

renovation or reconditioning of the dealer's facilities, or any other type of unreasonable upgrade requirement;

(b) Refuse to disclose to a new motor vehicle dealer the method and manner of distribution of new motor vehicles by the manufacturer or distributor, including any numerical calculation or formula used, nationally or within the dealer's market, to make the allocations within thirty days of a request. Any information or documentation provided by the manufacturer may be subject to a reasonable confidentiality agreement;

(c) Refuse to disclose to a new motor vehicle dealer the total number of new motor vehicles of a given model, which the manufacturer or distributor has sold during the current model year within the dealer's marketing district, zone or region, whichever geographical area is the smallest within thirty days of a request;

(d) Increase prices of new motor vehicles which the new motor vehicle dealer had ordered and then eventually delivered to the same retail consumer for whom the vehicle was ordered, if the order was made prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer and binding on the dealer which has been submitted to the vehicle manufacturer is evidence of each order. In the event of manufacturer or distributor price reductions or cash rebates, the amount of any reduction or rebate received by a dealer shall be passed on to the private retail consumer by the dealer. Any price reduction in excess of \$5 shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. A price difference applicable to new model or series motor vehicles at the time of the introduction of the new models or the series is not a price increase or price decrease. This subdivision does not apply to price changes caused by the following:

(i) The addition to a motor vehicle of required or optional equipment pursuant to state or federal law;

(ii) In the case of foreign-made vehicles or components, revaluation of the United States dollar; or

(iii) Any increase in transportation charges due to an increase in rates charged by a common carrier and transporters;

(e) Offer any refunds or other types of inducements to any dealer for the purchase of new motor vehicles of a certain line-make to be sold to this state or any political subdivision of this state without making the same offer available upon request to all other new motor vehicle dealers of the same line-make;

(f) Release to an outside party, except under subpoena or in an administrative or judicial proceeding to which the new motor vehicle dealer or the manufacturer or distributor are parties, any business, financial or personal information which has been provided by the dealer to the manufacturer or distributor, unless the new motor vehicle dealer gives his or her written consent;

(g) Deny a new motor vehicle dealer the right to associate with another new motor vehicle dealer for any lawful purpose;

(h) Establish a new motor vehicle dealership. ~~which would unfairly compete with a new motor vehicle dealer of the same line-make operating under a dealer agreement with the manufacturer or distributor in the relevant market area.~~ A manufacturer or distributor shall is not be considered to be unfairly competing have established a new motor vehicle dealership if the manufacturer or distributor is:

(i) (A) Operating a preexisting dealership temporarily for a reasonable period.

(ii) (B) Operating a preexisting dealership which is for sale at a reasonable price.

(iii) (C) Operating a dealership with another person who has made a significant investment in the dealership and who will acquire full ownership of the dealership under reasonable terms and conditions;

(i) A manufacturer may not, except as provided by this section, directly or indirectly:

(i) (A) Own an interest in a dealer or dealership: *Provided, That a manufacturer may own stock in a publicly held company solely for investment purposes;*

(ii) (B) Operate a dealership, including, but not limited to, displaying a motor vehicle intended to facilitate the sale of new motor vehicles other than through franchised dealers, unless the display is part of an automobile trade show that more than two automobile manufacturers participate in; or

(iii) (C) Act in the capacity of a new motor vehicle dealer. *Provided, That a manufacturer may own an interest, other than stock in a publicly held company, solely for investment purposes;*

(j) A manufacturer or distributor may own an interest in a franchised dealer, or otherwise control a dealership, for a period not to exceed twelve months from the date the manufacturer or distributor acquires the dealership if:

(i) The person from whom the manufacturer or distributor acquired the dealership was a franchised dealer; and

(ii) The dealership is for sale by the manufacturer or distributor at a reasonable price and on reasonable terms and conditions;

(k) The twelve-month period may be extended for an additional twelve months. Notice of any such extension of the original twelve-month period must be given to any dealer of the same line-make whose dealership is located in the same county, or within twenty air miles of, the dealership owned or controlled by the manufacturer or distributor prior to the expiration of the original twelve-month period. Any dealer receiving the notice may protest the proposed extension within thirty days of receiving notice by bringing a declaratory judgment action in the circuit court for the county in

which the new motor vehicle dealer is located to determine whether good cause exists for the extension;

(l) For the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been under represented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, but for no other purpose, a manufacturer or distributor may temporarily own an interest in a dealership if the manufacturer's or distributor's participation in the dealership is in a bona fide relationship with a franchised dealer who:

(i) Has made a significant investment in the dealership, subject to loss;

(ii) Has an ownership interest in the dealership; and

(iii) Operates the dealership under a plan to acquire full ownership of the dealership within a reasonable time and under reasonable terms and conditions;

(m) Unreasonably withhold consent to the sale, transfer or exchange of the dealership to a qualified buyer capable of being licensed as a new motor vehicle dealer in this state;

(n) Fail to respond in writing to a request for consent to a sale, transfer or exchange of a dealership within sixty days after receipt of a written application from the new motor vehicle dealer on the forms generally utilized by the manufacturer or distributor for such purpose and containing the information required therein. Failure to respond to the request within the sixty days is consent;

(o) Unfairly prevent a new motor vehicle dealer from receiving reasonable compensation for the value of the new motor vehicle dealership;

(p) Audit any motor vehicle dealer in this state for warranty parts or warranty service compensation, service compensation, service or sales incentives, manufacturer rebates or other forms of sales incentive compensation more than twelve months after the claim for payment or reimbursement has been made by the automobile dealer. Provided, That the provisions of this No chargeback may be made until the dealer has had notice and an opportunity to support the claim in question within thirty days of receiving notice of the chargeback. No otherwise valid reimbursements claims may be denied once properly submitted in accordance with the manufacturer's submission guidelines due to clerical error or omission. This subsection does not apply where a claim is fraudulent. In addition, the manufacturer or distributor is responsible for reimbursing the audited dealer for all copying, postage and administrative costs incurred by the dealer during the audit. Any charges to a dealer as a result of the audit must be separately billed to the dealer;

(q) Unreasonably restrict a dealer's ownership of a dealership through noncompetition covenants, site control, sublease, collateral pledge of lease, right of first refusal, option to purchase, or otherwise. A right of first refusal is created when:

(i) A manufacturer has a contractual right of first refusal to acquire the new motor vehicle dealer's assets where the dealer owner receives consideration, terms and conditions that are either the same as or better than those they have already contracted to receive under the proposed change of more than fifty percent of the dealer's ownership.

(ii) The proposed change of the dealership's ownership or the transfer of the new vehicle dealer's assets does not involve the transfer of assets or the transfer or issuance of stock by the dealer or one of the dealer's owners to one of the following:

(A) A designated family member of one or more of the dealer owners;

(B) A manager employed by the dealer in the dealership during the previous five years and who is otherwise qualified as a dealer operator;

(C) A partnership or corporation controlled by a designated family member of one of the dealers;

(D) A trust established or to be established:

(i) For the purpose of allowing the new vehicle dealer to continue to qualify as such under the manufacturer's or distributor's standards; or

(ii) To provide for the succession of the franchise agreement to designated family members or qualified management in the event of death or incapacity of the dealer or its principle owner or owners.

(iii) Upon exercising the right of first refusal by a manufacturer, it eliminates any requirement under its dealer agreement or other applicable provision of this statute that the manufacturer evaluate, process or respond to the underlying proposed transfer by approving or rejecting the proposal, is not subject to challenge as a rejection or denial of the proposed transfer by any party.

(iv) Except as otherwise provided in this subsection, the manufacturer or distributor agrees to pay the reasonable expenses, including reasonable out-of-pocket professional fees which shall include, but not be limited to, accounting, legal or appraisal services fees that are incurred by the proposed owner or transferee before the manufacturer's or distributor's exercise of its right of first refusal. Payment of the expenses and fees for professional services are not required if the dealer fails to submit an accounting of those expenses and fees within twenty days of the dealer's receipt of the manufacturer's or distributor's written request for such an accounting. Such a written account of fees and expenses may be requested by a manufacturer or distributor before exercising its right of first refusal;

(r) Except for experimental low-volume not-for-retail sale vehicles, cause warranty and recall repair work to be performed by any entity other than a new motor vehicle dealer;

(s) Make any material or unreasonable change in any franchise agreement, including, but not limited to, the dealer's area of responsibility without giving the new motor vehicle dealer written notice by certified mail of the change at least sixty days prior to the effective date of the change, and shall include an explanation of the basis for the alteration. Upon written request from the dealer, this explanation shall include, but is not limited to, a reasonable and commercially acceptable copy of all information, data, evaluations, and methodology relied on or based its decision on, to propose the change to the dealer's area of responsibility. Any information or documentation provided by the manufacturer or distributor may be produced subject to a reasonable confidentiality agreement. At any time prior to the effective date of an alteration of a new motor vehicle dealer's area of responsibility, and after the completion of any internal appeal process pursuant to the manufacturer's or distributor's policy manual, the motor vehicle dealer may petition the court to enjoin or prohibit the alteration within thirty days of receipt of the manufacturer's internal appeal process decision. The court shall enjoin or prohibit the alteration of a motor vehicle dealer's area of responsibility unless the franchisor shows, by a preponderance of the evidence, that the alteration is reasonable and justifiable in light of market conditions. If a motor vehicle dealer petitions the court, no alteration to a motor vehicle dealer's area of responsibility shall become effective until a final determination by the court. If a new motor vehicle dealer's area of responsibility is altered, the manufacturer shall allow twenty-four months for the motor vehicle dealer to become sales effective prior to taking any action claiming a breach or nonperformance of the motor vehicle dealer's sales performance responsibilities;

(t) Fail to reimburse a new motor vehicle dealer, at the dealer's regular rate, or the full and actual cost of providing a loaner vehicle

to any customer who is having a vehicle serviced at the dealership if the provision of the loaner vehicle is required by the manufacturer;

(u) Compel a new motor vehicle dealer through its finance subsidiaries to agree to unreasonable operating requirements or to directly or indirectly terminate a franchise through the actions of a finance subsidiary of the franchisor. This subsection does not limit the right of a finance subsidiary to engage in business practices in accordance with the usage of trade in retail or wholesale vehicle financing;

(v) Discriminate directly or indirectly between dealers on vehicles of like grade or quantity where the effect of the discrimination would substantially lessen competition; and

(w) Use or employ any performance standard that is not fair and reasonable and based upon accurate and verifiable data made available to the dealer;

(x) To require or coerce any new motor vehicle dealer to sell, offer to sell or sell exclusively extended service contract, maintenance plan or similar product, including gap or other products, offered, endorsed or sponsored by the manufacturer or distributor by the following means:

(i) By an act of statement that the manufacturer or distributor will adversely impact the dealer, whether it is express or implied;

(ii) By a contract made to the dealer on the condition that the dealer shall sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor;

(iii) By measuring the dealer's performance under the franchise agreement based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor;

(iv) By requiring the dealer to actively promote the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor;

(v) Nothing in this paragraph prohibits a manufacturer or distributor from providing incentive programs to a new vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor;

(y) Require a dealer to purchase goods or services from a vendor selected, identified or designated by a manufacturer, factory branch, distributor, distributor branch or one of its affiliates by agreement, program, incentive provision or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality and overall design from a vendor chosen by the dealer and approved by the manufacturer, factory branch, distributor or distributor branch: *Provided*, That such approval may not be unreasonably withheld: *Provided, however*, That the dealer's option to select a vendor is not available if the manufacturer or distributor provides substantial reimbursement for the goods or services offered. Substantial reimbursement is equal to the difference in price of the goods and services from manufacturer's proposed vendor and the motor vehicle dealer's selected vendor: *Provided further*, That the goods are not subject to the manufacturer or distributor's intellectual property or trademark rights, or trade dress usage guidelines.

(3) A manufacturer or distributor, either directly or through any subsidiary, may not terminate, cancel, fail to renew or discontinue any lease of the new motor vehicle dealer's established place of business except for a material breach of the lease.

(4) Except as may otherwise be provided in this article, no manufacturer or franchisor ~~shall~~ may sell, directly or indirectly, any new motor vehicle to a consumer in this state, except through a new motor vehicle dealer holding a franchise for the line-make covering

such new motor vehicle. This subsection ~~shall~~ does not apply to manufacturer or franchisor sales of new motor vehicles to charitable organizations, qualified vendors or employees of the manufacturer or franchisor.

(5) Except when prevented by an act of God, labor strike, transportation disruption outside the control of the manufacturer or time of war, a manufacturer or distributor may not refuse or fail to deliver, in reasonable quantities and within a reasonable time, to a dealer having a franchise agreement for the retail sale of any motor vehicle sold or distributed by the manufacturer, any new motor vehicle or parts or accessories to new motor vehicles as are covered by the franchise if the vehicles, parts and accessories are publicly advertised as being available for delivery or are actually being delivered. ~~All models offered for sale by the manufacturer, without any enrollment, surcharge, unreasonable facility or building or any other unreasonable type of upgrade requirement or acquisition fee, shall be available to the franchised dealer at no additional cost for that particular model of vehicle.~~

§17A-6A-11. Where motor vehicle dealer deceased or incapacitated.

(1) Any designated family member of a deceased or incapacitated new motor vehicle dealer may succeed the dealer in the ownership or operation of the dealership under the existing dealer agreement if the designated family member gives the manufacturer or distributor written notice of his or her intention to succeed to the dealership within one hundred twenty days after the dealer's death or incapacity, agrees to be bound by all of the terms and conditions of the dealer agreement, and the designated family member meets the current criteria generally applied by the manufacturer or distributor in qualifying new motor vehicle dealers. A manufacturer or distributor may refuse to honor the existing dealer agreement with the designated family member only for good cause. In determining whether good cause exists for refusing to honor the agreement, the manufacturer or distributor has the burden of proving that the designated successor is a person who is not of good moral character or does not meet the manufacturer's existing written, reasonable and uniformly applied standards for business experience and financial

qualifications. The designated family member will have a minimum of one year to satisfy that manufacturer's written and reasonable standards and financial qualifications for appointment as the dealer and principal.

(2) The manufacturer or distributor may request from a designated family member such personal and financial data as is reasonably necessary to determine whether the existing dealer agreement should be honored. The designated family member shall supply the personal and financial data promptly upon the request.

(3) If a manufacturer or distributor believes that good cause exists for refusing to honor the succession, the manufacturer or distributor may, within forty-five days after receipt of the notice of the designated family member's intent to succeed the dealer in the ownership and operation of the dealership, or within forty-five days after the receipt of the requested personal and financial data, serve upon the designated family member notice of its refusal to approve the succession.

(4) The notice of the manufacturer or distributor provided in subsection (3) of this section shall state the specific grounds for the refusal to approve the succession and that discontinuance of the agreement shall take effect not less than ~~ninety~~ one hundred eighty days after the date the notice is served.

(5) If notice of refusal is not served within the sixty days provided for in subsection (3) of this section, the dealer agreement continues in effect and is subject to termination only as otherwise permitted by this article.

(6) This section does not preclude a new motor vehicle dealer from designating any person as his or her successor by will or any other written instrument filed with the manufacturer or distributor, and if such an instrument is filed, it alone determines the succession rights to the management and operation of the dealership.

(7) If the manufacturer challenges the succession, it maintains the burden of proof to show good cause by a preponderance of the evidence. If the person seeking succession files a civil action within the one hundred eighty days set forth in subsection (4) of this section, no action may be taken by the manufacturer contrary to the dealer agreement until such time as the civil action and any appeal has been exhausted: *Provided*, That when a motor vehicle dealer appeals a decision upholding a manufacturer's decision to not allow succession based upon the designated person's insolvency, conviction of a crime punishable by imprisonment in excess of one year under the law which the designated person was convicted, the dealer agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and the public interest will not be harmed by keeping the dealer agreement in effect pending entry of final judgment after the appeal.

§17A-6A-12. Establishment and relocation or establishment of additional dealers.

(1) As used in this section, "relocate" and "relocation" do not include the relocation of a new motor vehicle dealer within four miles of its established place of business or an existing new motor vehicle dealer sells or transfers the dealership to a new owner and the successor new motor vehicle dealership owner relocates to a location within four miles of the seller's last open new motor vehicle dealership location. The relocation of a new motor vehicle dealer to a site within the area of sales responsibility assigned to that dealer by the manufacturing branch or distributor may not be within six air miles of another dealer of the same line-make.

(2) Before a manufacturer or distributor enters into a dealer agreement establishing or relocating a new motor vehicle dealer within a relevant market area where the same line-make is represented, the manufacturer or distributor shall give written notice to each new motor vehicle dealer of the same line-make in the relevant market area of its intention to establish an additional

dealer or to relocate an existing dealer within that relevant market area.

(3) Within sixty days after receiving the notice provided in subsection (2) of this section, or within sixty days after the end of any appeal procedure provided by the manufacturer or distributor, a new motor vehicle dealer of the same line-make within the affected relevant market area may bring a declaratory judgment action in the circuit court for the county in which the new motor vehicle dealer is located to determine whether good cause exists for the establishing or relocating of the proposed new motor vehicle dealer: *Provided*, That a new motor vehicle dealer of the same line-make within the affected relevant market area shall not be permitted to bring such an action if the proposed relocation site would be further from the location of the new motor vehicle dealer of the same line-make than the location from which the dealership is being moved. Once an action has been filed, the manufacturer or distributor may not establish or relocate the proposed new motor vehicle dealer until the circuit court has rendered a decision on the matter. An action brought pursuant to this section shall be given precedence over all other civil matters on the court's docket. The manufacturer has the burden of proving that good cause exists for establishing or relocating a proposed new motor vehicle dealer.

(4) This section does not apply to the reopening in a relevant market area of a new motor vehicle dealer that has been closed ~~or sold~~ within the preceding two years if the established place of business of the new motor vehicle dealer is within four air miles of the established place of business of the closed or sold new motor vehicle dealer.

(5) In determining whether good cause exists for establishing or relocating an additional new motor vehicle dealer for the same line-make, the court shall take into consideration the existing circumstances, including, but not limited to, the following:

(a) Permanency and amount of the investment, including any obligations incurred by the dealer in making the investment;

(b) Effect on the retail new motor vehicle business and the consuming public in the relevant market area;

(c) Whether it is injurious or beneficial to the public welfare;

(d) Whether the new motor vehicle dealers of the same line-make in the relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line-make in the market area, including the adequacy of motor vehicle sales and qualified service personnel;

(e) Whether the establishment or relocation of the new motor vehicle dealer would promote competition;

(f) Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area; and

(g) The effect on the relocating dealer of a denial of its relocation into the relevant market area.

§17A-6A-12a. Restriction on motor vehicle dealer's use of dealership property.

(1) A manufacturer shall not require that a new motor vehicle dealer, a proposed new motor vehicle dealer, or any owner of an interest in a dealership facility enter into or agree to a property use agreement as a condition to any of the following:

(a) Awarding a dealer agreement to a prospective new motor vehicle dealer.

(b) Adding a line make or dealer agreement to an existing new motor vehicle dealer.

(c) Renewing a dealer agreement with an existing new motor vehicle dealer.

(d) Approving a relocation of a new motor vehicle dealer's place of business.

(e) Approving a sale or transfer of the ownership of a dealership or a transfer of a dealer agreement to another person.

(2) Subsection (1) of this section does not apply to a property use agreement if any of the following are offered and accepted for that agreement:

(a) Monetary consideration.

(b) Separate and valuable consideration that can be calculated to a sum certain.

(3) If a manufacturer and new motor vehicle dealer are in parties to a property use agreement, the dealer agreement between the manufacturer and new motor vehicle dealer is terminated by a manufacturer or by a successor manufacturer or by operation of law and the reason for the termination is not a reason described in paragraphs (1) through (5), inclusive, subdivision (c), section seven of this article, the property use agreement terminates and ceases to be effective at the time the dealer agreement is terminated.

(4) If any provision contained in a property use agreement entered into on or after the effective date of the amendatory act that added this subsection is inconsistent with this section, the provision is voidable at the election of the affected new motor vehicle dealer, proposed new motor vehicle dealer, or owner of an interest in the dealership facility.

(5) As used in this section, "property use agreement" means any of the following:

(a) An agreement that requires that a new motor vehicle dealer establish or maintain exclusive dealership facilities.

(b) An agreement that restricts the ability of a new motor vehicle dealer, or the ability of the dealer's lessor if the dealer is leasing the dealership facility, to transfer, sell, lease, or change the use of the place of business of the dealership, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase, option to lease, or other similar agreement, regardless of who the parties to that agreement are.

(c) Any similar agreement between a manufacturer and a new motor vehicle dealer and commonly known as a site control agreement or exclusive use agreement.

§17A-6A-13. Obligations regarding warranties.

(1) Each new motor vehicle manufacturer or distributor shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery and warranty service on its products. The manufacturer or distributor shall compensate the new motor vehicle dealer for warranty service required of the dealer by the manufacturer or distributor. The manufacturer or distributor shall provide the new motor vehicle dealer with the schedule of compensation to be paid to the dealer for parts, work and service, and the time allowance for the performance of the work and service in a manner in compliance with section eight-a of this article.

(2) The schedule of compensation shall include reasonable compensation for diagnostic work, as well as repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, ~~the principal factor to be given consideration shall be the prevailing wage rates being paid by dealers in the community in which the dealer is doing business; and in no event may the compensation of a dealer for warranty labor~~

~~and parts be less than the rates charged by the dealer for like service to retail customers for nonwarranty service and repairs, provided that the rates are reasonable. However, section eight-a of this article shall govern: *Provided, That in the case of a new motor vehicle dealer of new motorcycles or recreational vehicles, in no event may motorboat trailers, all-terrain vehicles, utility terrain vehicles and snowmobiles, the compensation of a dealer for warranty parts be less than is the greater of the dealer's cost of acquiring the part plus twenty thirty percent or the manufacturer's suggested retail price: Provided, however, That in the case of a dealer of travel trailers, fold-down camping trailers and motorhomes, the compensation of a dealer's cost for warranty parts is not less than the dealer's cost of acquiring the part plus twenty percent.*~~

(3) A manufacturer or distributor may not do any of the following:

(a) Fail to perform any warranty obligation;

(b) Fail to include in written notices of factory recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of the defects; or

(c) Fail to compensate any of the new motor vehicle dealers licensed in this state for repairs effected by the recall.

(4) All claims made by a new motor vehicle dealer pursuant to this section for labor and parts shall be paid within thirty days after their approval. All claims shall be either approved or disapproved by the manufacturer or distributor within thirty days after their receipt on a proper form generally used by the manufacturer or distributor and containing the usually required information therein. Any claim not specifically disapproved in writing within thirty days after the receipt of the form is considered to be approved and payment shall be made within thirty days. The manufacturer has the right to initiate an audit of a claim within twelve months after payment and to charge back to the new motor vehicle dealer the

amount of any false, fraudulent or unsubstantiated claim, subject to the requirements of section eight-a of this article.

(5) The manufacturer shall accept the return of any new and unused part, component or accessory that was ordered by the dealer, and shall reimburse the dealer for the full cost charged to the dealer for the part, component or accessory if the dealer returns the part and makes a claim for the return of the part within one year of the dealer's receipt of the part, component or accessory and provides reasonable documentation, to include any changed part numbers to match new part numbers, provided that the part was ordered for a warranty repair.

§17A-6A-14a. Open account protection.

If there is a dispute between the manufacturer, factory branch, distributor or distributor branch and the dealer with respect to any matter referred to this article, either party may notify, in writing, the other party of its request to challenge, through the manufacturer's appeal process or the circuit courts of the State of West Virginia. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from or agreement with the manufacturer, factory branch, distributor or distributor branch until thirty days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor or distributor branch. Within thirty days following receipt of final notice, the dealer may, in writing, request a hearing or seek civil relief from the manufacturer's appeal process or the circuit courts of the State of West Virginia. If a dealer requests a hearing or files a civil action, the manufacturer, factory branch, distributor or distributor branch may not collect the chargeback, fully or in part, either through direct payment or by charge to the dealer's account, until the completion of the hearing or civil action,

and all appeal, civil or otherwise, have been exhausted concerning the validity of the chargeback.

§17A-6A-15. Indemnity.

Notwithstanding the terms of any dealer agreement, a manufacturer or distributor shall indemnify and hold harmless its dealers for any reasonable expenses incurred, including damages, court costs and attorney's fees, arising ~~sotely~~ out of complaints, claims or actions ~~which~~ to the extent such complaints, claims or actions relate to the manufacture, assembly, design of a new motor vehicle or other functions by the manufacturer or distributor beyond the control of the dealer, including, without limitation, the selection by the manufacturer or distributor of parts or components for the vehicle, and any damages to merchandise occurring prior to acceptance of the vehicle by the dealer to the dealer if the carrier is designated by the manufacturer or distributor, if the new motor vehicle dealer gives timely notice to the manufacturer or distributor of the complaint, claim or action.

§17A-6A-15a. Dealer data, obligation of manufacturer, vendors, suppliers and others; consent to access dealership information; indemnification of dealer.

(a) Except as expressly authorized in this section, a manufacturer or distributor cannot require a motor vehicle dealer to provide it customer information to the manufacturer or distributor unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for manufacturer's marketing purposes, for evaluation of dealer performance, for analytics, or to support claims submitted by the new motor vehicle dealer for reimbursement for warranty parts or repairs. Nothing in this section shall limit the manufacturer's ability to require or use customer information to satisfy any safety or recall notice obligation or other legal obligation.

(b) The dealer is only required to provide the customer information to the extent lawfully permissible; and to the extent the

requested information relates solely to specific program requirements or goals associated with the manufacturer's or distributor's own vehicle makes. A manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor or any third party acting on behalf of any manufacturer, factory branch, distributor, distributor branch or dealer management computer system vendor may not prohibit a dealer from providing a means to regularly and continually monitor the specific data accessed from or written to the dealer's computer system and from complying with applicable state and federal laws and any rules or regulations promulgated thereunder. These provisions do not impose an obligation on a manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor or any third party acting on behalf of any manufacturer, factory branch, distributor, distributor branch or dealer management computer system vendor to provide that capability.

(c) A manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party acting on behalf of any manufacturer, factory branch, distributor, distributor branch or dealer management computer system vendor, may not provide access to customer or dealership information maintained in a dealer management computer system used by a motor vehicle dealer located in this state, other than a subsidiary or affiliate of the manufacturer factory branch, distributor or distributor branch without first obtaining the dealer's prior express written consent, revocable by the dealer upon ten business days written notice, to provide the access.

Upon a written request from a motor vehicle dealer, the manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party acting on behalf of, or through any manufacturer, factory branch, distributor, distributor branch or dealer management computer system vendor shall provide to the dealer a written list of all specific third parties other than a subsidiary or affiliate of the manufacturer, factory branch, distributor or distributor branch to whom any data obtained from the dealer has

actually been provided within the twelve-month period prior to date of dealer's written request. If requested by the dealer, the list shall further describe the scope and specific fields of the data provided. The consent does not change the person's obligations to comply with the terms of this section and any additional state or federal laws, and any rules or regulations promulgated thereunder, applicable to them with respect to the access.

(d) A manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor or any third party acting on behalf of or through any dealer management computer system vendor, having electronic access to customer or motor vehicle dealership data in a dealership management computer system used by a motor vehicle dealer located in this state shall provide notice in a reasonable timely manner to the dealer of any security breach of dealership or customer data obtained through the access.

(e) As used in this section:

(1) "Dealer management computer system" means a computer hardware and software system that is owned or leased by the dealer, including a dealer's use of web applications, excluding a web application operated by a manufacturer, software or hardware, whether located at the dealership or provided at a remote location and that provides access to customer records and transactions by a motor vehicle dealer located in this state and that allows the motor vehicle dealer timely information in order to sell vehicles, parts or services through the motor vehicle dealership.

(2) "Dealer management computer system vendor" means a seller or reseller of dealer management computer systems, a person that sells computer software for use on dealer management computer systems or a person who services or maintains dealer management computer systems.

(3) “Security breach” means an incident of unauthorized access to and acquisition of records or data containing dealership or dealership customer information where unauthorized use of the dealership or dealership customer information has occurred.

(4) “Customer information” means “nonpublic personal” as defined in 16 C. F. R. §313.

(f) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise or other contract or agreement, every manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor or any third party acting on behalf of or through a manufacturer, factory branch, distributor, distributor branch or dealer management computer system vendor shall fully indemnify, defend and hold harmless any dealer or manufacturer, factory branch, distributor or distributor branch from all damages, attorney fees and costs, other costs and expenses incurred by the dealer from complaints, claims or actions arising out of manufacturer’s, factory’s branch, distributor’s, distributor’s branch, dealer management computer system vendor’s or any third party for its willful, negligent or illegal use or disclosure of dealers consumer or customer data or other information in dealer’s computer system. The indemnification includes, but is not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches and attorneys’ fees arising out of complaints, claims, civil or administrative actions.

(g) This section applies to contracts entered into after the effective date of this section.

§17A-6A-15b. Exports; rebuttable presumption on behalf of dealer.

It is unlawful for a manufacturer or distributor to take or threaten to take any adverse action against a dealer pursuant to an export or sale-for-resale prohibition because the dealer sold or leased a vehicle to a customer who either exported the vehicle to a foreign country or resold the vehicle in violation of the prohibition, unless the export

or sale-for-resale prohibition policy was provided to the dealer in writing prior to the sale or lease, and the dealer knew or reasonably should have known of the customer's intent to export or resell the vehicle in violation of the prohibition at the time of sale or lease. If the dealer causes the vehicle to be registered in this state or any other state and has determined that the customer is not on a list of known or suspected exporters provided by the manufacturer at the time of sale, a rebuttable presumption is established that the dealer did not have reason to know of the customer's intent to export or resell the vehicle.

§17A-6A-15c. Manufacturer performance standards; uniform application, prohibited practices.

A manufacturer may not require dealer adherence to a performance standard or standards which are not applied uniformly to other similarly situated dealers. In addition to any other requirements of the law, the following shall apply:

(1) A performance standard, sales objective or program for measuring dealer performance that may have a material effect on a dealer, including the dealer's right to payment under any incentive or reimbursement program, and the application of the standard, sales objective or program by a manufacturer, distributor or factory branch shall be reasonable and based on accurate information.

(2) Upon written request from a dealer participating in the program, the manufacturer shall provide in writing the dealer's performance requirement or sales goal or objective, which shall include a reasonable and general explanation of the methodology, criteria and calculations used.

(3) A manufacturer shall allocate a reasonable and appropriate supply of vehicles to assist the dealer in achieving any performance standards established by the manufacturer and distributor.

(4) The manufacturer or distributor has the burden of proving by a preponderance of the evidence that the performance standard, sales

objective or program for measuring dealership performance complies with this article.

§17A-6A-18. West Virginia law to apply.

Notwithstanding the terms, provisions or requirements of any franchise agreement, contract or other agreement of any kind between a new motor vehicle dealer and a manufacturer or distributor captive finance source or any subsidiary, affiliate or partner of a manufacturer or distributor, the provisions of this code apply to all such agreements and contracts. Any provisions in the agreements and contracts which violate the terms of this section are null and void.

Senator Carmichael moved that the Senate concur in the House of Delegates amendment to the bill.

Senator Cole (Mr. President) 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 Senator Carmichael's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill No. 453, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost—33.

The nays were: None.

Absent: None.

Excused from voting: Cole (Mr. President)—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. 453) passed with its title.

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

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

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. 529, Relating to PERS, SPRS and TRS benefits and costs.

On motion of Senator Carmichael, 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 forty-nine, section twenty-one, line eighteen, after the word “member” by inserting the words “who first becomes a member of the retirement system before July 1, 2015, and”;

On pages ninety-nine through one hundred one, by striking out all of section twenty-three and inserting in lieu thereof a new section, designated section twenty-three, to read as follows:

§18-7A-23. Withdrawal and death benefits.

(a) Benefits upon withdrawal from service prior to retirement under the provisions of this article shall be as follow:

(1) A contributor who withdraws from service for any cause other than death, disability or retirement shall, upon application, be paid

his or her accumulated contributions up to the end of the fiscal year preceding the year in which application is made, after offset of any outstanding loan balance, plus accrued loan interest, pursuant to section thirty-four of this article, but in no event shall interest be paid beyond the end of five years following the year in which the last contribution was made: *Provided*, That the contributor, at the time of application, is then no longer under contract, verbal or otherwise, to serve as a teacher; or

(2) If Except as provided in section twenty-five-b of this article, if the inactive member has completed twenty years of total service, he or she may elect to receive at age sixty an annuity which shall be computed as provided in this article: *Provided*, That if the inactive member has completed at least five, but fewer than twenty, years of total service in this state, he or she may elect to receive at age sixty-two an annuity which shall be computed as provided in this article. The inactive member must notify the retirement board in writing concerning the election. If the inactive member has completed fewer than five years of service in this state, he or she shall be subject to the provisions as outlined in subdivision (1) of this subsection.

(b) Benefits upon the death of a contributor prior to retirement under the provisions of this article shall be paid as follows:

(1) If the contributor was at least fifty years old and if his or her total service as a teacher or nonteaching member was at least twenty-five years at the time of his or her death, then the surviving spouse of the deceased, provided the spouse is designated as the sole primary refund beneficiary, is eligible for an annuity computed as though the deceased were actually a retirant at the time of death and had selected a survivorship option which pays the spouse the same monthly amount which would have been received by the deceased; or

(2) If the facts do not permit payment under subdivision (1) of this subsection, then the following sum shall be paid to the refund beneficiary of the contributor: (A) The contributor's accumulated

contributions up to the plan year of his or her death plus an amount equal to his or her member contributions: *Provided*, That the latter sum shall emanate from the Employer's Accumulation Fund; and (B) the refund beneficiary of any individual who became a member of the retirement system as a result of the voluntary transfer contemplated in article seven-d of this chapter shall also be paid the member contributions plus the vested portion of employer contributions made on his or her behalf to the Teachers' Defined Contribution Retirement System, plus any earnings thereon, as of June 30, 2008, as stated by the retirement board.;

On page one hundred six, section twenty-five-b, line seventeen, by striking out the word "sixty-four" and inserting in lieu thereof the word "sixty-two";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 529—A Bill to amend and reenact §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-21a; to amend and reenact §5-13-2 of said code; to amend and reenact §5-16-13 of said code; to amend and reenact §15-2A-21 of said code; to amend and reenact §18-7D-6 of said code; to amend and reenact §18-7A-17, §18-7A-23 and §18-7A-25 of said code; and to amend said code by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b, all relating generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculating final average salary and service credit for certain public employees; authorizing purchase of military service for certain members of the West Virginia Public Employees Retirement System and Teachers Retirement System; providing military

service credit for certain members of the West Virginia Public Employees Retirement System; increasing contribution rate and years of contributing service required for certain public employees to qualify for certain annuities; providing for determination of years of service; providing that accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System, the State Police Retirement System and the Teachers Retirement System may not be applied for retirement service credit; allowing certain persons to buy service credit and interest into the West Virginia Public Employees Retirement System for service in the Teachers Retirement System; and revising the reciprocal retirement provisions for certain members of the teachers and the public employees system.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 529, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 529) passed with its House of Delegates amended title.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Carmichael, the Senate recessed until 9:15 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and again proceeded to the sixth order of business, which agenda includes the making of main motions.

At the request of Senator Carmichael, and by unanimous consent, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 529, Relating to PERS, SPRS and TRS benefits and costs.

Passed by the Senate in earlier proceedings tonight,

The bill still being in the possession of the Senate,

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 529) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

On motion of Senator Carmichael, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for Senate Bill No. 170, Authorizing Bureau of Commerce promulgate legislative rules.

Having been received as a House message on yesterday, Friday, March 13, 2015,

The bill still being in the possession of the Senate,

On motion of Senator Carmichael, the Senate reconsidered the vote by which on yesterday, Friday, March 13, 2015, it adopted Senator Carmichael's motion that the Senate refuse to concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of that day, pages 2473 and 2474*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's motion that the Senate refuse to concur in the House of Delegates amendments to the bill.

At the request of Senator Carmichael, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 170, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder,

Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 170) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 170) takes effect from passage.

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

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect

from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 199, Authorizing miscellaneous agencies and boards promulgate legislative rules.

On motion of Senator Carmichael, 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 twelve, section eight, line five, by striking out the word “six” and inserting in lieu thereof the word “four”;

On page eighteen, section ten, line three, after the word “authorized” by changing the period to a colon and inserting the following: with the following amendment:

On page 4, subsection 6.3, by striking the words “, and the standards in the AAEP Care Guidelines for Equine Rescue and Retirement Facilities”;

On page twenty, section ten, after line six, by inserting the following:

“On page 2, Subdivision 3.1.o, by striking out all of subdivision 3.1.o.;

On page 2, Subdivision 3.1.p, by striking out all of subdivision 3.1.p.;

On page 2, Subdivision 3.1.q, by striking out all of subdivision 3.1.q.;

On page 2, Subdivision 3.1.r, by striking out all of subdivision 3.1.r.”;

And,

On page twenty, section ten, lines ten and eleven, by striking out the words “through Paragraph 3.1.u.8 and renumbering the remaining Paragraph”.

Senator Carmichael moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Carmichael’s aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill No. 199, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Snyder, Stollings, Takubo, Trump, Walters, Woelfel and Cole (Mr. President)—25.

The nays were: Kessler, Palumbo, Plymale, Prezioso, Romano, Sypolt, Unger, Williams and Yost—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. 199) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe,

Snyder, Stollings, Takubo, Trump, Walters, Woelfel and Cole (Mr. President)—25.

The nays were: Kessler, Palumbo, Plymale, Prezioso, Romano, Sypolt, Unger, Williams and Yost—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. 199) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 542, Clarifying provisions of Consumer Credit and Protection Act relating to debt collection.

On motion of Senator Carmichael, 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 seventeen, section one hundred one, line eighteen, after the word “creditor” by inserting the words “or debt collector”;

And,

On page nineteen, section one hundred one, line twelve, after the word “creditor” by inserting the words “or debt collector”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill No. 542, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Kessler, Laird and Romano—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 542) 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 sixth order of business, which agenda includes the making of main motions.

Senator Sypolt moved that the Senate reconsider the vote by which in earlier proceedings tonight it passed

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 455, Relating to public higher education procurement and payment of expenses.

The bill still being in the possession of the Senate,

The question being on the adoption of Senator Sypolt's aforesated motion, the same was put and prevailed.

The vote thereon having been reconsidered,

On motion of Senator Carmichael, the Senate reconsidered the vote by which it adopted Senator Carmichael's motion that the Senate concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of today, pages 2794 through 2811, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's motion that the Senate concur in the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 455).

Thereafter, at the request of Senator Carmichael, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Sypolt, the following amendments to the House of Delegates amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page four, section four, by striking out all of subsection (b);

And,

By relettering the remaining subsection.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 455, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller,

Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 455) 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.

At the request of Senator Carmichael, and by unanimous consent, the Senate returned to the fifth order of business.

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

Eng. Com. Sub. for Senate Bill No. 37, Creating Revised Uniform Arbitration Act.

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. 37 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates on page thirty-seven, section

thirty, and that the Senate and the House of Delegates agree to an amendment as follows:

On page thirty-seven, section thirty, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

“(2) An order granting or denying a motion to compel arbitration issued in an action filed pursuant to the provisions of chapter forty-six-a of this code;”;

And by renumbering the remaining subdivisions;

That the Senate agree to all other amendments of the House of Delegates to the bill;

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. 37—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-five new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30, §55-10-31, §55-10-32 and §55-10-33, all relating generally to arbitration; providing for a short title; making legislative findings; defining terms; defining notice under article; defining when article applies; prescribing effect of agreements to arbitrate; identifying nonwaivable provisions of article; allowing for application for judicial relief under article; providing required method for notice of application for judicial relief; making agreement to arbitrate valid unless legal or equitable reason for revocation exists;

delineating decisions to be made by judge and arbitrator; providing for terms by which arbitration may continue if challenged; providing for process for motions to compel or stay arbitration; providing for provisional remedies to protect effectiveness of arbitration proceedings; providing process for initiation of arbitration; providing for consolidation of separate arbitration proceedings; providing for appointment of arbitrator and default process for appointing arbitrator if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters likely to affect impartiality; requiring majority of arbitrators to agree to exercise powers; providing immunity for arbitrators; providing exceptions to arbitrator immunity; providing that arbitrator incompetence to testify to same extent as judges; providing exceptions to arbitrator incompetence to testify; providing for attorneys' fees and costs for challenges from which arbitrators are immune from civil liability; providing general process for arbitration; providing for appointment of replacement arbitrator if necessary; allowing parties to be represented by a lawyer in arbitrations; outlining procedure for witnesses, issuance of subpoenas, depositions, discovery and protective orders in arbitrations; providing for judicial enforcement of discovery-related orders by arbitrator; providing for judicial enforcement of preaward ruling by arbitrator; providing for record of an award and requirements for making an award; providing an exemption from the award provisions in the case of arbitration conducted or administered by a self-regulatory organization as defined by the Securities Exchange Act of 1934, the Commodity Exchange Act or regulations adopted under those acts; allowing change of an award by arbitrator upon motion under certain conditions; providing that certain remedies and fees and costs of arbitration may be a part of arbitration award; allowing for confirmation by court of an award upon motion; providing process and grounds for vacating an award by a court; providing process and grounds for modification or correction of an award upon motion; providing that court shall enter a judgment upon confirmation of an award and may add certain 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 certain orders related to arbitration

proceedings; requiring uniform application and construction of act; providing that this act shall conform with the Electronic Signatures in Global and National Commerce Act; and clarifying that the act does not affect an action or proceeding commenced or right accrued before the effective date of the article.

Respectfully submitted,

Gregory L. Boso, *Chair*, Mark R. Maynard, Corey Palumbo,
Conferees on the part of the Senate.

Patrick Lane, *Chair*, Roger Hanshaw, Mick Bates, *Conferees on
the part of the House of Delegates.*

On motions of Senator Boso, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill No. 37, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Facemire, Kessler and Romano—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. 37) passed with its conference amended title.

Senator Carmichael moved that the bill take effect July 1, 2015.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Facemire, Kessler and Romano—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 S. B. No. 37) takes effect July 1, 2015.

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. House Bill No. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

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

Eng. House Bill No. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

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. 2664 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

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

That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend and reenact §17C-5A-2 all to read as follows:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.

(a) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure Whose impaired state proximately causes the death of any person within one year next following the act or failure; and~~

~~(3) Commits the act or failure to act in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death;² is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~two~~ three years nor more than ~~ten~~ fifteen years and shall be fined not less than \$1,000 nor more than \$3,000.~~

~~(b) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000.~~

(b) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) Whose impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000 dollars.

(3) As used in this subsection, the words “serious bodily injury” mean bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment.

(c) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure~~ Whose impaired state proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.

(3) As used in this subsection, the words “bodily injury” mean bodily injury that causes substantial pain, illness or any impairment of physical condition.

(d) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who:

(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug;

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is an habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the

court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence. A person arrested and charged with an offense under the provisions of this subsection or subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(j) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.

(k) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than

one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(l) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~three~~ five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(m) For purposes of subsections (k) and (l) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (a), (b), (c), (d), (e), (f) or (g) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection (d) of this article, which violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

(n) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the

alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

(o) The fact that any person charged with a violation of subsection (a), (b), (c), (d), (e) or (f) of this section, or any person permitted to drive as described under subsection (g) or (h) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section.

(p) For purposes of this section, the term “controlled substance” has the meaning ascribed to it in chapter sixty-a of this code.

(q) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided, however*, That for any period of home incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further*, That for any period of home

incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION
AND REVOCATION OF LICENSES FOR DRIVING
UNDER THE INFLUENCE OF ALCOHOL,
CONTROLLED SUBSTANCES OR DRUGS.**

§17C-5A-2. Hearing; revocation; review.

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided*, That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The West Virginia Rules of Evidence shall apply to all proceedings before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested. The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by

registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office

of Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while

having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

(g) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure

proximately caused the death of a person and was committed in reckless disregard of the safety of others and if the Office of Administrative Hearings further finds that the influence of alcohol, controlled substances or drugs or the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of ten years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(h) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(i) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the license has previously been suspended or

revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the person's vehicle to be driven by another person who was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided,* That any period of participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however,* That a person whose license is revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided further,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *And provided further,* That if the person's license has previously been suspended or revoked more than once under the provisions of this

section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(k) (1) If in addition to finding by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substance or drugs, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person did drive a motor vehicle while having an alcohol concentration in the person's blood of fifteen hundredths of one percent or more, by weight, the commissioner shall revoke the person's license for a period of forty-five days with an additional two hundred and seventy days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a, article five-a, chapter seventeen-c of this code: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked the person's license more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(2) If a person whose license is revoked pursuant to subdivision (1) of this subsection proves by clear and convincing evidence that they do not own a motor vehicle upon which the alcohol test and lock device may be installed or is otherwise incapable of participating in the Motor Vehicle Alcohol Test and Lock Program, the period of revocation shall be one hundred eighty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of

this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(l) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(m) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked

more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(n) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the commissioner shall suspend the person's license for a period of sixty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article, the period of revocation shall be for one year, or until the person's twenty-first birthday, whichever period is longer.

(o) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(p) For purposes of this section, where reference is made to previous suspensions or revocations under this section, the following types of criminal convictions or administrative suspensions or

revocations shall also be regarded as suspensions or revocations under this section or section one of this article:

(1) Any administrative revocation under the provisions of the prior enactment of this section for conduct which occurred within the ten years immediately preceding the date of arrest;

(2) Any suspension or revocation on the basis of a conviction under a municipal ordinance of another state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in section two, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest; or

(3) Any revocation under the provisions of section seven, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest.

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and

up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

(s) If the Office of Administrative Hearings finds to the contrary with respect to the above issues, it shall rescind or modify the commissioner's order and, in the case of modification, the commissioner shall reduce the order of revocation to the appropriate period of revocation under this section or section seven, article five of this chapter. A copy of the Office of Administrative Hearings'

final order containing its findings of fact and conclusions of law made and entered following the hearing shall be served upon the person whose license is at issue or upon the person's legal counsel if the person is represented by legal counsel by registered or certified mail, return receipt requested, or by facsimile or by electronic mail if available. The final order shall be served upon the commissioner by electronic mail. During the pendency of any hearing, the revocation of the person's license to operate a motor vehicle in this state shall be stayed.

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile, or by electronic mail if available.

(t) In any revocation or suspension pursuant to this section, if the driver whose license is revoked or suspended had not reached the driver's eighteenth birthday at the time of the conduct for which the license is revoked or suspended, the driver's license shall be revoked or suspended until the driver's eighteenth birthday or the applicable

statutory period of revocation or suspension prescribed by this section, whichever is longer.

(u) Funds for this section's hearing and appeal process may be provided from the Drunk Driving Prevention Fund, as created by section forty-one, article two, chapter fifteen of this code, upon application for the funds to the Commission on Drunk Driving Prevention.;

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. House Bill No. 2664—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to creating “Andrea, Willy and Nelson’s Law”; making driving under the influence of alcohol, controlled substances or drugs causing death a felony in all instances; eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs; creating a new felony offense of driving while under the influence of alcohol, controlled substances or drugs causing serious bodily injury; providing definitions of “bodily injury” and “serious bodily injury”; and providing that the West Virginia Rules of Evidence apply to administrative proceedings concerning license revocation for driving under the influence.

Respectfully submitted,

Kelli Sobonya, *Chair*, Amy Summers, Andrew Byrd, *Conferees on the part of the House of Delegates*.

Chris Walters, *Chair*, C. Edward Gaunch, Corey Palumbo, *Conferees on the part of the Senate*.

Senator Walters, Senate cochair of the committee of conference, was recognized to explain the report.

Following discussion,

On motion of Senator Walters, the report was taken up for immediate consideration and adopted.

Engrossed House Bill No. 2664, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Kirkendoll and Stollings—2.

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. 2664) passed with its conference 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 Trump, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 192, Authorizing Department of Transportation promulgate legislative rules.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 192 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the House of Delegates amendment to the bill.

And,

That both houses agree to the following amendments to the House of Delegates amendment to the bill:

On page two, section one, by striking out the words “that a sex change has been completed, otherwise the requested change shall not be approved” and inserting in lieu thereof the words “of the person’s gender”;

On page three, section one, after the words “On page 27, subsection 8.2.c, line 1 after the word ‘commissioner’ by adding the following:” by striking out the words “which form must require and be accompanied by a certification by a medical doctor that a sex change has been completed” and inserting in lieu thereof the words “which form must require and be accompanied by a certification by a medical doctor of the person’s gender”;

And,

On page three, section one, after the words “On page 31, subsection 9.5, line 17 after the word ‘commissioner’ by adding the following:” by striking out the words “which form must require and be accompanied by a certification by a medical doctor that a sex change has been completed” and inserting in lieu thereof the words “which form must require and be accompanied by a certification by a medical doctor of the person’s gender”.

Respectfully submitted,

Charles S. Trump IV, *Chair*, Mitch Carmichael, Corey Palumbo,
Conferees on the part of the Senate.

Tom Fast, *Chair*, Roger Hanshaw, Dana L. Lynch (*Did not sign*),
Conferees on the part of the House of Delegates.

On motions of Senator Trump, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill No. 192, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 192) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 192) 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 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. 295, Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page four, section thirteen, line fifty-one, after the word "review" by changing the period to a colon and inserting the following proviso: *Provided*, That all records prepared and transmitted that involve a minor shall be filed under seal.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill No. 295, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 295) passed with its title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill No. 582, Relating to Herbert Henderson Office of Minority Affairs.

On motion of Senator Carmichael, 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 one, line sixteen, by striking out the word “the” and inserting in lieu thereof the words “and consider any”;

And,

On page five, section one, lines eighteen and nineteen, by striking out the words “and shall direct the efforts of the office according to those recommendations”.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 582, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 582) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 582) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill No. 523, Creating Alcohol and Drug Overdose Prevention and Clemency Act.

On motion of Senator Carmichael, 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 nine, section three, lines one through six, by striking out all of subdivision (4);

And,

On page ten, section four, after line eighteen, by inserting a new subsection, designated subsection (g), to read as follows:

(g) A person who seeks assistance pursuant to subsection (a) of this section is not subject to any sanction for a violation of a condition of pretrial release, probation, furlough or parole.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 523) 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 amendments, as to

Eng. Senate Bill No. 577, Allowing higher education governing boards invest certain funds with nonprofit foundations.

On motion of Senator Carmichael, 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-e, line three, after the word “article,” by inserting the following: “after first consulting with the West Virginia Investment Management Board and the State Board of Treasury Investments to determine what their estimated rate of return on investment, including administrative expenses, would be

if the moneys to be invested with the foundation were instead to be invested with the Investment Management Board or the Board of Treasury Investments when compared to any estimated return on investment, including administrative expenses, provided by the foundation.”;

On page four, section twelve-e, lines one through six, by striking out all of subsection (f) and inserting in lieu thereof a new subsection, designated subsection (f), to read as follows:

(f) Prior to the initial transfer of funds to a foundation, the four-year public college or university shall submit its plan for the investment of the funds with its foundation to the higher education policy commission for its review. The purpose of review shall solely be to determine if the plan is financially prudent for the institution. Upon the commission’s written finding that the plan is financially prudent for the institution, the institution is authorized to transfer its funds to the foundation for purposes of investment under this section.;

And,

On page four, section twelve-e, line nine, after the word “has” by striking out the remainder of the subsection and inserting in lieu thereof the following: a long-term bond from not less than two of the following rating entities of at least A3 by Moody’s Investors Service, A- by Standard & Poor’s and A- by Fitch Ratings.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill No. 577, 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, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller,

Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 577) 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 that that body had agreed to the appointment of a committee of conference of seven from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill No. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

Delegates E. Nelson, Anderson, Ashley, Canterbury, Boggs, Williams and H. White.

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. 584, Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.

On motion of Senator Carmichael, 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 §18-2-16 and §18-2-16a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10 and §18-2L-11, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-16. Establishment and operation of state camp and conference center; rental thereof; expenditures; gifts and donations; county court may erect and equip buildings.

(a) For the purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism and of providing and encouraging the development of organized recreational activities for Future Farmers of America and Future Homemakers of America members and other youth and adult groups, a camp and conference center is hereby established. The West Virginia Board of Education is hereby authorized to secure a site for the camp and conference center at some suitable place and provide the necessary buildings and equipment therefor.

The camp and conference center shall be operated by the Division of Vocational Education of the West Virginia Board of Education. The camp and conference center may be rented for educational purposes only and the rent received therefor shall be deposited in the State Treasury and paid out on requisition of the Division of Vocational Education of the West Virginia Board of Education for the maintenance and operation of the camp and conference center.

The minimum salary requirements in sections eight-a and eighteen, article four, chapter eighteen-a of this code do not apply to service employees who are initially employed on or after July 1, 2014, by the Division of Vocational Education to provide services at the camp and conference center.

Any appropriations now or hereafter made by the Legislature to carry out the provisions and purposes of this section shall be expended through the West Virginia Board of Education. The West Virginia Board of Education may receive and use such gifts and donations of money, land, buildings, materials, equipment, supplies and labor, either from public or private sources, as may be offered unconditionally or under such conditions as in the judgment of the West Virginia Board of Education are proper and consistent with the provisions of this section.

All the money received as gifts and donations by the West Virginia Board of Education shall be deposited in the State Treasury to be used by the ~~said~~ Board of Education in establishing and maintaining the aforesaid camp and conference center. A report of all gifts and donations offered and accepted, together with the names of the donors and the amounts contributed by each and all disbursements therefrom shall be submitted annually to the Governor of the state by the West Virginia Board of Education.

The county commission of any county may appropriate and expend money from the general county fund, or from any special fund available for such purpose, to erect and equip a cottage or county building on the camp and conference center property.

(b) The provisions of this section shall expire upon the transfer of Cedar Lakes Camp and Conference Center to a private, nonstock, not-for-profit corporation in accordance with the provisions of article two-1 of this chapter.

§18-2-16a. Construction of buildings and recreational facilities at state camp and conference center; charges for use; financing by revenue bonds or notes permissible; trustee for holders of bonds or notes; contents of trust agreement.

(a) The West Virginia Board of Education is hereby authorized to construct, erect, acquire and improve dining halls, cottages and other buildings or recreational facilities it considers necessary and beneficial for the proper conduct and management of the camp and conference center and may charge such rates, fees, rentals and other charges for the use of the buildings and recreational facilities as it determines necessary and advisable.

The construction, erection, acquisition and improvement of dining halls, cottages and other buildings or recreational facilities may be financed by the issuance of revenue bonds or notes of the state of West Virginia payable solely from the revenues derived from the operation of the camp and conference center notwithstanding any of the provisions of section sixteen of this article.

The revenue bonds or notes shall be authorized by resolution of the West Virginia Board of Education, hereinafter referred to in this section as the "board", and the revenue bonds or notes shall not constitute a debt of the State of West Virginia within the meaning of any of its statutes or constitution.

The principal of and interest on the bonds or notes shall be payable solely from the special fund provided for in this section for such payment. The board shall pledge the moneys in the special fund, except that part of the proceeds of sale of any bonds or notes to be used to pay the cost of a project, for the payment of the principal of and interest on bonds or notes issued pursuant to this section. The pledge shall apply equally and ratably to separate series of bonds or notes or upon such priorities as the board determines. The bonds or notes shall be authorized by resolution of the board which shall recite an estimate of the cost of the project, and shall provide for the issuance of bonds or notes in an amount sufficient,

when sold as provided in this section, to produce such cost, less the amount of any funds, grant or grants, gift or gifts, contribution or contributions received, or in the opinion of the board expected to be received from any source. The acceptance by the board of any and all funds, grants, gifts and contributions, whether in money or in land, labor or materials, is hereby expressly authorized. All bonds or notes shall have and are hereby declared to have all the qualities of negotiable instruments. The bonds or notes shall bear interest at not more than twelve percent per annum, payable semiannually, and shall mature in not more than forty years from their date or dates of issuance, and may be made redeemable at the option of the board, at such price and under such terms and conditions, as the board may fix prior to the issuance of the bonds or notes. The board shall determine the form of the bonds or notes, including coupons, if any, to be attached thereto to evidence the right of interest payments, which bonds or notes shall be signed by the chairman and secretary of the board, under the great seal of the state, attested by the Secretary of State, and the coupons, if any, attached thereto shall bear the facsimile signature of the chairman of the board. In case any of the officers whose signatures appear on the bonds or notes or coupons issued as authorized under this section shall cease to be such officers before the delivery of the bonds or notes, the signatures are nevertheless valid and sufficient for all purposes the same as if they had remained in office until such delivery. The board shall fix the denominations of the bonds or notes, the principal and interest of which shall be payable at the office of the Treasurer of the State of West Virginia at the state capitol, or at the option of the holder, at some bank or trust company within or without the State of West Virginia to be named in the bonds or notes, in such medium as may be determined by the board. The bonds or notes and interest thereon are exempt from taxation by the State of West Virginia or any county or municipality in the state. The board may provide for the registration of the bonds or notes in the name of the owners as to principal alone, and as to both principal and interest under such terms and conditions as the board may determine, and shall sell the bonds or notes in such manner as it may determine to be for the best interest of the state and the board, taking into consideration the

financial responsibility of the purchaser, and the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds or notes when required for payment of the cost of the project, the sale to be made at a price not lower than a price which, computed upon standard tables of bond values, will show a net return of not more than thirteen percent per annum to the purchaser upon the amount paid therefor. The proceeds of the bonds or notes shall be used solely for the payment of the cost of the project for which bonds or notes were issued, and shall be deposited and checked out in the same manner as provided by article six, chapter five of this code, and under such further restrictions, if any, as the board may provide. If the proceeds of bonds or notes issued for a project or a specific group of projects exceeds the cost of the project or projects, the surplus shall be paid into the fund provided for in this section for payment of the principal and interest of the bonds or notes. The fund may be used for the purchase of any of the outstanding bonds or notes payable from the fund at the market price, but at not exceeding the price, if any, at which the bonds or notes are in the same year redeemable. All bonds or notes redeemed or purchased shall forthwith be canceled and shall not again be issued. Prior to the preparation of definitive bonds or notes, the board may, under like restrictions, issue temporary bonds or notes with or without coupons, exchangeable for definitive bonds or notes upon the issuance of the latter.

Notwithstanding the provisions of sections nine and ten, article six, chapter twelve of this code, revenue bonds or notes issued under the authority granted in this section are eligible as investments for the Workers' Compensation Fund, Teachers Retirement Fund, Division of Public Safety Death, Disability and Retirement Fund, West Virginia Public Employees Retirement System and as security for the deposit of all public funds. The revenue bonds or notes may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this article, or by the constitution of the state. For all projects authorized under the provisions of this section, the aggregate amount of all issues of

bonds or notes outstanding at one time shall not exceed \$2.5 million including the renegotiation, reissuance or refinancing of any bonds or notes.

Notwithstanding anything in this section to the contrary, the board is authorized to issue bonds or notes or otherwise finance or refinance the projects in this section, including the costs of issuance and sale of the bonds or notes or financing, all necessary financial and legal expenses and creation of debt service reserve funds in an amount not to exceed \$2.5 million.

The board may enter into an agreement or agreements with any trust company, or with any bank having the powers of a trust company, whether within or outside of the state, as trustee for the holders of bonds or notes issued under this section, setting forth in the agreement the duties of the state and of the board in respect of the acquisition, construction, improvement, maintenance, operation, repair and insurance of the project, the conservation and application of all moneys, the insurance of moneys on hand or on deposit, and the rights and remedies of the trustee and the holders of the bonds or notes, as may be agreed upon with the original purchasers of the bonds or notes. The agreement or agreements shall include provisions restricting the individual right of action of bondholders or noteholders as is customary in trust agreements respecting bonds or notes and debentures of corporations, protecting and enforcing the rights and remedies of the trustee and the bondholders or noteholders, and provide for approval by the original purchasers of the bonds or notes of the appointment of consulting architects, and of the security given by those who contract to construct the project, and by any bank or trust company in which the proceeds of bonds or notes or rentals shall be deposited, and for approval by the consulting architects of all contracts for construction. All expenses incurred in carrying out the agreement may be treated as a part of the cost of maintenance, operation and repairs of the project.

(b) The bonding authority granted under subsection (a) of this section shall expire upon the transfer of Cedar Lakes Camp and

Conference Center to a private, nonstock, not-for-profit corporation in accordance with the provisions of article two-1 of this chapter.

ARTICLE 2L. TRANSFER OF CEDAR LAKES CAMP AND CONFERENCE CENTER.

§18-2L-1. Definitions.

As used in this article:

- (1) “Board” means the West Virginia Board of Education.
- (2) “Cedar Lakes” means the camp and conference center established pursuant to section sixteen, article two of this chapter.
- (3) “Cedar Lakes employee” means any employee of the board whose job responsibilities are primarily at or concern Cedar Lakes.
- (4) “Department” means the Department of Education.
- (5) “Foundation” means a private, nonstock, not-for-profit corporation established under the laws of this state to which the board will transfer Cedar Lakes and which otherwise meets the requirements of section four of this article.
- (6) “Transfer agreement” means the agreement between the board and the foundation that transfers ownership, operation and control of Cedar Lakes from the board to the foundation.
- (7) “Transfer date” means either July 1, 2017, or the date by which the board has secured or performed all approvals, authorizations and any other actions necessary to transfer Cedar Lakes from the board to the foundation.
- (8) “Transition fund” means the Cedar Lakes Transition Fund established pursuant to section five of this article.

§18-2L-2. Purpose and legislative findings.

(a) *Legislative intent.* – It is the intent of the Legislature in enacting this article to transfer ownership, operation and control of Cedar Lakes to private, nonstock, not-for-profit corporation, in order for the camp and conference center to continue independently and to best fulfill its purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism and of providing and encouraging the development of organized recreational activities for Future Farmers of America and Future Homemakers of America members, and other youth and adult groups.

(b) *Findings.* – The Legislature finds and declares that:

(1) Pursuant to section sixteen, article two of this chapter, the Legislature authorized the board to establish Cedar Lakes for the purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism and of providing and encouraging the development of organized recreational activities for Future Farmers of America and Future Homemakers of America members, and other youth and adult groups.

(2) Over the decades, Cedar Lakes has fulfilled this purpose and has become an integral part of the local economy and the Jackson County community;

(3) The Legislature recognizes the economic and social value of Cedar Lakes and that its continued viability depends on it becoming an independent, self-sustaining entity; and

(4) A private, not-for-profit structure is the best means of assuring prudent financial management and, in turn, the fulfilling of the purposes of Cedar Lakes and serving the local economy, the Jackson County community and the state.

§18-2L-3. Board authorized to contract with foundation.

The board is hereby authorized to enter into the transfer agreement and all other contractual agreements necessary to transfer Cedar Lakes to the foundation, as consistent with this article.

§18-2L-4. Description of foundation.

The foundation to which the board transfers Cedar Lakes upon the transfer date shall be a nonstock, not-for-profit corporation established pursuant to the provisions of chapter thirty-one-e of this code, known as the West Virginia Nonprofit Corporation Act.

§18-2L-5. Establishment of the Cedar Lakes Transition Fund.

Upon the effective date of the enactment of this article in 2015, there is hereby established in the State Treasury a Cedar Lakes Transition Fund over which the State Treasurer is custodian to be administered by the department. Moneys transferred or otherwise payable to the transition fund shall be deposited in the State Treasury to the credit of the transition fund. Disbursements shall be made from the transition fund pursuant to and for the purposes provided in the article.

§18-2L-6. Agreement; required provisions.

Notwithstanding section ten, article three, chapter twelve of this code, or any other provision of this code to the contrary, the board is hereby authorized to enter into a transfer agreement with the foundation, which shall contain the following provisions, subject to further specification as shall be mutually agreed upon by the board and the foundation:

(a) On the transfer date, the board shall disburse and pay to the foundation all moneys subject to the control of the board then held in any state fund or wherever located which had theretofore been delivered as a donation to the department or otherwise for or on behalf of the Cedar Lakes Camp and Conference Center, the FFA-FHA Camp and Conference Center, or such other purpose or activity related to the department's governance of Cedar Lakes;

(b) On the transfer date, the board shall transfer and deed to the foundation in fee simple absolute all right, title and interest of the state in the surface of any and all real estate at Cedar Lakes owned by the board, reserving to the state any and all mineral rights appertaining thereto;

(c) The board shall transfer and assign contractual rights and contractual duties specifically relating to Cedar Lakes to the foundation: *Provided*, That contractual rights and contractual duties that are not specifically related to Cedar Lakes remain with the board;

(d) Effective on the transfer date, the foundation shall assume responsibility for and shall defend, indemnify and hold harmless the board, the department, and the state with respect to all liabilities and duties of Cedar Lakes and all claims for breach of contract resulting from the foundation's action or failure to act after the transfer date; and

(e) On and after the transfer date, the foundation shall own, operate and control Cedar Lakes and all of its property and assets in fee simple absolute.

§18-2L-7. Exemption from certain requirements.

In order, as expeditiously as possible, to transfer Cedar Lakes from the board to the foundation, the transactions provided by this article shall be exempt from the bidding and public sale requirements, from the approval of contractual agreements by the Department of Administration or the Attorney General and from the requirements of chapter five-a of this code. Moreover, the board shall also be exempt from these provisions with respect to its operations of Cedar Lakes prior to and up to the transfer date. The board, with respect to its operations of Cedar Lakes prior to and up to the transfer date, shall not be required to use the Enterprise Resource Planning System or other related rules established or authorized in article six-d, chapter twelve of this code.

§18-2L-8. Certain personnel provisions concerning Cedar Lakes employees.

(a) Immediately upon the transfer of Cedar Lakes from the board to the foundation on the transfer date, all Cedar Lakes employees shall become at-will employees of the foundation.

(b) Any person who:

(1) Was a Cedar Lakes employee as of January 1, 2017;

(2) Was a Cedar Lakes employee who became an employee of the foundation upon the transfer date; and

(3) Is laid off by the foundation on or before July 1, 2018, is entitled to be placed on an appropriate reemployment list maintained by the Division of Personnel and to be allowed a preference on that list. The Division of Personnel shall maintain such an employee on the reemployment list indefinitely, or until the employee has declined three offers of employment at a paygrade substantially similar to that of his or her position as a Cedar Lakes employee upon termination from employment, or until he or she is reemployed by the executive branch of state government, whichever occurs earlier.

(c) The foundation shall enter into an agreement with the Division of Personnel for the provision of services and training to an employee of the foundation who is laid off on or before July 1, 2018, and requires additional training to obtain other gainful employment. The Division of Personnel shall administer the program. The fees required for those services and training shall be in an amount established by the Division of Personnel and the foundation and shall be paid out of the transition fund.

(d) Any Cedar Lakes employee as of the transfer date and who becomes an employee of the foundation shall have the following options related to their accrued and unused sick leave: Freeze said accrued and unused sick leave at the balance that exists as of the transfer date and use said sick leave at the time of retirement for

those purposes that would have been available to the employee under law in existence at the date of the transfer had the employee retired on the transfer date; or have his or her accrued and unused sick leave irrevocably surrendered in exchange for one hour of pay for each hour of accrued and unused sick leave surrendered to be payable from the transition fund. With respect to any Cedar Lakes employee as of the transfer date and who becomes an employee of the foundation, the department shall pay the employee such amounts as the employee is entitled for his or her accrued but unused annual leave, not to exceed forty days.

(e) The Division of Personnel shall cooperate fully by assisting in all activities necessary to expedite all changes for the board, Cedar Lakes and employees, including, but not limited to, all of the above subsections.

§18-2L-9. No waiver of sovereign immunity.

Nothing contained in this article shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the state or to deprive the board, department or any officer or employee thereof of sovereign immunity.

§18-2L-10. Not obligation of the state.

The obligations of the foundation shall not constitute debts or obligations of the board, department or the state.

§18-2L-11. Sections and provisions severable.

The sections of this article, and the provisions and parts of said sections, are severable and it is the intention to confer the whole or any part of the powers provided for in this article and, if any of said sections, or the provisions or parts of any said sections, or the application thereof to any person or circumstance, are for any reason held unconstitutional or invalid, it is the intention that the remaining sections of this article, and the remaining provisions or parts of any said sections, shall remain in full force and effect.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 584—A Bill to amend and reenact §18-2-16 and §18-2-16a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10 and §18-2L-11, all relating to transfer of Cedar Lakes Camp and Conference Center from the State Board of Education to a private, nonstock, not-for-profit corporation established under the laws of this state.

On motion of Senator M. Hall, the following amendment to the House of Delegates amendments to the bill was reported by the Clerk and adopted:

On page ten, section six, subdivision (b), by striking out the words “all right, title and interest of the state in the surface of any and all real estate at Cedar Lakes owned by the board, reserving to the state any and all mineral rights appertaining thereto;” and inserting in lieu thereof the following: all real estate at Cedar Lakes owned by the board and this transfer of real estate shall comply and be consistent with the provisions of section three, article five, chapter one of this code;.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill No. 584, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder,

Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 584) 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, 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. 537, Changing mandatory school instructional time from days to minutes.

On motion of Senator Carmichael, 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 §18-5-45 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

(a) As used in this section:

(1) “Instructional day” means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by state board rule;

(B) Instructional time is used for instruction and cocurricular activities; and

(C) Other criteria as the state board determines appropriate.

(2) “Cocurricular activities” are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

(b) *Findings.* –

(1) The primary purpose of the school system is to provide instruction for students.

(2) The school calendar, as defined in this section, is designed to define the school term both for employees and for instruction.

(3) The school calendar shall provide for one hundred eighty separate instructional days.

(c) The county board shall provide a school term for its schools that contains the following:

(1) An employment term that excludes Saturdays and Sundays and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight weeks;

(2) Within the employment term, an instructional term for students of no less than one hundred eighty separate instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than one hundred eighty separate instructional days;

(3) Within the employment term, noninstructional days shall total twenty and shall be comprised of the following:

(A) Seven paid holidays;

(B) Election day as specified in section two, article five, chapter eighteen-a of this code;

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the one hundred thirtieth instructional day of the school calendar; and

(D) The remaining days to be designated by the county board for purposes to include, but not be limited to:

(i) Curriculum development;

(ii) Preparation for opening and closing school;

(iii) Professional development;

(iv) Teacher-pupil-parent conferences;

(v) Professional meetings;

(vi) Making up days when instruction was scheduled but not conducted; and

(vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour block of time scheduled once at least every forty-five instructional days; and

(4) Scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to emergency closures, late arrivals and early dismissals related to weather or other conditions as determined by the county superintendent, at his or her sole discretion, that make attendance unsafe for students. Effective with the effective date of this section, any amount of instructional time previously accrued during the instructional term or added to the instructional day subsequent to emergency closures that results in instructional time provided to students in excess of the following minimums shall be counted toward meeting the one hundred eighty separate instructional day requirement as follows:

(1) For schools with grades kindergarten up to and including the fifth grade, instructional time provided in excess of three hundred fifteen minutes per instructional day may be accrued or added and each accumulated three hundred fifteen minutes of such time shall count as an instructional day recovered;

(2) For schools with grades six through and including the eighth grade, instructional time provided in excess of three hundred thirty minutes per instructional day may be accrued or added and each accumulated three hundred thirty minutes of such time shall count as an instructional day recovered;

(3) For schools with grades nine through and including the twelfth grade, instructional time provided in excess of three hundred forty-five minutes per instructional day may be accrued or added and each accumulated three hundred forty-five minutes of such time shall count as an instructional day recovered; and

(4) For schools with grade levels in more than one of the above subdivisions (1), (2) and (3), the subdivision applicable to the highest grade level at the school is applicable for the entire school.

(e) If it is not possible to complete one hundred eighty separate instructional days with the current school calendar after counting the accrued and added instructional time in accordance with subsection (d) of this section, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided*, That the provisions of this subsection do not apply to:

(A) Holidays;

(B) Election day; and

(C) Saturdays and Sundays.

(f) The instructional term shall commence and terminate on a date selected by the county board.

(g) The state board may not schedule the primary statewide assessment program more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

(h) The following applies to cocurricular activities:

(1) The state board shall determine what activities may be considered cocurricular;

(2) The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and

(3) Other requirements or restrictions the state board may provide in the rule required to be promulgated by this section.

(i) Extracurricular activities may not be used for instructional time.

(j) Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.

(k) Prior to implementing the school calendar, the county board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

(m) The county board may contract with all or part of the personnel for a longer term of employment.

(n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area, and in any county in which the Governor declares a state of emergency or emergency preparedness, and where the event causing the declaration is substantially related to a reduction of instructional days.

(o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of this chapter and chapters eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one hundred eighty separate instructional days established in this section.

(p) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section.

~~(q) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years beginning on or after July 1, 2014, and the provisions of this section existing immediately prior to the 2013 regular session of the Legislature remain in effect for school years beginning prior to July 1, 2014.~~

(q) Nothing in this section prohibits a county board from proposing nor the state board from approving, in accordance with section five, article two of this chapter, a school term or instructional term that is part of a comprehensive plan to optimize student learning and meets the spirit and intent of this section, but is an alternative to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 537—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to the school calendar; requiring county board lost time recovery policies to include recovery for emergency closures and restricting applicable lost time to conditions that make attendance unsafe for students; requiring instructional time accrued or added in excess of certain minimums counted toward meeting one hundred eighty separate instructional day requirement; specifying per day minimums and amounts accumulated that count as day recovered for schools of different grade levels; counting days recovered prior to scheduling instruction on other days; authorizing decrease of instructional term for declared state of emergency or emergency preparedness; removing expired provisions; and referencing other alternative provisions for school term or instructional term approval.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 537) 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 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. 2939, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

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

Eng. Com. Sub. for House Bill No. 2939, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

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. 2939 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:

That §49-1-201 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §49-2-803 and §49-2-812 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**PART II. DEFINITIONS.****§49-1-201. Definitions related, but not limited, to child abuse and neglect.**

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

“Abandonment” means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

“Abused child” means a child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian or custodian in violation of section fourteen-h, article two, chapter sixty-one of this code; or

(D) Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code.

“Abusing parent” means a parent, guardian or other custodian, regardless of his or her age, whose conduct has been adjudicated by

the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

“Battered parent”, for the purposes of ~~part seven, article two~~ part six, article four of this chapter, means a respondent parent, guardian or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by section two hundred two, article twenty-seven, chapter forty-eight of this code which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

“Child abuse and neglect services” means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families or some portion thereof;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion thereof, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

“Condition requiring emergency medical treatment” means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage. That condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness and evidence of ingestion of significant amounts of a poisonous substance.

“Imminent danger to the physical well-being of the child” means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling or a babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian or custodian;

(G) Sale or attempted sale of the child by the parent, guardian or custodian;

(H) The parent, guardian or custodian's abuse of alcohol or drugs or other controlled substance as defined in section one hundred one, article one, chapter sixty-a of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life or safety of any child in the home.

"Neglected child" means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when that refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or

(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child's parent or custodian;

(C) "Neglected child" does not mean a child whose education is conducted within the provisions of section one, article eight, chapter eighteen of this code.

"Petitioner or co-petitioner" means the Department or any reputable person who files a child abuse or neglect petition pursuant to section six hundred one, article four of this chapter.

"Permanency plan" means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

"Respondent" means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or co-petitioners.

“Sexual abuse” means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by section three, article eight-c, chapter sixty-one, which a parent, guardian or custodian engages in, attempts to engage in, or knowingly procures another person to engage in with a child notwithstanding the fact that for a child who is less than sixteen years of age the child may have willingly participated in that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct or, for a child sixteen years of age or older the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct; or

(B) Any conduct where a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in section seven, eight or nine of article eight-b, chapter sixty-one of this code.

“Sexual assault” means any of the offenses proscribed in section three, four or five of article eight-b, chapter sixty-one of this code.

“Sexual contact” means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual exploitation” means an act where:

(A) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a 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 or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows that the display is likely to be observed by others who would be affronted or alarmed.

“Sexual intercourse” means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual intrusion” means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Serious physical abuse” means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

PART VIII. REPORTS OF CHILDREN SUSPECTED OF ABUSE.

§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.

(a) Any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight hours after suspecting

this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

(b) Any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than forty-eight hours after receiving that disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law-enforcement agency having jurisdiction to investigate the report. In the event that the individual receiving the disclosure or observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter's children or other children in the subject child's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm and the individual makes the report as soon as practicable after the threat of harm has been reduced. The law-enforcement agency that receives a report under this subsection shall report the allegations to the Department of Health and Human Resources and coordinate with any other law-enforcement agency, as necessary to investigate the report.

(c) Any school teacher or other school personnel who receives a disclosure from a witness, which a reasonable prudent person would deem credible, or personally observes any sexual contact, sexual intercourse or sexual intrusion, as those terms are defined in article eight-b, chapter sixty-one, of a child on school premises or on school buses or on transportation used in furtherance of a school purpose shall immediately, but not more than 24 hours, report the circumstances or cause a report to be made to the State Police or other law-enforcement agency having jurisdiction to investigate the report: *Provided*, That this subsection will not impose any reporting duty upon school teachers or other school personnel who observe, or receive a disclosure of any consensual sexual contact, intercourse or intrusion occurring between students who would not otherwise be subject to section three, five, seven or nine of article eight-8, chapter sixty-one of this code: *Provided, however*, That any teacher or other school personnel shall not be in violation of this section if he or she makes known immediately, but not more than 24 hours. to the principal, assistant principal or similar person in charge, a disclosure from a witness, which a reasonable prudent person would deem credible, or personal observation of conduct described in this section: *Provided further*, That a principal, assistant principal or similar person in charge made aware of such disclosure or observation from a teacher or other school personnel shall be responsible for immediately, but not more than 24 hours, reporting such conduct to law enforcement.

(d) County boards of education and private school administrators shall provide all employees with a written statement setting forth the requirement contained in this subsection and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement.

(e) The reporting requirements contained in this section specifically include reported, disclosed or observed conduct involving or between students enrolled in a public or private institution of education, or involving a student and school teacher or personnel. When the alleged conduct is between two students or

between a student and school teacher or personnel, the law enforcement body that received the report under this section is required to make such a report under this section shall additionally immediately, but not more than 24 hours, notify the students' parents, guardians, and custodians about the allegations.

(c) (f) Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

§49-2-812. Failure to report; penalty.

(a) Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section eight hundred nine of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction, shall be confined in jail not more than ~~thirty~~ ninety days or fined not more than ~~\$1,000~~ \$5,000, or both fined and confined.

(b) Any person, official or institution required by this article to report a case involving a child known or suspected to be sexually assaulted or sexually abused, or student known or suspected to have been a victim of any non-consensual sexual contact, sexual intercourse or sexual intrusion on school premises, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months or fined not more than \$10,000, or both.;

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. 2939—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-2-803 and §49-2-812 of said code, all relating to requirements for mandatory reporting of sexual offenses on school premises involving or between students; defining terms; adding conduct that must be reported to law enforcement; defining nature of conduct to be reported; creating criminal penalties for failure to report; increasing penalties for other reporting requirements; and requiring school administrators to provide written notice of reporting requirement to employees and to obtain and preserve signed acknowledgments thereof.

Respectfully submitted,

Kelli Sobonya, *Chair*, Amy Summers, Kenneth Hicks, *Conferees on the part of the House of Delegates.*

David Nohe, *Chair*, Daniel J. Hall, Michael A. Woelfel, *Conferees on the part of the Senate.*

Senator Nohe, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Nohe, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 2939, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano,

Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: 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. 2939) passed with its conference amended title.

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

At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate regarding the results of the girls' high school state basketball tournament.

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

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

The Senate again proceeded to the fifth order of business.

At the request of Senator M. Hall, as chair of the committee of conference as to **Engrossed Senate Bill No. 518** (*Permitting county and municipal economic development authorities invest certain funds*), and by unanimous consent, the report of the committee of conference filed at 8 p.m. tonight was withdrawn.

Senator Carmichael moved that the Senate reconsider the vote by which on yesterday, Friday, March 13, 2015, it refused to concur in

the House of Delegates amendments (*shown in the Senate Journal of that day, pages 2511 through 2513, inclusive*) as to

Eng. Senate Bill No. 518, Permitting county and municipal economic development authorities invest certain funds.

The bill still being in the possession of the Senate,

The question being on the adoption of Senator Carmichael's aforesaid motion, the same was put and prevailed.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's motion that the Senate refuse to concur in the House of Delegates amendments to the bill.

At the request of Senator Carmichael, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Carmichael, the following amendments to the House of Delegates amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page five, section seven, subsection (a), subdivision (8), by striking out the words "*Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board" and inserting in lieu thereof the following proviso: *Provided, however*, That for short-term investments, the board of directors shall consult with the State Treasurer prior to investing funds; for long-term investments, the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years; if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board";

On page six, section seven, subsection (a), subdivision (9), by striking out the words “*Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board” and inserting in lieu thereof the following proviso: *And provided further*, That for short-term investments, the board of directors shall consult with the State Treasurer prior to investing funds; for long-term investments, the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years; if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 518—A Bill to amend and reenact §7-12-7 of the Code of West Virginia, 1931, as amended, relating generally to granting county and municipal economic development authorities the authority to invest funds received from the sale, lease or other disposition of real or personal property owned by such authority in a manner determined by the authority’s board of directors to be in the best interest of the authority under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act; requiring that for short-term investments the board of directors shall consult with the State Treasurer prior to investing funds; and requiring that for long-term investments the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years and, if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill No. 518, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 518) 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 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. 434, Relating to horse racing.

On motion of Senator Carmichael, 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, following the enacting section, by inserting the following:

CHAPTER 19. AGRICULTURE.;

On page two, section twelve-b, lines nine and ten, by striking out the words “Horsemen’s Benevolent and Protective Association” and inserting in lieu thereof the words “representative of the majority of the owners and trainers who hold permits required by section two of this article”;

On page three, section twelve-b, lines thirteen through eighteen, by striking out the words “That at those thoroughbred racetracks that have participated in the West Virginia Thoroughbred Development Fund for a period of more than four consecutive calendar years prior to December 31,1999, the licensee may apply for not less than one hundred fifty-nine live racing dates during the calendar year 1997: *Provided further,*”;

On page four, section twelve-b, line seven, after the word “occurrences” by inserting a comma;

On page four, section twelve-b, line fifteen, by striking out the words “Horsemen’s Benevolent and Protective Association” and inserting in lieu thereof the words “representative of a majority of the owners and trainers”;

On page five, section twelve-b, lines one and two, by striking out the words “*And provided*” and inserting in lieu thereof the word “*Provided*”;

On page five, section twelve-b, line fifteen, by striking out the word “hearing” and inserting in lieu thereof the words “special meeting”;

On page six, section twelve-b, lines nine and ten, by striking out the words “Horsemen’s Benevolent and Protective Association” and

inserting in lieu thereof the words “representative of the majority of the owners and trainers who hold permits required by section two of this article”;

On page twenty-three, after section thirteen-b, by inserting a new section, designated section ten-g, to read as follows:

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-10g. Distributions to various funds during fiscal year 2016.

(a) Notwithstanding any provision of section ten or ten-d of this article to the contrary, during the fiscal year beginning July 1, 2015, the commission shall not make a deposit of such amounts as are available under subdivision (1), subsection (b), section ten of this article into a separate facility modernization account maintained within the Licensed Racetrack Modernization Fund for each racetrack as prescribed by subdivision (2), subsection (b), section ten of this article. In lieu thereof, the commission shall deposit the amounts otherwise made available by those calculations as follows:

(1) Up to \$6 million shall be deposited into the state road fund of the state to be expended for maintenance, contract paving, and secondary road maintenance purposes;

(2) Up to \$1 million shall be deposited into the Department of Human Services Medical Services Fund established pursuant to section two, article four, chapter nine of this code to be expended for the state’s Title XIX Aged and Disabled Waiver program;

(3) Up to \$1 million shall be deposited into the West Virginia Department of Health and Human Resources Division of Health General Administrative Fund established pursuant to subsection (b) of this section to be expended for Health Right Free Clinics; and

(4) Up to \$1 million shall be deposited into the West Virginia Department of Health and Human Resources Division of Health General Administrative Fund established pursuant to subsection (b) of this section to be expended by the Secretary of Health and Human Resources after consultation with, and pursuant to the guidance provided by, the Governor's Advisory Council on Substance Abuse created by Executive Order No. 5-11 on September 6, 2011, for the purposes of implementing the approved Statewide Substance Abuse Strategic Action Plan for the improvement of the statewide substance abuse continuum of care, or for other purposes as may be recommended by the Advisory Council pursuant to the duties imposed by said Executive Order.

(b) The West Virginia Department of Health and Human Resources Division of Health General Administrative Fund is hereby established in the State Treasury. The fund shall be administered by the Secretary of the West Virginia Department of Health and Human Resources and shall consist of all moneys made available for the administration of programs or other activities of the Department as established by law or as directed by the Legislature from any source, including, but not limited to, all gifts, grants, bequests, deposits or transfers from any source, any moneys that may be transferred, designated or appropriated to the fund by the Legislature, and all interest or other return earned from investment of the fund. Expenditures from the fund 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. 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 subsection.;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §29-22A-10g, all to read as follows;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill No. 434—A Bill to amend and reenact §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-22A-10g, all relating to licensed racetracks generally; allowing applications for reduced number of live racing dates; removing requirements to give representatives of mutuel clerks certain notice; changing designations of hearings to special meetings; removing provisions that a certain racetrack may fund restricted races in an amount not to exceed \$1 million per year; directing the Lottery Commission to suspend the deposit of certain amounts into accounts within the Licensed Racetrack Modernization Fund during the fiscal year beginning July 1, 2015, and in lieu thereof to deposit those amounts into the State Road Fund and other funds for specific purposes; and creating a new fund in the State Treasury.

Senator Carmichael moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

Senator Romano moved the previous question.

The question being on the adoption of Senator Romano's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Snyder demanded a division of the vote.

A standing vote being taken, there were twenty-five “yeas” and nine “nays”.

Whereupon, the President declared Senator Romano’s motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Carmichael’s motion to concur in the House of Delegates amendments to the bill (Eng. S. B. No. 434), and on this question, Senator Plymale demanded the yeas and nays.

The roll being taken, the yeas were: Carmichael, Gaunch, M. Hall, Karnes, Maynard, Sypolt, Walters and Cole (Mr. President)—8.

The nays were: Beach, Blair, Boley, Boso, Facemire, Ferns, D. Hall, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Takubo, Trump, Unger, Williams, Woelfel and Yost—26.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Carmichael’s motion to concur in the House of Delegates amendments to the bill rejected.

Thereafter, on motion of Senator Snyder, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. No. 434) and requested the House of Delegates to recede therefrom.

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

The midnight hour having arrived, the President stated all unfinished legislative business, with the exception of the budget bill, had expired due to the time element.

A series of messages from the House of Delegates having been received at his desk, the following communications were reported by the Clerk:

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, to take effect July 1, 2015, with its conference amended title, as to

Eng. Com. Sub. for Senate Bill No. 37, Creating Revised Uniform Arbitration Act.

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 Senate Bill No. 140, Amending State Administrative Procedures Act.

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. 192, Authorizing Department of Transportation promulgate legislative rules.

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

Eng. Com. Sub. for Senate Bill No. 242, Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness.

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. 274, Relating to TANF program sanctions.

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, of

Eng. Com. Sub. for Senate Bill No. 286, Relating to compulsory immunizations of students; exemptions.

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

Eng. Senate Bill No. 310, Exempting nonprofit public utility companies from B&O tax.

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, with its Senate amended title, of

Eng. Senate Bill No. 312, Relating to disqualification of general election nominees for failure to file campaign finance statements.

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

Eng. Senate Bill No. 318, Relating to payment of wages by employers.

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, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill No. 323, Relating to Municipal Home Rule Pilot Program.

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

Eng. Senate Bill No. 363, Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment and passage as amended, to take effect from passage, 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

Eng. Senate Bill No. 389, Relating to Board of Registration for Professional Engineers license renewals and reinstatements.

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, to take effect May 17, 2015, of

Eng. Com. Sub. for Senate Bill No. 393, Reforming juvenile justice system.

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

Eng. Senate Bill No. 425, Relating to investments by MU, WVU and WVSOM.

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

Eng. Com. Sub. for Senate Bill No. 435, Creating WV Sheriffs' Bureau of Professional Standards.

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. 436, Relating to State Athletic Commission.

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. 439, Relating to higher education personnel.

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, with its Senate amended title, of

Eng. Com. Sub. for Com. Sub. for Senate Bill No. 455, Relating to public higher education procurement and payment of expenses.

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. Senate Bill No. 518, Permitting county and municipal economic development authorities invest certain funds.

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 Senate Bill No. 529, Relating to PERS, SPRS and TRS benefits and costs.

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, with its Senate amended title, of

Eng. Senate Bill No. 574, Relating to liquor sales by distilleries and mini-distilleries.

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, with its House of Delegates amended title, of

Eng. Senate Bill No. 584, Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.

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

Senate Concurrent Resolution No. 10, Designating September each year as US Constitution Month.

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

Senate Concurrent Resolution No. 33, Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program.

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. 36, Requesting DOH name bridge in McDowell County "Homer Hopkins 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. 37, Requesting Joint Committee on Government and Finance study pharmaceutical benefits management 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. 51, Requesting DOH name bridge in Boone County “U. S. Army PFC Samuel C. Ball 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. 53, Requesting DOH name bridge in Randolph County “U. S. Army PFC Samuel Reed Summerfield 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. 54, Requesting DOH name stretch of road in Logan County “USMC LCpl Larry G. Williamson Memorial Highway”.

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

Senate Concurrent Resolution No. 55, Requesting DOH name section of road in Logan County “U. S. Army SP4 Terry Robert Albright Memorial Road”.

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

Senate Concurrent Resolution No. 56, Requesting DOH name section of road in Logan County “U. S. Army Colonel Anna M. Butcher Road”.

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

Senate Concurrent Resolution No. 59, Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab.

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 bridge in Logan County “U. S. Army SGT Bernard C. Maynard 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. 62, Requesting Joint Committee on Government and Finance study racing and gaming industries.

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

Senate Concurrent Resolution No. 63, Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment.

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

Senate Concurrent Resolution No. 66, Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.

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

Senate Concurrent Resolution No. 68, Requesting Joint Committee on Government and Finance study public library funding.

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. 2161, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2233, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office.

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. 2240, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.

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. 2266, Relating to the publication requirements of the administration of estates.

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. 2395, Storm Scammer Consumer Protection Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2515, Relating to elk restoration.

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. 2549, Relating to the preparation and publication of county financial statements.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. House Bill No. 2607, Relating to the violation of interfering with emergency services communications and clarifying penalties.

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. 2636, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill No. 2769, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.

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. 2878, Creating a one-stop electronic business portal in West Virginia.

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. 2926, Relating to deferral charges in connection with a consumer credit sale or consumer loan.

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. 21, The PFC James Elwood Wickline 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. 27, The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge.

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Sunday, March 15, 2015, 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 11, 2015, extending the first annual session of the eighty-second Legislature until and including the eighteenth day of March, two thousand fifteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

SUNDAY, MARCH 15, 2015

The Senate met at 12:05 a.m. for an extended session to complete action on the annual state budget (Eng. Com. Sub. for H. B. No. 2016), today's proceedings being authorized by the Governor's proclamation of March 11, 2015, extending the regular sixty-day session until and including the eighteenth day of March, two thousand fifteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

The Legislature now being in extended session for the sole consideration of

Eng. Com. Sub. for House Bill No. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mitch Carmichael, a senator from the fourth district.

Pending the reading of the Journal of Saturday, March 14, 2015,

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 Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Carmichael, Kessler, Boso and Snyder.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Carmichael, Kessler and Boso were ordered printed in the Appendix to the Journal.

Senator Carmichael then moved that the Senate adjourn until tomorrow, Monday, March 16, 2015, at 5 p.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Miller, Trump and Unger—3.

Absent: Ferns—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Monday, March 16, 2015, at 5 p.m.

MONDAY, MARCH 16, 2015

The Senate met at 5 p.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert Karnes, a senator from the eleventh district.

Pending the reading of the Journal of Sunday, March 15, 2015,

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

The Clerk presented a communication from the Development Office, submitting its annual report of the Governor's Guaranteed Work Force Program, in accordance with 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 fourth order of business.

Senator Maynard, 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 16th day of March, 2015, 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. 6), Relating to medical professional liability.

(S. B. No. 89), Relating to compensation for certain public officials.

(S. B. No. 249), Prohibiting straight party voting in general election.

(Com. Sub. for Com. Sub. for S. B. No. 277), Requiring issuance of certificate of birth resulting in stillbirth.

(S. B. No. 283), Relating to state banking institutions.

(S. B. No. 292), Relating to licenses for business of currency exchange, transportation or transmission.

(S. B. No. 322), Eliminating mandatory electronic recount of ballots in recounts.

(S. B. No. 332), Relating to administrative fees for Tax Division, Department of Revenue.

(Com. Sub. for S. B. No. 344), Relating to duty to mitigate damages in employment claims.

(S. B. No. 366), Creating Patient Protection and Transparency Act.

(Com. Sub. for S. B. No. 411), Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act.

(Com. Sub. for S. B. No. 421), Relating to punitive damages in civil actions.

(S. B. No. 445), Relating to investment of RJCFA funds.

(S. B. No. 454), Criminalizing trademark counterfeiting.

(S. B. No. 489), Imposing statute of limitations on civil actions derived from surveying of real property.

(S. B. No. 545), Removing certain prior bank overdraft approval by director or executive officer.

(S. B. No. 559), Relating to social work provisional licensing.

(S. B. No. 576), Relating to internet protocol-enabled service and voice over internet protocol-enabled service.

(S. B. No. 578), Relating to occupational disease claims.

(Second Enrollment Com. Sub. for H. B. No. 2010), Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division.

(Com. Sub. for H. B. No. 2053), Relating to the form of trust deeds.

(H. B. No. 2100), Caregiver Advise, Record and Enable Act.

(H. B. No. 2272), Relating to the authority of the Board of Pharmacy.

(Com. Sub. for H. B. No. 2432), Relating to the licensure requirements to practice pharmacist care.

(Com. Sub. for H. B. No. 2462), Relating to certain deposits of tax proceeds.

(Com. Sub. for H. B. No. 2505), Relating to retirement system participation and concurrent employment provisions.

(Com. Sub. for H. B. No. 2507), Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System.

(H. B. No. 2535), Relating generally to suicide prevention training, “Jamie’s Law”.

(Com. Sub. for H. B. No. 2562), Relating to sales tax increment financing.

(Com. Sub. for H. B. No. 2586), Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief.

(H. B. No. 2626), Relating to use of the Abandoned Land Reclamation Fund.

(H. B. No. 2632), Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements.

(H. B. No. 2645), Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program.

(Com. Sub. for H. B. No. 2648), Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.

(H. B. No. 2657), Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure.

(Com. Sub. for H. B. No. 2702), Redefining service personnel class titles of early childhood classroom assistant teacher.

(Com. Sub. for H. B. No. 2755), Relating to service and professional employee positions at jointly established schools.

(H. B. No. 2776), Relating to prescribing hydrocodone combination drugs for a duration of no more than three days.

(Com. Sub. for H. B. No. 2778), State Infrastructure Fund Program.

(H. B. No. 2876), Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

(H. B. No. 2880), Creating an addiction treatment pilot program.

(H. B. No. 2914), Providing for voluntary dissolution of resort area district.

And,

(Com. Sub. for H. B. No. 2999), Relating to neonatal abstinence centers.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Plymale.

Senator Carmichael then moved that the Senate adjourn until tomorrow, Tuesday, March 17, 2015, at 9 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Blair, Boley, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Beach and Boso—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Tuesday, March 17, 2015, at 9 a.m.

TUESDAY, MARCH 17, 2015

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Ronald F. Miller, a senator from the tenth district, and Pastor, West Point Baptist Church, Asbury, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kent Leonhardt, a senator from the second district.

Pending the reading of the Journal of Monday, March 16, 2015,

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

Senator Carmichael then moved that the Senate adjourn until tomorrow, Wednesday, March 18, 2015, at 9 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—28.

The nays were: Kessler—1.

Absent: Beach, Mullins, Nohe, Palumbo and Takubo—5.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Wednesday, March 18, 2015, at 9 a.m.

WEDNESDAY, MARCH 18, 2015

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Mitch Carmichael, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Tuesday, March 17, 2015,

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

The Clerk presented a communication from the Agricultural Land Protection Authority, submitting its annual report as required by chapter eight-a, article twelve, section ten 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 Coal Mine Health and Safety, submitting its annual report, in accordance with chapter twenty-two-a, article six, 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 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 Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee, submitting its annual report, in accordance with chapter twenty-four-a, article one-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 Board of Examiners in Counseling, submitting its annual report as required by chapter thirty, article one, section twelve of the Code of West Virginia.

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

The Clerk presented a communication from the Geological and Economic Survey, submitting its annual report, in accordance with 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 Clerk presented a communication from the Department of Health and Human Resources, submitting its child care center annual report as required by chapter forty-nine, article two-b, section fourteen of the Code of West Virginia.

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

The Clerk presented a communication from the Department of Health and Human Resources, submitting its annual Youth Services report, in accordance with chapter forty-nine, article five-b, section seven of the Code of West Virginia.

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

The Clerk presented a communication from the Board of Medicine, submitting its annual report as required by chapter thirty, article one, section twelve of the Code of West Virginia.

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

The Clerk presented a communication from the Bureau of Senior Services, submitting its annual report, in accordance with chapter sixteen, article five-p, section fourteen 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

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

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 17, 2015

Senate Executive Message No. 5

The Honorable William P. Cole III
 President, West Virginia Senate
 State Capitol
 Charleston, West Virginia

Dear President Cole:

The following amends and replaces the “FY 2016 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on January 14, 2015, as part of my Budget Document for the fiscal year ending June 30, 2016:

**General Revenue Fund
 Statement of Revenues by Source
 (Expressed in Thousands)**

Source of Revenue	FY 2016 Official Estimate Revised
Business and Occupation Tax	\$ 117,000
Consumers Sales and Use Tax	1,269,800 ¹
Personal Income Tax	1,860,500
Liquor Profit Transfers	16,050
Racing Fees	0
Beer Tax and Licenses	8,200
Tobacco Products Tax (Cigarette & Other) . . .	100,400
Estate Tax	0
Business Franchise Fees	650
Charter Tax	0
Property Transfer Tax	13,400
Property Tax	6,850
Insurance Tax	120,200
Departmental Collections	18,100
Corporate Income/Business Franchise Tax . . .	173,200 ²

Miscellaneous Transfers	1,300
Interest Income	15,000
Severance Tax	471,700
Telecommunication Tax	0
Miscellaneous Receipts	20,000
HB102 - Lottery Transfers	83,355
Video Lottery Transfers	0
Liquor License Renewal	71
Senior Citizen Tax Credit Reimbursement . . .	10,000
Total	<u>\$ 4,305,776³</u>

¹ Revised from \$1,281,300 to \$1,269,800 – decrease of \$11,500 due to failure of HB2211/SB266 during the 2015 Regular Legislative Session.

² Revised from \$177,500 to \$173,200 – decrease of \$4,300 due to failure of HB2226/SB268 during the 2015 Regular Legislative Session.

³ Revised from \$4,321,576 to \$4,305,776 – decrease of \$15,800.

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 fourth order of business.

Senator Maynard, 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, 2015, 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. 286), Relating to compulsory immunizations of students; exemptions.

(Com. Sub. for S. B. No. 287), Providing posthumous high school diplomas.

(Com. Sub. for Com. Sub. for S. B. No. 455), Relating to public higher education procurement and payment of expenses.

(Com. Sub. for S. B. No. 529), Relating to PERS, SPRS and TRS benefits and costs.

And,

(H. B. No. 2664), Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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 18th day of March, 2015, 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. 106), Excepting professional engineer member from sanitary board when project engineer is under contract.

(Com. Sub. for S. B. No. 261), Clarifying definition of “owner” of dam.

(S. B. No. 267), Repealing code relating to Governor’s Office of Health Enhancement and Lifestyle Planning.

(Com. Sub. for S. B. No. 284), Relating to chief law-enforcement officer’s requirement to certify transfer or making of certain firearms.

(S. B. No. 310), Exempting nonprofit public utility companies from B&O tax.

(Com. Sub. for Com. Sub. for S. B. No. 336), Eliminating Health Care Authority’s power to apply certain penalties to future rate applications.

(Com. Sub. for S. B. No. 342), Clarifying scope, application and requirements for error corrections by CPRB.

(Com. Sub. for S. B. No. 347), Creating Firearms Act of 2015.

(S. B. No. 360), Repealing code sections relating to book indexes and claims reports required by court clerks.

(Com. Sub. for S. B. No. 373), Allowing wireless communication image serve as proof of motor vehicle insurance.

(S. B. No. 403), Increasing period during which recorded and refiled motor vehicle liens are valid.

(Com. Sub. for S. B. No. 409), Establishing Fair and Open Competition in Governmental Construction Act.

(S. B. No. 412), Relating to Real Estate Commission complaint filings.

(**S. B. No. 418**), Relating to trustee real estate sale under deed of trust.

And,

(**S. B. No. 502**), Relating to eligibility for certain reclamation or remediation tax credit.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

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 9:25 a.m. today:

Eng. Com. Sub. for House Bill No. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Senator Carmichael, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Romano, 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 Michael Joseph Romano II, the son of the Honorable Michael J. Romano, a senator from the twelfth district, privileges of the floor for the day.

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

Executive Communications

Senator Cole (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 18, 2015

The Honorable William P. Cole III
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Cole:

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. 286 for technical reasons.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The bill's title is the same title included in the introduced version of the bill and was not amended to reflect the committee substitute or amendments. As a result, the title includes provisions that are no longer in the bill and does not accurately provide notice of the current provisions in the bill. For the foregoing technical defect, I disapprove and return this bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable Natalie E. Tennant

Senator Carmichael 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. 286, Relating to compulsory immunizations of students; exemptions.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill No. 286, the same was put and prevailed.

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page three, section four, line twenty-six, by striking out the words "enrolling from schools";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. Com. Sub. for Senate Bill No. 286—An Act to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to mandatory immunizations;

adding required immunizations; requiring immunizations in public, private and parochial schools; requiring immunizations in state regulated day care centers; providing medical exemptions from mandatory immunizations for children; allowing for provisional enrollment; requiring parents and guardians to provide a certificate from the Commissioner of the Bureau for Public Health; providing that certificate be provided before exemption applies; requiring that a request for a medical exemption must be accompanied with a certificate from a licensed physician indicating immunization is medically contraindicated; providing that county health departments shall provide immunizations when families attest they cannot afford them; allowing Commissioner of the Bureau for Public Health to grant, renew, condition, deny, suspend or revoke exemptions when not medically indicated; allowing for appointment by Commissioner of the Bureau for Public Health of an immunization officer who must be a physician; allowing for immunization officer to make determinations regarding exemptions; providing for an appeal procedure for determinations by the immunization officer or the state health officer; modifying Immunization Advisory Committee; establishing a chair of the committee; and setting forth ethical limitations for committee members.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Palumbo and Takubo—2.

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. 286) 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 Cole (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 17, 2015

The Honorable William P. Cole III
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Cole:

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. 287.

The bill's enacting section is in error. It purports to enact a new section of the W. Va. Code, designated as §18-2-32. However, the bill's title designates the new section as §18-2-34a. I urge the Legislature to correct this technical inconsistency, and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable Natalie E. Tennant

Senator Carmichael 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. 287, Providing posthumous high school diplomas.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill No. 287, the same was put and prevailed.

On motion of Senator Carmichael, the following amendment to the title of the bill was reported by the Clerk and adopted:

Enr. Com. Sub. for Senate Bill No. 287—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-32, relating to providing for awarding posthumous high school diplomas under certain circumstances; and designating provisions as “Todd’s Law”.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Palumbo and Takubo—2.

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. 287) 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 Cole (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 17, 2015

The Honorable William P. Cole III
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Cole:

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. 529.

The bill presented to me does not accurately reflect certain amendments passed by the Legislature. For example, West Virginia Code §18-7D-6, which was added to the bill by amendment of the House of Delegates and concurred with by the Senate, is not included in the bill's final enrolled committee substitute. As such, the bill presented to my office is inaccurate.

Moreover, the title of the bill may be deficient and should be reviewed to determine that it accurately reflects all provisions contained within the bill.

Finally, the enacting section of the bill and the title of the bill are inconsistent in the West Virginia Code sections referenced. For example, §18-7D-6 appears in the title but not in the enacting section. These two sections should be revised to be consistent.

I urge the Legislature to review this bill, revise the technical issues, and return it to my desk for signature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable Natalie E. Tennant

Senator Carmichael 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. 529, Relating to PERS, SPRS and TRS benefits and costs.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill No. 529, the same was put and prevailed.

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page sixty-six, after section twenty-five-b, by adding a new section, designated section six, to read as follows:

ARTICLE 7D. VOLUNTARY TRANSFER FROM TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM TO STATE TEACHERS RETIREMENT SYSTEM.

§18-7D-6. Service credit in State Teachers Retirement System following transfer; conversion of assets; adjustments.

(a) Any member who has affirmatively elected to transfer to the State Teachers Retirement System within the period provided in section seven of this article whose assets have been transferred from the Teachers' Defined Contribution Retirement System to the State Teachers Retirement System pursuant to the provisions of this article and who has not made any withdrawals or cash-outs from his or her assets is, depending upon the percentage of actively contributing members affirmatively electing to transfer, entitled to service credit in the State Teachers Retirement System in accordance with the provisions of subsection (c) of this section.

(b) Any member who has made withdrawals or cash-outs will receive service credit based upon the amounts transferred. The board shall make the appropriate adjustment to the service credit the member will receive.

(c) More than seventy-five percent of actively contributing members of the Teachers' Defined Contribution Retirement System affirmatively elected to transfer to the State Teachers Retirement System within the period provided in section seven of this article. Therefore, any member of the Teachers' Defined Contribution Retirement System who decides to transfer to the State Teachers Retirement System calculates his or her service credit in the State Teachers Retirement System as follows:

(1) For any member affirmatively electing to transfer, the member's State Teachers Retirement System credit shall be seventy-five percent of the member's Teachers' Defined Contribution

Retirement System service credit, less any service previously withdrawn by the member or due to a qualified domestic relations order and not repaid;

(2) To receive full credit in the State Teachers Retirement System for service in the Teachers' Defined Contribution Retirement System for which assets are transferred, members who affirmatively elected to transfer and who provided to the board a signed verification of cost for service credit purchase form by the effective date of the amendments to this section enacted in the 2009 regular legislative session shall pay into the State Teachers Retirement System a one and one-half percent contribution by no later than July 1, 2015, or no later than ninety days after the postmarked date on a final and definitive contribution calculation from the board, whichever is later. This contribution shall be calculated as one and one-half percent of the member's estimated total earnings for which assets are transferred, plus interest of four percent per annum accumulated from the date of the member's initial participation in the Teachers' Defined Contribution Retirement System through June 30, 2009, and interest of seven and one-half percent per annum accumulated from July 1, 2009, through July 1, 2015: *Provided*, That any member who transferred and provided to the board a signed verification of cost for service credit purchase form by June 30, 2009, but was unable to complete the purchase of the one and one-half percent contribution, or any member who did not request a verification of cost letter but attempted to purchase the one and one-half percent contribution and was denied in writing by the board on or before December 31, 2009, may request the board on or before April 15, 2015, to recalculate the contribution for 2015. To receive full credit, the member shall pay into the State Teachers Retirement System the recalculated purchase amount by July 1, 2015, or no later than sixty days after the postmarked date on a contribution recalculation from the board, whichever is later. The recalculated contribution shall include the interest loss at the actuarial rate of seven and one-half percent. The board's executive director may correct clerical errors.

(A) For a member contributing to the Teachers' Defined Contribution Retirement System at any time during the 2008 fiscal year and commencing membership in the State Teachers Retirement System on July 1, 2008, or August 1, 2008, as the case may be:

(i) The estimated total earnings shall be calculated based on the member's salary and the member's age nearest birthday on June 30, 2008;

(ii) This calculation shall apply both an annual backward salary scale from that date for prior years' salaries and a forward salary scale for the salary for the 2008 fiscal year.

(B) The calculations in paragraph (A) of this subdivision are based upon the salary scale assumption applied in the West Virginia Teachers Retirement System actuarial valuation as of July 1, 2007, prepared for the Consolidated Public Retirement Board. This salary scale shall be applied regardless of breaks in service.

(d) All service previously transferred from the State Teachers Retirement System to the Teachers' Defined Contribution Retirement System is considered Teachers' Defined Contribution Retirement System service for the purposes of this article.

(e) Notwithstanding any provision of this code to the contrary, the retirement of a member who becomes eligible to retire after the member's assets are transferred to the State Teachers Retirement System pursuant to the provisions of this article may not commence before September 1, 2008: *Provided*, That the Consolidated Public Retirement Board may not retire any member who is eligible to retire during the calendar year 2008 unless the member has provided a written notice to his or her county board of education by July 1, 2008, of his or her intent to retire.

(f) The provisions of section twenty-eight-e, article seven-a of this chapter do not apply to the amendments to this section enacted

during the 2009 regular legislative session or the 2015 regular legislative session.;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10-21a; that §5-13-2 of said code be amended and reenacted; that §5-16-13 of said code be amended and reenacted; that §15-2A-21 of said code be amended and reenacted; that §18-7A-17, §18-7A-23 and §18-7A-25 of said code be amended and reenacted; that said code be amended by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b; and that §18-7D-6 of said code be amended and reenacted, all to read as follows.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. Com. Sub. for Senate Bill No. 529—An Act to amend and reenact §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-21a; to amend and reenact §5-13-2 of said code; to amend and reenact §5-16-13 of said code; to amend and reenact §15-2A-21 of said code; to amend and reenact §18-7A-17, §18-7A-23 and §18-7A-25 of said code; to amend said code by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b; and to amend and reenact §18-7D-6, all relating generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculating final average salary and service credit for certain public employees; authorizing purchase of military service for certain members of the West Virginia Public Employees

Retirement System and Teachers Retirement System; providing military service credit for certain members of the West Virginia Public Employees Retirement System; increasing contribution rate and years of contributing service required for certain public employees to qualify for certain annuities; providing for determination of years of service; providing that accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System, the State Police Retirement System and the Teachers Retirement System may not be applied for retirement service credit; for a limited time permitting certain members of the Teachers Retirement System who transferred from the Teachers' Defined Contribution System to buy, with interest, their full service credit in the Teachers Retirement System; and revising the reciprocal retirement provisions for certain members of the teachers and the public employees system.

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: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Walters, Williams and Cole (Mr. President)—26.

The nays were: Beach, Kessler, Miller, Unger, Woelfel and Yost—6.

Absent: Palumbo and Takubo—2.

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. 529) passed with its title, as amended, as a result of the objections of the Governor.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll,

Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Walters, Williams and Cole (Mr. President)—26.

The nays were: Beach, Kessler, Miller, Unger, Woelfel and Yost—6.

Absent: Palumbo and Takubo—2.

So, two thirds 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. 529) 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 Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Carmichael, the Senate recessed until 3:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the third order of business.

Executive Communications

Senator Cole (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 17, 2015

The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Armstead:

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. 2648.

This bill purports to create a new article in the West Virginia Code titled the “Epinephrine Auto-Injector Availability and Use Act”, designated article forty-six of chapter sixteen. However, this same article was utilized this Regular Session to enact the separate “Access to Opioid Antagonists Act”, which I signed into law on March 9, 2015. In light of this statutory conflict, I am constrained to disapprove and return this bill. I urge the Legislature to repair the technical error identified herein by amending this bill on reconsideration to create a new article in the West Virginia Code for the Epinephrine Auto-Injector Availability and Use Act.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Natalie E. Tennant

A message from The Clerk of the House of Delegates announced the reconsideration, amendment and passage as amended, of a bill disapproved and returned by the Governor with his objections, and requested the concurrence of the Senate in the passage, of

Enr. Com. Sub. for House Bill No. 2648, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.

On motion of Senator Carmichael, the message was taken up for immediate consideration.

Senator Carmichael then moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate reconsider the bill (Enr. Com. Sub. for H. B. No. 2648), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for House Bill No. 2648, the same was put and prevailed.

On motion of Senator Carmichael, the Senate concurred in the following House of Delegates amendments to the bill:

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 §16-47-1, §16-47-2, §16-47-3, §16-47-4 and §16-47-5, all to read as follows:

ARTICLE 47. EPINEPHRINE AUTO-INJECTOR AVAILABILITY AND USE.

§16-47-1. Definitions.

As used in this article the term:

(1) "Administer" means to directly apply an epinephrine auto-injector to the body of an individual.

(2) "Authorized entity" means an entity or organization where allergens capable of causing a severe allergic reaction may be present.

(3) "Authorized health care practitioner" means an allopathic physician licensed to practice pursuant to the provisions of article

three, chapter thirty of this code and an osteopathic physician licensed to practice pursuant to the provisions of article fourteen, chapter thirty of this code.

(4) “Department” means the Department of Health and Human Resources.

(5) “Epinephrine auto-injector” means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(6) “Self-administration” means an individual’s discretionary administration of an epinephrine auto-injector on herself or himself.

§16-47-2. Authority.

The department may:

(1) Propose legislative rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, necessary to administer this article; and

(2) Conduct and approve education training programs.

§16-47-3. Educational training programs.

Educational training programs shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the department. The curriculum shall include at a minimum:

(1) Recognition of the symptoms of allergic reactions to food, insect stings and other allergens; and

(2) The proper administration of a subcutaneous injection of epinephrine auto-injector.

§16-47-4. Prescriptive authority for epinephrine auto-injectors; emergency administration.

(a) An authorized health care practitioner may prescribe an epinephrine injector to an authorized entity. A pharmacist may dispense an epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

(b) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. The epinephrine auto-injectors shall be stored in accordance with the epinephrine auto-injector's instructions. An authorized entity shall designate employees or agents who are trained pursuant to section three of this article to be responsible for the storage, maintenance and general oversight of epinephrine auto-injectors.

(c) An individual trained pursuant to section three of this article may, on the premises of or in connection with the authorized entity, use epinephrine auto-injectors to:

(1) Provide an epinephrine auto-injector to a person who the trained individual in good faith believes is experiencing a severe allergic reaction for that person's immediate self-administration, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; or

(2) Administer an epinephrine auto-injector to a person who the trained individual in good faith believes is experiencing a severe allergic reaction, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

§16-47-5. Not practice of medicine; limits on liability.

(a) The administration of an epinephrine auto-injector in accordance with this article is not the practice of medicine.

(b) An authorized health care practitioner who prescribes epinephrine auto-injectors to an authorized entity; an authorized entity that possesses and makes available epinephrine auto-injectors; and, an entity or person that conducts the training under section three of this article are not liable for civil damages that result from the administration or self-administration of an epinephrine auto-injector, the failure to administer an epinephrine auto-injector, or any other act or omission committed, in good faith, pursuant to this article.

(c) An individual employed by an authorized entity who administers or provides an epinephrine auto-injection to a person as provided in this article is immune from liability for any civil action arising out of an act or omission resulting from the administration of the epinephrine auto-injection unless the act or omission was the result of the individual's gross negligence or willful misconduct.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. Com. Sub. for House Bill No. 2648—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47-1, §16-47-2, §16-47-3, §16-47-4 and §16-47-5, all relating to availability and use of epinephrine auto-injectors; providing definitions; providing for legislative rules; providing for training; providing prescriptive authority to health care practitioners in certain circumstances; providing authority to pharmacists to dispense epinephrine auto-injectors in certain circumstances; providing for the storage and emergency use of epinephrine auto-injectors; providing that in certain circumstances the use of epinephrine auto-injectors is not the practice of medicine; providing that in certain circumstances one authorized to prescribe, possess or train regarding epinephrine auto-injectors is not liable for civil damages; and providing that certain individuals who administer or provide an epinephrine auto-injector to

a person is immune from liability for civil action unless the act or omission was grossly negligent or willful misconduct.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Palumbo and Takubo—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for H. B. No. 2648) passed with its title, as amended, as a result of the objections of the Governor.

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

Senator Cole (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 17, 2015

The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2664 for technical reasons.

First, the title of the bill is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The title of the bill fails to note that the bill increases the criminal penalties for driving under the influence of alcohol, controlled substances or drugs causing death. Additionally, the title provides that the bill "eliminat[es] the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs". Section 17C-5-2(d) and §17C-5-2(e) of the West Virginia Code provide for a misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs. A suggested change to this clause of the title is to add the words "causing death" to the end of the clause.

Second, the enacting section of the bill is incorrect in form.

Third, the penalties provided for second and third offense violations of §17C-5-2(b) set forth in §17C-5-2(k) and §17C-5-2(l) appear to be in conflict with §17C-5-2(b). With respect to a second offense under §17C-5-2(k), the penalty is less severe than that for a first offense under §17C-5-2(b). For example, a person who commits the second offense of driving under the influence of alcohol, controlled substances or drugs causing serious bodily injury would only be convicted of a misdemeanor under §17C-5-2(k); a first offense of the same crime is a felony under §17C-5-2(b). Similarly, with respect to a third offense under §17C-5-2(l), the imprisonment penalty is less severe than that for a first offense under §17C-5-2(b). A suggested fix for this issue is to create a new subsection or subdivision that deals specifically with penalties for second and third offenses in violation of §17C-5-2(b), along with removing the reference to subsection (b) in subsections (k) and (l) of §17C-5-2. The bill's title will also require language added to cover these suggested revisions.

For the foregoing reasons, I disapprove and return this bill. I urge the Legislature to correct these technical issues, and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
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. 2664, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

On motion of Senator Carmichael, the message was taken up for immediate consideration.

Senator Carmichael 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. 2664), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael’s motion that the Senate reconsider Enrolled House Bill No. 2664, the same was put and prevailed.

On motion of Senator Carmichael, the Senate concurred in the following House of Delegates amendments to the bill:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17C-5A-2 of said code be amended and reenacted, all to read as follows:

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.

(a) Definitions. –

(1) “Impaired state” means a person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) “Bodily Injury” means injury that causes substantial physical pain, illness or any impairment of physical condition.

(3) “Serious Bodily Injury” means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

~~(a) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure; and~~

~~(3) Commits the act or failure in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two years nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.~~

(b) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes the death of any person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years and shall be fined not less than \$1,000 nor more than \$3,000: *Provided*, That any death charged under this subsection must occur within one year of the offense.

(b) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000.~~

(c) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.

(c) Any person who:

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle; which act or failure proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.~~

(d) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day more than one year and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than twenty-four hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(d) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;~~

~~(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.~~

(e) Any person who drives a vehicle in this state while he or she is in an impaired state, but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500: *Provided*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(e)~~ (f) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(f)~~ (g) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less

than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(g) Any person who:~~

~~(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;~~

~~(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.~~

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

~~(h)~~ (i) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is ~~an~~ a habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in

jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection ~~(a)~~; (b), (c), (d), (e), (f), (g), ~~or~~ (h) or (i) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

~~(j) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.~~

(k) Any person who drives a vehicle in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than forty-eight hours: *Provided, however*, That a person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(k) (l) A person violating any provision of subsection (b), (c), (d), (e), (f), (g), (h) or (i) (j) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.~~

~~(h)~~ (m) A person violating any provision of subsection ~~(b)~~, ~~(c)~~, (d), (e), (f), (g), ~~(h)~~ or ~~(i)~~ (j) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~three~~ five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

~~(m)~~ (n) For purposes of subsections ~~(k)~~ and (l) and (m) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection ~~(a)~~; (b), (c), (d), (e), (f), (g) or ~~(g)~~ (h) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection ~~(a)~~; (b), (c), (d), (e), (f), (g), (h) or ~~(h)~~ (i) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection ~~(d)~~ (e) of this ~~article~~ section, which violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

~~(n)~~ (o) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the

alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

~~(o)~~ (p) The fact that any person charged with a violation of subsection ~~(a)~~, (b), (c), (d), (e), ~~(f)~~ or ~~(f)~~ (g) of this section, or any person permitted to drive as described under subsection ~~(g)~~ or (h) or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection ~~(a)~~, (b), (c), (d), (e), (f), (g), ~~(h)~~ or ~~(h)~~ (i) of this section.

~~(p)~~ (q) For purposes of this section, the term “controlled substance” has the meaning ascribed to it in chapter sixty-a of this code.

~~(q)~~ (r) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided, however*, That for any period of home incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further*, That for any period of home

incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR
SUSPENSION AND REVOCATION OF
LICENSES FOR DRIVING UNDER THE
INFLUENCE OF ALCOHOL,
CONTROLLED SUBSTANCES OR DRUGS.**

§17C-5A-2. Hearing; revocation; review.

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided*, That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The West Virginia Rules of Evidence shall apply to all proceedings before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested. The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by

registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office of

Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while having an alcohol concentration in the person's blood of eight

hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

(g) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person and was committed in

reckless disregard of the safety of others and if the Office of Administrative Hearings further finds that the influence of alcohol, controlled substances or drugs or the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of ten years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(h) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(i) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the license has previously been suspended or revoked under the provisions of this section or section one of this

article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the person's vehicle to be driven by another person who was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided,* That any period of participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however,* That a person whose license is revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided further,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *And provided further,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately

preceding the date of arrest, the period of revocation shall be for the life of the person.

(k) (1) If in addition to finding by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substance or drugs, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person did drive a motor vehicle while having an alcohol concentration in the person's blood of fifteen hundredths of one percent or more, by weight, the commissioner shall revoke the person's license for a period of forty-five days with an additional two hundred and seventy days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a, article five-a, chapter seventeen-c of this code: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked the person's license more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(2) If a person whose license is revoked pursuant to subdivision (1) of this subsection proves by clear and convincing evidence that they do not own a motor vehicle upon which the alcohol test and lock device may be installed or is otherwise incapable of participating in the Motor Vehicle Alcohol Test and Lock Program, the period of revocation shall be one hundred eighty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of

this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(l) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(m) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked

more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(n) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the commissioner shall suspend the person's license for a period of sixty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article, the period of revocation shall be for one year, or until the person's twenty-first birthday, whichever period is longer.

(o) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(p) For purposes of this section, where reference is made to previous suspensions or revocations under this section, the following types of criminal convictions or administrative suspensions or

revocations shall also be regarded as suspensions or revocations under this section or section one of this article:

(1) Any administrative revocation under the provisions of the prior enactment of this section for conduct which occurred within the ten years immediately preceding the date of arrest;

(2) Any suspension or revocation on the basis of a conviction under a municipal ordinance of another state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in section two, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest; or

(3) Any revocation under the provisions of section seven, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest.

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and

up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

(s) If the Office of Administrative Hearings finds to the contrary with respect to the above issues, it shall rescind or modify the commissioner's order and, in the case of modification, the commissioner shall reduce the order of revocation to the appropriate period of revocation under this section or section seven, article five of this chapter. A copy of the Office of Administrative Hearings'

final order containing its findings of fact and conclusions of law made and entered following the hearing shall be served upon the person whose license is at issue or upon the person's legal counsel if the person is represented by legal counsel by registered or certified mail, return receipt requested, or by facsimile or by electronic mail if available. The final order shall be served upon the commissioner by electronic mail. During the pendency of any hearing, the revocation of the person's license to operate a motor vehicle in this state shall be stayed.

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile, or by electronic mail if available.

(t) In any revocation or suspension pursuant to this section, if the driver whose license is revoked or suspended had not reached the driver's eighteenth birthday at the time of the conduct for which the license is revoked or suspended, the driver's license shall be revoked or suspended until the driver's eighteenth birthday or the applicable

statutory period of revocation or suspension prescribed by this section, whichever is longer.

(u) Funds for this section's hearing and appeal process may be provided from the Drunk Driving Prevention Fund, as created by section forty-one, article two, chapter fifteen of this code, upon application for the funds to the Commission on Drunk Driving Prevention.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. House Bill No. 2664—An Act to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to offenses of driving under the influence of alcohol, controlled substances or drugs; defining terms; restating the elements of certain offenses of driving under the influence of alcohol, controlled substances or drugs; requiring that a person's impaired state proximately cause the injury or death in certain offenses; increasing the penalty for driving under the influence of alcohol, controlled substances or drugs causing death; requiring death to have occurred within one year of an offense of driving under the influence of alcohol, controlled substances or drugs causing death; eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs causing death; creating felony offense and penalties for driving under the influence of alcohol, controlled substances or drugs causing serious bodily injury; increasing the penalty for certain subsequent offenses of driving under the influence of alcohol, controlled substances or drugs; and providing that the West Virginia Rules of Evidence apply to administrative proceedings concerning license revocation for driving under the influence.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Palumbo and Takubo—2.

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. 2664) passed with its title, as amended, as a result of the objections of the Governor.

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

Senator Cole (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 18, 2015

The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
State Capitol
Charleston, West Virginia

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2880.

This bill is well-intentioned, and I commend the Legislature for tackling West Virginia's opioid addiction predicament by establishing two new drug treatment pilot programs. However, the bill contains certain issues that should be corrected before it becomes law.

From a technical perspective, the bill's title appears to be defective in that it is vague and only references one of the two pilot programs the bill establishes. The title also fails to note that this new article of the West Virginia Code [§62-15A-1, *et seq.*] sets forth definitions and mandates the preparation of a report.

Two additional technical flaws appear on the bill's page 2. The word "opioid" is spelled incorrectly on line 4, and the cross reference in lines 6-7 is erroneous.

Further, I have a substantive concern about this bill. Specifically, I believe the Legislature's delegation of certain executive functions to the Supreme Court of Appeals of West Virginia (*e.g.*, requesting the Court to provide addiction treatment services) may violate the separation of powers doctrine. *See* Syl. Pt. 1, *State ex rel. Barker v. Manchin*, 279 S.E.2d 622 (W. Va. 1981) ("Article V, section 1 of the Constitution of West Virginia which prohibits any one department of our state government from exercising the powers of the others, is not merely a suggestion; it is part of the fundamental law of our State and, as such, it must be strictly construed and closely followed.").

This issue can be remedied if the bill is amended to provide that the executive branch Department of Health and Human Resources ("DHHR") and its Bureau for Behavioral Health and Health Facilities ("BBHFF") administer the addiction treatment services outlined in the two pilot programs at issue. DHHR and BBHFF can

administer these services working collaboratively with the Court and the Division of Corrections (“DOC”).

Notably, DHHR and BBHFF already administer addiction treatment services for the DOC, and DHHR and BBHFF are experts in determining eligibility for Medicaid and other health benefit programs. It makes the most sense for DHHR and BBHFF, rather than the Court and the DOC, to administer the addiction treatment services outlined in the bill.

I urge the Legislature to make the foregoing amendments to Enrolled House Bill No. 2880 today, and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
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. 2880, Creating an addiction treatment pilot program.

On motion of Senator Carmichael, the message was taken up for immediate consideration.

Senator Carmichael 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. 2880), heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled House Bill No. 2880, the same was put and prevailed.

On motion of Senator Carmichael, the Senate concurred in the following House of Delegates amendments to the bill:

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 §62-15A-1, §62-15A-2 and §62-15A-3, all to read as follows:

ARTICLE 15A. ADDICTION TREATMENT PILOT PROGRAM.

§62-15A-1. Definitions.

As used in this article:

(1) "Addiction service provider" means a person licensed by this state to provide addiction and substance abuse services to persons addicted to opioids.

(2) "Adult drug court judge" means a circuit court judge operating a drug court as defined in subsection (a), section one, article fifteen.

(3) "Adult Drug Court Program" means an adult treatment court established by the Supreme Court of Appeals of West Virginia pursuant to this article.

(4) "Circuit court" means those courts set forth in article two, chapter fifty-one of this code.

(5) "Court" means the Supreme Court of Appeals of West Virginia.

(6) “Department” means the Department of Health and Human Resources.

(7) “Division” means the Division of Corrections.

(8) “LS/CMI assessment criteria” means the level of service/case management inventory which is an assessment tool that measures the risk and need factors of adult offenders.

(9) “Medication-assisted treatment” means the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

(10) “Prescriber” means an individual currently licensed and authorized by this state to prescribe and administer prescription drugs in the course of their professional practice.

§62-15A-2. The Department of Health and Human Resources Pilot Program.

(a) The secretary of the department shall conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the criminal justice system, eligible to participate in a program, and selected under this section to be participants in the pilot program because of their dependence on opioids.

(b) In the case of the medication-assisted treatment provided under the pilot program, a drug may be used only if it has been approved by the United States Food and Drug Administration for use in the prevention of relapse to opioid dependence and in conjunction with psychosocial support, provided as part of the pilot program, appropriate to patient needs.

(c) The department may invite the Court and the division to participate in the pilot program.

(d) The department may limit the number of participants.

(e) (1) If the Court's Adult Drug Court Program is selected to participate, it shall select persons who are participants in the Adult Drug Court program, who have been clinically assessed and diagnosed with opioid addiction. Participants must either be eligible for medicaid, or eligible for a state, federal or private grant or other funding sources that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, participants shall comply with all requirements of the Adult Drug Court Program.

(2) Treatment may be provided under this subsection only by a treatment provider who is approved by the Court or Adult Drug Court Program consistent with the policies and procedures for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment services provider shall do all of the following:

(A) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Conduct any necessary additional professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Determine, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Develop, for the participants served by the treatment provider, individualized goals and objectives;

(E) Provide access to the non-narcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

(f) (1) If the Division of Corrections is selected to participate, the division shall select persons, within the custody of the Division of Corrections, who are determined to be at high risk using the LS/CMI assessment criteria into the pilot program. Participants must either be eligible for medicaid, or eligible for a state, federal or private grant or other funding sources that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, a participant shall comply with all requirements of the treatment program.

(2) A participant shall:

(A) Receive treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Submit to professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Receive, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Submit to the treatment provider, individualized goals and objectives;

(E) Receive the non-narcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Participate in other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

§62-15A-3. Report.

(a) The department shall prepare a report.

(b) The report shall include:

(1) Number of participants;

(2) Number of participants successfully completing the program;

(3) Offenses committed or offense convicted of;

(4) Recidivism Rate;

(5) Potential cost saving or expenditures;

(6) A statistical analysis which determines the effectiveness of the program; and

(7) Any other information the reporting entity finds pertinent.

(b) The Court and the division should provide any information necessary to the department to complete the report.

(c) The department shall submit the report to:

(1) The Governor;

(2) The Chief Justice of the Supreme Court of Appeals of West Virginia;

(3) The Joint Committee on Government and Finance; and

(4) The Commissioner of the Division of Corrections.

(d) The report shall be submitted by July 1, 2017, and shall include twelve months of data from the beginning of the administration of the program.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Enr. House Bill No. 2880—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15A-1, §62-15A-2 and §62-15A-3, all relating to creating an addiction treatment pilot program; defining terms; requiring the Secretary of the Department of Health and Human Resources to create an addiction treatment pilot program; permitting the department to choose the Supreme Court of Appeals of West Virginia to participate in the pilot program; permitting department to choose the Division of Corrections to participate in the pilot program; permitting the department to limit the number of participants; requiring additional support services if medication-assisted treatment is provided; setting forth pilot program requirements; setting forth a participant's requirements; requiring a report; and requiring the report to be submitted to certain entities.

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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Palumbo—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. 2880) 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 Plymale, the Senate recessed for five minutes.

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 adoption by that body of the committee of conference report, passage as amended by the conference report, to take effect from passage, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill No. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

Whereupon, Senator M. Hall, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill No. 2016 having met, after full

and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

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

[CLERK'S NOTE: For full text of conference committee report, see House Journal of this day.]

Respectfully submitted,

Eric Nelson, *Chair*, Everette W. Anderson, Jr., Bob Ashley, Ray Canterbury, Brent Boggs, Larry A. Williams, Harry Keith White, *Conferees on the part of the House of Delegates.*

Mike Hall, *Chair*, Chris Walters, Dave Sypolt, Gregory L. Boso, Roman W. Prezioso, Jr., Ron Stollings, Robert H. Plymale, *Conferees on the part of the Senate.*

Senator M. Hall, Senate cochair of the committee of conference, was recognized to explain the report.

Following discussion,

On motion of Senator M. Hall, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill No. 2016, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Facemire, Kessler, Laird, Miller, Romano, Snyder, Unger and Yost—8.

Absent: Palumbo—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. 2016) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Facemire, Kessler, Laird, Miller, Romano, Snyder, Unger and Yost—8.

Absent: Palumbo—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. 2016) 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 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. Senate Bill No. 286, Relating to compulsory immunizations of students; exemptions.

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. 287, Providing posthumous high school diplomas.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment and passage as amended, to take effect from passage, 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. 529, Relating to PERS, SPRS and TRS benefits and costs.

Senator Carmichael offered the following pre-adjournment resolution:

Senate Resolution No. 58—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 Carmichael, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senator Cole (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators D. Hall, Ferns and Plymale.

Senator Carmichael then offered the following resolution:

Senate Resolution No. 59—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 Carmichael, 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 Cole (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate is ready to adjourn:

Senators Gaunch, Trump and Kessler.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates Ashley, Pasdon and Lynch, 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 Shott, Arvon and Moye, 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 Gaunch, Trump and Kessler, 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 Maynard, 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 Maynard, 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 18th day of March, 2015, 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. 2098), Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.

(Com. Sub. for H. B. No. 2128), Permitting those individuals who have been issued concealed weapons permits to keep loaded

firearms in their motor vehicles on the State Capitol Complex grounds.

(Com. Sub. for H. B. No. 2139), Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes.

(H. B. No. 2140), Building governance and leadership capacity of county board during period of state intervention.

(Com. Sub. for H. B. No. 2148), Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century.

(Com. Sub. for H. B. No. 2160), WV Schools for the Deaf and Blind eligible for School Building Authority funding.

(Com. Sub. for H. B. No. 2187), Encouraging public officials to display the national motto on all public property and public buildings.

(H. B. No. 2213), Reducing the distributions to the West Virginia Infrastructure Fund.

(H. B. No. 2224), Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.

(Com. Sub. for H. B. No. 2266), Relating to the publication requirements of the administration of estates.

(Com. Sub. for H. B. No. 2283), Authorizing the Department of Environmental Protection to promulgate legislative rules.

(H. B. No. 2370), Increasing the powers of regional councils for governance of regional education service agencies.

(Com. Sub. for H. B. No. 2377), Authorizing State Board of Education to approve certain alternatives with respect to instructional time.

(Com. Sub. for H. B. No. 2381), Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools.

(H. B. No. 2461), Relating to delinquency proceedings of insurers.

(Com. Sub. for H. B. No. 2493), Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications.

(Com. Sub. for H. B. No. 2496), Adopting the Interstate Medical Licensure Compact.

(Com. Sub. for H. B. No. 2502), Possessing deadly weapons on school buses or on the premises of educational facilities.

(Com. Sub. for H. B. No. 2536), Relating to travel insurance limited lines producers.

(Com. Sub. for H. B. No. 2550), Increasing the number of unexcused absences of a student before action may be taken against the parent.

(Com. Sub. for H. B. No. 2557), Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle.

(Com. Sub. for H. B. No. 2571), Creating a fund for pothole repair contributed to by private businesses or entities.

(H. B. No. 2576), Creating new code sections which separate the executive departments.

(H. B. No. 2595), Relating to certificates of need for the development of health facilities in this state.

(H. B. No. 2598), Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities.

(H. B. No. 2606), Clarifying the potential sentence for disorderly conduct.

(H. B. No. 2607), Relating to the violation of interfering with emergency services communications and clarifying penalties.

(H. B. No. 2608), Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.

(H. B. No. 2625), Continuing the current hazardous waste management fee.

(Com. Sub. for H. B. No. 2636), Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

(Com. Sub. for H. B. No. 2939), Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

(Com. Sub. for H. B. No. 2652), Reducing the assessment paid by hospitals to the Health Care Authority.

(H. B. No. 2658), Relating to the inspection and slaughter of nontraditional agriculture.

(Com. Sub. for H. B. No. 2662), Eye Care Consumer Protection Law.

(H. B. No. 2733), Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law.

(H. B. No. 2780), Enhancing the ability of campus police officers at public colleges to perform their duties.

(Com. Sub. for H. B. No. 2790), Relating to minimum responsibility limits of car insurance.

(H. B. No. 2797), Changing the term “mentally retarded” to “intellectually disabled;” and changing the term “handicapped” to “disabled”.

(H. B. No. 2888), Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.

(H. B. No. 2892), Authorizing certain legislative rules regarding higher education.

(Com. Sub. for H. B. No. 2902), West Virginia ABLE Act.

(H. B. No. 2931), Adding drugs to the classification of schedule I drugs.

(Com. Sub. for H. B. No. 2968), Exempting from property tax certain properties in this state owned by nonprofit youth organizations.

And,

(H. B. No. 2976), Expanding the eligible master’s and doctoral level programs for which a Nursing Scholarship may be awarded.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for Com. Sub. for S. B. No. 273), Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations.

(S. B. No. 370), Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees.

(Com. Sub. for S. B. No. 407), Implementing state safety oversight program.

(Com. Sub. for S. B. No. 423), Amending Aboveground Storage Tank Act.

(Com. Sub. for S. B. No. 430), Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions.

(Com. Sub. for S. B. No. 486), Authorizing special license plates for Civil Air Patrol vehicles.

(S. B. No. 510), Amending Uniform Interstate Family Support Act.

(S. B. No. 514), Relating to investments of local policemen's and firemen's pension and relief funds.

(S. B. No. 549), Establishing classifications and salary schedules for State Police forensic lab civilian employees.

And,

(S. B. No. 581), Relating to courtesy patrol program.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for Com. Sub. for S. B. No. 60), Regulating food handlers.

(Com. Sub. for S. B. No. 170), Authorizing Bureau of Commerce promulgate legislative rules.

(Com. Sub. for S. B. No. 199), Authorizing miscellaneous agencies and boards promulgate legislative rules.

(Com. Sub. for S. B. No. 242), Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness.

(Com. Sub. for S. B. No. 248), Requiring certain insurance and owner information be provided following car accident.

(S. B. No. 250), Relating to Conservation Agency financial assistance applications from district supervisors.

(Com. Sub. for S. B. No. 315), Relating to civil actions filed under Consumer Protection Act.

And,

(S. B. No. 318), Relating to payment of wages by employers.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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, 2015, 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. 2240), Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.

(Com. Sub for H. B. No. 2395), Storm Scammer Consumer Protection Act.

(Com. Sub for H. B. No. 2766), Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.

(Com. Sub for H. B. No. 2769), Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.

(Com. Sub for H. B. No. 2772), Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund.

(H. B. No. 2884), Modifying training and development requirement for certain members of certain higher education boards.

(H. B. No. 3020), Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

(H. B. No. 3021), Making a supplementary appropriation to the Department of Health and Human Resources.

And,

(H. B. No. 3022), Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Roger Hanshaw,
Member, House Committee.

Senator Maynard, 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 March, 2015, 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 payment of separated employee's outstanding wages.

(Com. Sub. for S. B. No. 19), Specifying minimum early childhood education program instruction days.

(Com. Sub. for Com. Sub. for S. B. No. 30), Permitting shared animal ownership agreement to consume raw milk.

(Com. Sub. for S. B. No. 182), Authorizing Department of Military Affairs and Public Safety promulgate legislative rules.

(Com. Sub. for Com. Sub. for S. B. No. 243), Relating to school nutrition standards during state of emergency or preparedness.

(Com. Sub. for Com. Sub. for S. B. No. 352), Expanding scope of cooperative associations to goods and services including recycling.

(Com. Sub. for S. B. No. 390), Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects.

(S. B. No. 415), Relating to circuit judges.

(S. B. No. 479), Adding additional family court judges.

(S. B. No. 481), Relating to municipal policemen's and firemen's pension and relief funds' investment.

(S. B. No. 483), Relating to municipal policemen's and firemen's pension and relief funds' trustees.

(Com. Sub. for S. B. No. 488), Creating Broadband Enhancement Council.

(S. B. No. 515), Relating to Municipal Pensions Oversight Board fund investments.

(S. B. No. 532), Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.

(S. B. No. 583), Increasing tax rate on providers of certain nursing facility services.

And,

(Com. Sub. for H. B. No. 2016), Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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, 2015, 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. 37), Creating Revised Uniform Arbitration Act.

(Com. Sub. for Com. Sub. for S. B. No. 88), Creating WV Clearance for Access: Registry and Employment Screening Act.

(Com. Sub. for S. B. No. 140), Amending State Administrative Procedures Act.

(Com. Sub. for S. B. No. 142), Authorizing Department of Administration promulgate legislative rules.

(Com. Sub. for S. B. No. 192), Authorizing Department of Transportation promulgate legislative rules.

(S. B. No. 195), Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs.

(Com. Sub. for S. B. No. 234), Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions.

(Com. Sub. for S. B. No. 274), Relating to TANF program sanctions.

(Second Enrollment Com. Sub. for S. B. No. 286), Relating to compulsory immunizations of students; exemptions.

(Second Enrollment Com. Sub. for S. B. No. 287), Providing posthumous high school diplomas.

(S. B. No. 295), Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions.

(S. B. No. 304), Relating to farmers markets.

(S. B. No. 312), Relating to disqualification of general election nominees for failure to file campaign finance statements.

(Com. Sub. for S. B. No. 316), Exempting new veteran-owned business from certain fees paid to Secretary of State.

(Com. Sub. for S. B. No. 323), Relating to Municipal Home Rule Pilot Program.

(S. B. No. 363), Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims.

(Third Enrollment S. B. No. 389), Relating to Board of Registration for Professional Engineers license renewals and reinstatements.

(Com. Sub. for S. B. No. 393), Reforming juvenile justice system.

(S. B. No. 425), Providing WVU, MU and WVSOM more authority to invest assets.

(Second Enrollment Com. Sub. for S. B. No. 435), Creating WV Sheriffs' Bureau of Professional Standards.

(Com. Sub. for S. B. No. 436), Relating to State Athletic Commission.

(Com. Sub. for S. B. No. 439), Relating to higher education personnel.

(S. B. No. 447), Allowing issuance of diploma by public, private or home school administrator.

(Com. Sub. for S. B. No. 453), Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.

(S. B. No. 518), Permitting county and municipal economic development authorities invest certain funds.

(Com. Sub. for S. B. No. 523), Creating Alcohol and Drug Overdose Prevention and Clemency Act.

(Second Enrollment Com. Sub. for S. B. No. 529), Relating to PERS, SPRS and TRS benefits and costs.

(Com. Sub. for S. B. No. 542), Clarifying provisions of Consumer Credit and Protection Act relating to debt collection.

(S. B. No. 574), Relating to liquor sales by distilleries and mini-distilleries.

(S. B. No. 577), Allowing higher education governing boards invest certain funds with nonprofit foundations.

(S. B. No. 582), Relating to Herbert Henderson Office of Minority Affairs.

(S. B. No. 584), Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.

(Com. Sub. for H. B. No. 2005), Relating to alternative programs for the education of teachers.

(Com. Sub. for H. B. No. 2011), Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.

(H. B. No. 2161), Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

(Com. Sub. for H. B. No. 2233), Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office.

(Com. Sub. for H. B. No. 2478), Relating to public school finance.

(Com. Sub. for H. B. No. 2549), Relating to the preparation and publication of county financial statements.

(H. B. No. 2663), Creating the Rehabilitation Services Vending Program Fund.

(Com. Sub. for H. B. No. 2810), Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.

And,

(Com. Sub. for H. B. No. 2878), Creating a one-stop electronic business portal in West Virginia.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, 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 30th day of March, 2015, 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. 2515), Relating to elk restoration.

(Com. Sub. for H. B. No. 2527), Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”.

(H. B. No. 2627), Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.

(Second Enrollment Com. Sub. for H. B. No. 2648), Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.

(Second Enrollment H. B. No. 2664), Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

(Com. Sub. for H. B. No. 2674), Making home schooled students eligible for a PROMISE scholarship without taking the GED test.

(Com. Sub. for H. B. No. 2793), Relating to exemptions from mandatory school attendance.

(Com. Sub. for H. B. No. 2811), Deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company.

(Com. Sub. for H. B. No. 2840), Providing an alternative plan to make up lost days of instruction.

(Com. Sub. for H. B. No. 2867), Requiring recommendations for higher education course credit transfer.

(H. B. No. 2877), Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.

(Second Enrollment H. B. No. 2880), Creating an addiction treatment pilot program.

(H. B. No. 2926), Relating to deferral charges in connection with a consumer credit sale or consumer loan.

And,

(Com. Sub. for H. B. No. 3006), Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 1st day of April, 2015, 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. 2492), Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission.

And,

(H. B. No. 2726), Clarifying choice of laws issues in product's liability actions.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
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, 2015, he had approved **Second Enrollment Enr. Committee Substitute for Senate Bill No. 6, Enr. Senate Bill No. 89, Enr. Senate Bill No. 283, Enr. Senate Bill No. 292, Enr. Senate Bill No. 322, Enr. Senate Bill No. 332, Enr. Committee Substitute for Senate Bill No. 366, Enr. Committee Substitute for Senate Bill No. 373, Enr. Senate Bill No. 411, Enr. Senate Bill No. 454 and Enr. Committee Substitute for Committee Substitute for Senate Bill No. 455**; on March 20, 2015, he had approved **Enr. House Bill No. 3020 and Enr. House Bill No. 3021**; on March 24, 2015, he had approved **Enr. Senate Bill No. 106, Enr. Committee Substitute for Senate Bill No. 242, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 243, Enr. Committee Substitute for Senate Bill No. 248, Enr. Senate Bill No. 250, Enr. Committee Substitute for Senate Bill No. 261, Enr. Senate Bill No. 267, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 273, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 336, Enr. Committee Substitute for Senate Bill No. 342, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 352, Enr. Committee Substitute for Senate Bill No. 390, Enr. Senate Bill No. 403, Enr. Committee Substitute for Senate Bill No. 407, Enr. Senate Bill No. 412, Enr. Senate Bill No. 415, Enr. Senate Bill No. 418, Enr. Committee Substitute for Senate Bill No. 430, Enr. Senate Bill No. 479, Enr. Senate Bill No. 489, Enr. Senate Bill No. 502, Enr. Senate Bill No. 514, Enr. Senate Bill No. 515, Enr. Senate Bill No. 532, Enr. Senate Bill No. 545, Enr. Senate Bill No. 559 and Enr. Senate Bill No. 578**; on March 25, 2015, he had approved **Enr. Committee Substitute for Senate Bill No. 249, Second Enrollment Enr. Committee Substitute for**

House Bill No. 2010, Enr. Committee Substitute for House Bill No. 2053, Enr. Committee Substitute for House Bill No. 2098, Enr. Committee Substitute for House Bill No. 2148, Enr. House Bill No. 2213, Enr. House Bill No. 2224, Enr. Committee Substitute for House Bill No. 2462, Enr. Committee Substitute for House Bill No. 2493, Enr. Committee Substitute for House Bill No. 2505, Enr. Committee Substitute for House Bill No. 2507, Enr. Committee Substitute for House Bill No. 2550, Enr. Committee Substitute for House Bill No. 2557, Enr. Committee Substitute for House Bill No. 2562, Enr. House Bill No. 2598, Enr. House Bill No. 2606, Enr. House Bill No. 2607, Enr. House Bill No. 2626, Enr. House Bill No. 2632, Enr. House Bill No. 2645, Enr. House Bill No. 2657, Enr. House Bill No. 2658, Enr. Committee Substitute for House Bill No. 2702, Enr. Committee Substitute for House Bill No. 2755, Enr. Committee Substitute for House Bill No. 2778, Enr. House Bill No. 2780, Enr. House Bill No. 2797, Enr. House Bill No. 2876, Enr. House Bill No. 2888, Enr. House Bill No. 2892, Enr. House Bill No. 2914 and Enr. Committee Substitute for House Bill No. 2939; on March 26, 2015, he had approved Enr. Senate Bill No. 318, Enr. Committee Substitute for Senate Bill No. 344, Enr. Senate Bill No. 370, Enr. Committee Substitute for Senate Bill No. 409, Enr. Committee Substitute for Senate Bill No. 421, Enr. Committee Substitute for Senate Bill No. 488, Enr. Senate Bill No. 581, Enr. Senate Bill No. 583, Enr. Committee Substitute for House Bill No. 2139, Enr. House Bill No. 2140, Enr. House Bill No. 2370, Enr. Committee Substitute for House Bill No. 2381, Enr. Committee Substitute for House Bill No. 2432 and Enr. House Bill No. 2535; on March 27, 2015, he had approved Enr. Committee Substitute for Committee Substitute for Senate Bill No. 60, Enr. Committee Substitute for Committee Substitute for Senate Bill No. 277, Enr. Senate Bill No. 310, Enr. Senate Bill No. 360, Enr. Committee Substitute for Senate Bill No. 423, Enr. Committee Substitute for Senate Bill No. 486, Enr. House Bill No. 2100, Enr. House Bill No. 2272, Enr. Committee Substitute for House Bill No. 2377, Enr. Committee Substitute for House Bill No. 2502, Enr. Committee Substitute for House Bill No. 2586, Enr. House Bill

No. 2608, Enr. House Bill No. 2625, Enr. Committee Substitute for House Bill No. 2652, Enr. House Bill No. 2884, Enr. Committee Substitute for House Bill No. 2968 and Enr. House Bill No. 2976; on March 31, 2015, he had approved Enr. Committee Substitute for Senate Bill No. 12, Enr. Committee Substitute for Senate Bill No. 37, Enr. Committee Substitute for Senate Bill No. 140, Enr. Committee Substitute for Senate Bill No. 192, Enr. Senate Bill No. 195, Enr. Committee Substitute for Senate Bill No. 234, Enr. Committee Substitute for Senate Bill No. 274, Second Enrollment Enr. Committee Substitute for Senate Bill No. 286, Second Enrollment Enr. Committee Substitute for Senate Bill No. 287, Enr. Senate Bill No. 304, Enr. Senate Bill No. 312, Enr. Committee Substitute for Senate Bill No. 316, Enr. Committee Substitute for Senate Bill No. 323, Enr. Senate Bill No. 363, Enr. Senate Bill No. 425, Second Enrollment Enr. Committee Substitute for Senate Bill No. 435, Enr. Senate Bill No. 481, Enr. Senate Bill No. 483, Enr. Senate Bill No. 510, Enr. Committee Substitute for Senate Bill No. 542, Enr. Senate Bill No. 574, Enr. Committee Substitute for House Bill No. 2011, Enr. Committee Substitute for House Bill No. 2128, Enr. Committee Substitute for House Bill No. 2233, Enr. Committee Substitute for House Bill No. 2266, Enr. Committee Substitute for House Bill No. 2283, Enr. Committee Substitute for House Bill No. 2478, Enr. Committee Substitute for House Bill No. 2496, Enr. Committee Substitute for House Bill No. 2549, Enr. Committee Substitute for House Bill No. 2867, Second Enrollment Enr. House Bill No. 2880 and Enr. Committee Substitute for House Bill No. 2902; on April 1, 2015, he had approved Enr. Senate Bill No. 295, Third Enrollment Enr. Senate Bill No. 389, Enr. Committee Substitute for Senate Bill No. 439, Enr. Committee Substitute for House Bill No. 2395, Enr. House Bill No. 2461, Enr. Committee Substitute for House Bill No. 2527, Enr. Committee Substitute for House Bill No. 2536, Enr. House Bill No. 2595, Enr. Committee Substitute for House Bill No. 2636, Enr. Committee Substitute for House Bill No. 2662, Enr. House Bill No. 2663, Second Enrollment Enr. House Bill No. 2664, Enr. House Bill No. 2733, Enr. Committee Substitute for House

Bill No. 2790, Enr. Committee Substitute for House Bill No. 2810, Enr. Committee Substitute for House Bill No. 2811, Enr. House Bill No. 2877 and Enr. Committee Substitute for House Bill No. 2878; on April 2, 2015, he had approved Enr. Committee Substitute for Committee Substitute for Senate Bill No. 88, Enr. Committee Substitute for Senate Bill No. 142, Enr. Committee Substitute for Senate Bill No. 170, Enr. Committee Substitute for Senate Bill No. 199, Enr. Committee Substitute for Senate Bill No. 315, Enr. Committee Substitute for Senate Bill No. 393, Enr. Committee Substitute for Senate Bill No. 436, Enr. Senate Bill No. 447, Enr. Senate Bill No. 518, Enr. Committee Substitute for Senate Bill No. 523, Enr. Senate Bill No. 576, Enr. Senate Bill No. 577, Enr. Committee Substitute for House Bill No. 2005, Enr. House Bill No. 2492, Enr. Committee Substitute for House Bill No. 2515, Second Enrollment Enr. Committee Substitute for House Bill No. 2648, Enr. House Bill No. 2726, Enr. House Bill No. 2926, Enr. House Bill No. 2931, Enr. Committee Substitute for House Bill No. 2999 and Enr. Committee Substitute for House Bill No. 3006; and on April 3, 2015, he had approved Enr. Committee Substitute for Senate Bill No. 182, Enr. Committee Substitute for Senate Bill No. 284, Enr. Committee Substitute for Senate Bill No. 453 and Second Enrollment Enr. Committee Substitute for Senate Bill No. 529.

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 20, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee

Substitute for House Bill No. 2766, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on pages 1-2, which states:

“AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$5,650,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, appropriation 64200, and in the amount of \$1,850,000 from the Joint Expenses, fund 0175, fiscal year 2009, organization 2300, appropriation 64200, and in the amount of \$75,365.64 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, and in the amount of \$67,553.27 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, and in the amount of \$122,113 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, and in the amount of \$212,500 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, and in the amount of \$635,179.58 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, and in the amount of \$346,521.90 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, and in the amount of \$1,207,149.67 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, and in the amount of \$34,378.53 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, and in the amount of \$397,276.39 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, and in the amount of \$1,272,323.47 from the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100,

appropriation 61400, and in the amount of \$2,227,821.66 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, and in the amount of \$901,816.89 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, and in the amount of \$7,500,000 from the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300."

The expirations in this bill are intended to help fill an anticipated budget gap in the current fiscal year, fiscal year 2015. Expiring these funds would reduce the amount of a planned mid-year appropriation reduction, but some of the funds expired from the Governor's Office - Civil Contingent Fund in this bill have previously been committed and are not available for expiration.

Furthermore, the expiration from the Special Income Tax Refund Reserve Fund is not necessary and could potentially delay the payment of personal income tax refunds. The Tax Commissioner already has the authority to draw from this fund to ensure the timely payment of tax refunds; something not guaranteed if the funds are expired into the General Revenue Fund.

Therefore, on pages 1-2, I am deleting the language, “, and in the amount of \$75,365.64 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, and in the amount of \$67,553.27 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, and in the amount of \$122,113 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, and in the amount of \$212,500 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, and in the amount of \$635,179.58 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, and in the amount of \$346,521.90 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, and in the amount of

\$1,207,149.67 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, and in the amount of \$34,378.53 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, and in the amount of \$397,276.39 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, and in the amount of \$1,272,323.47 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, and in the amount of \$2,227,821.66 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, and in the amount of \$901,816.89 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, and in the amount of \$7,500,000 from the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300”.

My second objection to the Bill is contained on pages 4-5, which states:

“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2015, in the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, appropriation 64200, be decreased by expiring the amount of \$5,650,000, and in the Joint Expenses, fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of \$1,850,000, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, be decreased by expiring the amount of \$75,365.64, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, be decreased by expiring the amount of \$67,553.27, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, be decreased by expiring the amount of \$122,113, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, be decreased by expiring the amount of \$212,500, and in

the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, be decreased by expiring the amount of \$635,179.58, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, be decreased by expiring the amount of \$346,521.90, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,207,149.67, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, be decreased by expiring the amount of \$34,378.53, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$397,276.39, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,272,323.47, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, be decreased by expiring the amount of \$2,227,821.66, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, be decreased by expiring the amount of \$901,816.89, and in the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300, be decreased by expiring the amount of \$7,500,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2015."

Having deleted the language in the title of the bill in objection one above, on pages 4-5, I am deleting the language, "and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, be decreased by expiring the amount of \$75,365.64, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, be decreased by expiring the amount of \$67,553.27, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800,

be decreased by expiring the amount of \$122,113, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, be decreased by expiring the amount of \$212,500, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, be decreased by expiring the amount of \$635,179.58, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, be decreased by expiring the amount of \$346,521.90, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,207,149.67, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, be decreased by expiring the amount of \$34,378.53, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$397,276.39, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,272,323.47, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, be decreased by expiring the amount of \$2,227,821.66, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, be decreased by expiring the amount of \$901,816.89, and in the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300, be decreased by expiring the amount of \$7,500,000,"

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2766.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 20, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2769, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on pages 1-3, which states:

“AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$1,500,000 from the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200, and in the amount of \$400,103.30 from the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, and in the amount of \$3,861,297 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, and in the amount of \$1,329.28 from the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, and in the amount of \$478.81 from the Department of Health and Human Resources, Division of

Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, and in the amount of \$18,609.27 from the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, and in the amount of \$2,500 from the Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, and in the amount of \$13,193.90 from the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, and in the amount of \$45 from the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, and in the amount of \$1,400,000 from the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, and in the amount of \$6,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, and in the amount of \$4,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, and in the amount of \$4,976.37 from the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, and in the amount of \$18,118.01 from the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, and in the amount of \$251,657.05 from the Department of Health and Human Resources, Division of

Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, and in the amount of \$4,000,000 from the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, and in the amount of \$223,310.69 from the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, and in the amount of \$16,700,000 from the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704, and all subject to the condition that bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beach Fork State Park have been sold.”

The requirement that the expirations contained in this bill are contingent on the sale of lottery revenue bonds is problematic for several reasons. First, while directing the issuance of the bonds, the Legislature did not include an appropriation from the Cacapon and Beech Fork State Parks Lottery Revenue Debt Service Fund for the servicing of the debt evidenced by the issuance of said bonds in either a supplemental appropriations bill or the Budget Bill. Second, there are questions regarding the constitutionality of the directive language included in the appropriations bill, attempting to direct the issuance of said bonds. And finally, the issuance of the bonds directed in the language presents the possibility that the bonds issued will not attain the historical high and favorable bond rating which prior lottery revenue bonds have enjoyed, and further presents the possibility that previously issued and already outstanding lottery bonds could be downgraded from their current ratings.

Therefore, on page 3, I am deleting the language, “, and all subject to the condition that bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beach Fork State Park have been sold”.

My second objection to the Bill is contained on pages 5-7, which states:

“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2015, in the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200 be decreased by expiring the amount of \$1,500,000, and in the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, be decreased by expiring the amount of \$400,103.30, and in the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, be decreased by expiring the amount of \$3,861,297, and in the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$1,329.28, and in the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$478.81, and in the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$18,609.27, Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$2,500, and in the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$13,193.90, and in the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$45, and in the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$1,400,000, and in the Department of Health and Human

Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$6,000,000, and in the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$4,000,000, and in the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$2,000,000, and in the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$4,976.37, and in the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$18,118.01, and in the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$251,657.05, and in the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$4,000,000, and in the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$223,310.69, and in the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704, be decreased by expiring the amount of \$16,700,000, all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2015: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold.”

Having deleted the language relating to the sale of lottery revenue bonds in objection two above, on page 7, I am deleting the language, “: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold”.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2769.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 20, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2772, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on pages 1-2, which states:

“AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$339,000 from the Department of Agriculture, fund 0131, fiscal year 2012, organization 1400, appropriation 11900, and in the amount of \$411,000 from the Department of Agriculture, fund 0131, fiscal year 2013, organization 1400, appropriation 11900, and in the amount of \$315,496.80 from the Attorney General, fund 0150, fiscal year 2013, organization 1500, appropriation 72500, and in the amount of \$210,268 from the Attorney General, fund 0150, fiscal year 2013, organization 1500, appropriation 77900, and in the amount of \$774,644.65 from the Attorney General, fund 0150, fiscal year 2014, organization 1500, appropriation 26000, and in the amount of \$1,000,000 from the Auditor’s Office - Purchasing Card Administration Fund, fund 1234, fiscal year 2015, organization 1200, and in the amount of \$3,410,629 from the Treasurer’s Office - Flood Insurance Tax Fund, fund 1343, fiscal year 2015, organization 1300, and in the amount of \$700,000 from the Attorney General - Antitrust Enforcement Fund, fund 1507, fiscal year 2015, organization 1500, and in the amount of \$750,000 from the Secretary of State - General Administrative Fees Account, fund 1617, fiscal year 2015, organization 1600.”

The amount of expiration from the Secretary of State’s General Administrative Fees Account could potentially affect the ability of the Secretary of State’s Office to efficiently administer the duties the office is charged. Therefore, I am reducing the amount in the language on page 2 from \$750,000 to \$500,000.

My second objection to the Bill is contained on pages 2-3, which states:

“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2015, in the Department of Agriculture, fund 0131 fiscal year 2012, organization 1400, appropriation 11900, be decreased by expiring the amount of \$339,000, and in the Department of Agriculture, fund 0131, fiscal year 2013, organization 1400, appropriation 11900, be decreased by expiring the amount of \$411,000, and in the

Attorney General, fund 0150, fiscal year 2013, organization 1500, appropriation 72500, be decreased by expiring the amount of \$315,496.80, and in the Attorney General, fund 0150, fiscal year 2013, organization 1500, appropriation 77900, be decreased by expiring the amount of \$210,268, and in the Attorney General, fund 0150, fiscal year 2014, organization 1500, appropriation 26000, be decreased by expiring the amount of \$774,644.65, and in the Auditor's Office - Purchasing Card Administration Fund, fund 1234, fiscal year 2015, organization 1200, be decreased by expiring the amount of \$1,000,000, and in the Treasurer's Office - Flood Insurance Tax Fund, fund 1343, fiscal year 2015, organization 1300, be decreased by expiring the amount of \$3,410,629, and in the Attorney General - Antitrust Enforcement Fund, fund 1507, fiscal year 2015, organization 1500, be decreased by expiring the amount of \$700,000, and in the Secretary of State - General Administrative Fees Account, fund 1617, fiscal year 2015, organization 1600, in the amount of \$750,000, all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2015.”

Having reduced the amount of expiration for the Secretary of State - General Administrative Fees Account in the title of the bill in objection one above, I am reducing the amount in the language on page 3 from \$750,000 to \$500,000.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2772.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 20, 2015

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

Dear Secretary Tennant:

As stewards of taxpayer money, we must be committed to fiscal responsibility and not commit one-time surplus funds in disregard of current budget needs. Therefore, pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled House Bill No. 3022, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in Item 46, page 3, line 1, which states:

“Unclassified - Surplus (R) 09700 \$ 500,000”

The above appropriation includes new funding for the State FFA-FHA Camp and Conference Center. Cuts are never easy, but are necessary in our State’s fiscal situation. Therefore, I am reducing the supplemental appropriation by the amount of \$500,000 to \$0.

My second objection to the Bill is contained in Item 52, page 4, line 1, which states:

“Unclassified - Surplus (R) 09700 \$ 1,500,000”

The above appropriation includes new funding for the West Virginia Schools for the Deaf and the Blind. As stewards of public funds, we must be committed to fiscal responsibility and not commit

one-time surplus funds in disregard of current budget needs. Therefore, I am reducing the appropriation by the amount of \$1,500,000 to \$0.

My third objection to the Bill is contained in Item 107, page 5, lines 1-3, which state:

**“West Virginia School of Osteopathic
Medicine - Surplus (R) 17299 \$ 500,000”**

The above appropriation includes new funding for the West Virginia School of Osteopathic Medicine. At a time when we are facing ongoing budget challenges, we must be prudent in spending taxpayer dollars. Therefore, I am reducing the supplemental appropriation amount of \$500,000 to \$0.

My fourth objection to the Bill is contained in Item 114, page 6, lines 1-2, which state:

**“West Virginia State University -
Surplus (R) 44199 \$ 500,000”**

The above appropriation includes new funding for West Virginia State University. As good stewards of the taxpayer’s dollars, there are times when we must do more with less. Therefore, I am reducing the supplemental appropriation amount of \$500,000 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled House Bill No. 3022.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 23, 2015

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 one of the most challenging to deal with in years. I believe my recommended budget was solid and fundamentally sound.

I proposed a revised budget for FY 2016 relying on \$15,528,000 of revenue from the Rainy Day Fund. My proposal tapped the Rainy Day Fund to fill short-term budget gaps. With over \$862 million in cash, we have a sufficient amount in our Rainy Day Fund to deal with this shortfall. 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 to use \$15.5 million for Medicaid expenses would have assured that the Rainy Day Fund would have remained above the 15 percent threshold recommended by Wall Street rating agencies and by bond experts to continue the State's favorable bond ratings.

House Bill 2016 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 future budget gaps deeper.

As stewards of taxpayer money, we must be committed to fiscal responsibility and not commit one-time surplus funds to increase on-going spending. Therefore, I have vetoed more than \$11 million from House Bill 2016. In doing so:

(1) Utilization of the Rainy Day Fund is limited to \$14.8 million in FY 2016.

(2) Our bond ratings will continue to be excellent.

(3) 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 fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2016, passed March 18, 2015, approved with the following objections:

My first objection to the Bill is contained in Item 35, page 38, line 22, which states:

“WV High Tech Consortium 39100 300,000”

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 \$101,094 to \$198,906.

My second objection to the Bill is contained in Item 35, page 38, lines 23 and 24, which state:

**“Regional Contracting
Assistance Center 41800 225,000”**

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 \$16,785 to \$208,215.

My third objection to the Bill is contained in Item 46, page 45, line 3, which states:

“Unclassified 09900 500,000”

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 \$500,000 to \$0, which maintains the FY 2015 funding level for this fund.

My fourth objection to the Bill is contained in Item 47, page 47, line 27, which states:

“Hospitality Training 60000 319,005”

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 \$54,032 to \$264,973.

My fifth objection to the Bill is contained in Item 47, page 48, line 58, which states:

“Educational Program Allowance . . . 99600 535,000”

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 \$18,750 to \$516,250.

My sixth objection to the Bill is contained in Item 47, page 49, line 95 through line 103, 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 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; and \$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.”

Having reduced the appropriation for Education Program Allowance in objection five above, I am reducing the amount in the language on page 49, line 102, from \$85,000 to \$66,250.

My seventh objection to the Bill is contained in Item 49, page 51, line 15, which states:

“Adjustments 718,168”

My budget recommendations and provisions I recommended in House Bill 2478 clarified that the adjustments to Local Share for Payment in Lieu of Taxes and for assessment errors were to be included in the School Aid Formula. Since those provisions did not pass, I believe we should maintain the established practice of not including the Adjustments line in the School Aid Formula. Therefore, I am reducing the appropriation by the amount of \$718,168 to \$0.

My eighth objection to the Bill is contained in Item 53, page 54, line 15, which states:

“Educational Enhancements 69500 575,000”

This is a significant increase over the FY 2015 appropriation and my FY 2016 recommendation. 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 \$375,000 to \$200,000.

My ninth objection to the Bill is contained in Item 53, page 55, line 29 through line 33, which states:

“Included in the above appropriation for Educational Enhancements (fund 0294, appropriation 69500) is \$125,000 for Reconnecting McDowell - Save the Children, \$375,000 for Save the Children programs in Cabell, Roane, Calhoun and Mason counties, and \$75,000 for the Clay Center.”

Having reduced the appropriation to Educational Enhancements in objection one above, I am deleting the language on page 55, line 31 through line 33, “, \$375,000 for Save the Children programs in Cabell, Roane, Calhoun and Mason counties,”.

My tenth objection to the Bill is contained in Item 53, page 55, line 34 through line 36, which states:

“From the above appropriation for S.T.E.M. Education and Grant Program (fund 0294, appropriation 71900) \$125,000 is for The Challenger Learning Center at Wheeling Jesuit University.”

This language redirects funds from the S.T.E.M Education and Grant Program that I recommended in my Budget Bill. Therefore, I am deleting the language in its entirety, page 55, line 34 through line 36.

My eleventh objection to the Bill is contained in Item 62, page 63, line 29, which states:

“Primary Care Support 62800 6,000,000”

With the expansion of the Medicaid Program, more West Virginians are eligible for health coverage than previously. This, in turn, should reduce the reliance on free clinics and will reduce uncompensated care. 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 \$729,572 to \$5,270,428.

My twelfth objection to the Bill is contained in Item 62, page 63, line 32, which states:

“Health Right Free Clinics 72700 3,000,000”

With the expansion of the Medicaid Program, more West Virginians are eligible for health coverage than previously. This, in turn, should reduce the reliance on free clinics and will reduce uncompensated care. Cuts are never easy, but are necessary in our State's financial situation. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$2,750,000.

My thirteenth objection to the Bill is contained in Item 66, page 71, lines 56 and 57, which state:

“Children's Trust Fund - Transfer .. 95100 300,000”

My recommended FY 2016 budget included an appropriation of \$220,000 for this line item. There is an existing balance available in the Children's Trust Fund that can be utilized to offset the effects of this reduction. 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 fourteenth objection to the Bill is contained in Item 66, pages 71 and 72, line 75 through line 80, which states:

“Included in the above appropriation for Medical Services (fund 0403, appropriation 18900) is an additional \$1,000,000 to be matched with federal dollars, the sums of which shall be applied toward the enhancement of reimbursement rates for nursing homes for services provided in accordance with the Medicaid State Plan.”

Having reduced the appropriation for Medical Services in objection 45 below, I am deleting the language in its entirety, pages 71 and 72, line 75 through line 80.

My fifteenth objection to the Bill is contained in Item 74, page 81, lines 1 and 2, which state:

**“Personal Services and
Employee Benefits 00100 \$ 59,511,081”**

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. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be used to reduce growth of the base budget. Therefore, I am reducing the appropriation by the amount of \$511,081 to \$59,000,000.

My sixteenth objection to the Bill is contained in Item 74, page 81, line 6, which states:

“Vehicle Purchase 45100 2,377,614”

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 \$377,614 to \$2,000,000.

My seventeenth objection to the Bill is contained in Item 74, page 81, lines 13 and 14, which state:

**“Capital Outlay
and Maintenance (R) 75500 2,250,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to evaluate facility needs and not over commit our resources. Therefore, I am reducing the appropriation by the amount of \$2,000,000 to \$250,000.

My eighteenth objection to the Bill is contained in Item 88, page 92, lines 1 and 2, which state:

**“Personal Services and
Employee Benefits 00100 \$ 1,876,828”**

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 \$75,000 to \$1,801,828.

My nineteenth objection to the Bill is contained in Item 88, page 92, line 3, which states:

“Unclassified 09900 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 \$180,000 to \$20,000.

My twentieth objection to the Bill is contained in Item 88, page 92, line 6, which states:

“Veterans’ Field Offices 22800 288,345”

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 \$20,000 to \$268,345.

My twenty-first objection to the Bill is contained in Item 88, page 92, line 7, which states:

“Veterans’ Nursing Home (R) 28600 6,004,913”

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 \$63,875 to \$5,941,038.

My twenty-second objection to the Bill is contained in Item 88, page 92, lines 10 and 11, which state:

**“Veterans’ Reeducation
Assistance (R) 32900 39,502”**

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 \$10,000 to \$29,502.

My twenty-third objection to the Bill is contained in Item 88, page 92, line 12, which states:

“Veterans’ Grant Program (R) 34200 150,000”

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 \$50,000 to \$100,000.

My twenty-fourth objection to the Bill is contained in Item 88, page 92, line 18, which states:

“Veterans Cemetery 80800 583,263”

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 \$210,000 to \$373,263.

My twenty-fifth objection to the Bill is contained in Item 93, page 95, lines 1 and 2, which state:

**“New River Community
and Technical College 35800 \$ 5,676,500”**

As good stewards of the taxpayer’s 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 \$34,797 to \$5,641,703.

My twenty-sixth objection to the Bill is contained in Item 94, page 96, lines 1 and 2, which state:

**“Pierpont Community
and Technical College 93000 \$ 7,664,596”**

As good stewards of the taxpayer’s 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 \$133,835 to \$7,530,761.

My twenty-seventh objection to the Bill is contained in Item 95, page 96, lines 1 and 2, which state:

**“Blue Ridge Community
and Technical College 88500 \$ 4,949,710”**

As good stewards of the taxpayer’s 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 \$342,166 to \$4,607,544.

My twenty-eighth objection to the Bill is contained in Item 96, page 96, lines 1 and 2, which state:

“West Virginia University - Parkersburg 47100 \$ 10,094,237”

As good stewards of the taxpayer’s 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 \$305,243 to \$9,788,994.

My twenty-ninth objection to the Bill is contained in Item 98, page 97, line 1 through line 3, which states:

“West Virginia Northern Community and Technical College 47100 \$ 7,099,616”

As good stewards of the taxpayer’s 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 \$24,583 to \$7,075,033.

My thirtieth objection to the Bill is contained in Item 99, page 97, line 1 through line 3, which states:

“Eastern West Virginia Community and Technical College 41200 \$ 1,887,174”

As good stewards of the taxpayer’s 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 \$5,340 to \$1,881,834.

My thirty-first objection to the Bill is contained in Item 100, page 97, lines 1 and 2, which state:

“BridgeValley Community and Technical College 41700 \$ 7,739,898”

As good stewards of the taxpayer’s 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 \$19,987 to \$7,719,911.

My thirty-second objection to the Bill is contained in Item 103, page 99, lines 3 and 4, which state:

“WVU - School of Health Sciences . . . 17400 16,711,414”

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 \$547,975 to \$16,163,439.

My thirty-third objection to the Bill is contained in Item 103, page 100, line 20 through line 35, which states:

“Included in the appropriation for WVU - School of Health Sciences (fund 0343, appropriation 17400) is \$2,000,000 for the School of Public Health; Graduate Medical Education; programming or research for multiple sclerosis, alzheimers, and neurosciences (including the Blanchette Rockefeller Project); and \$82,000 for the West Virginia University National Center of Excellence in Women’s Health. Appropriations for WVU - School of Health Sciences (fund 0343, appropriation 17400) used for Graduate Medical Education may be transferred to the Department of Health and Human Resources Medical Service fund (fund 5084) for the purpose of matching federal or other funds used to support graduate medical education, subject to the approval of the vice-chancellor for health sciences and the

Secretary of the Department of Health and Human Resources. If approval is denied, funds may be utilized by the respective institutions for expenditure on graduate medical education.”

Having reduced the appropriation for WVU - School of Health Sciences in objection thirty-two above, I am deleting the language in its entirety, page 100, line 20 through line 35.

My thirty-fourth objection to the Bill is contained in Item 104, page 101, line 2, which states:

“Jackson’s Mill (R) 46100 307,713”

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 \$60,164 to \$247,549.

My thirty-fifth objection to the Bill is contained in Item 104, page 102, line 17 through line 29, which states:

“Included in the appropriation for West Virginia University (fund 0344, appropriation 45900) is \$360,000 for the WVU Law School - Skills Program; \$836,400 for the College of Engineering and Mineral Resources for the WVU Coal and Energy Research Bureau, the Mining Engineering Program, and the Petroleum Engineering Program; \$416,600 for farms in the Davis College of Forestry, Agriculture and Consumer Sciences; \$100,000 for the WVU Soil Testing Program; and \$25,000 for the West Virginia University Extension Service cyber-bullying prevention program.

Included in the above appropriation for Jackson’s Mill (fund 0344, appropriation 46100) is \$121,500 for the Jackson’s Mill Fire Academy.”

My recommendations included eliminating the directive language in many of the higher education accounts to provide flexibility to the

institutions. Therefore, I am deleting the language in its entirety, page 102, line 17 through line 29.

My thirty-sixth objection to the Bill is contained in Item 105, page 102, line 4, which states:

“Forensic Lab 37701 415,000”

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 \$164,589 to \$250,411.

My thirty-seventh objection to the Bill is contained in Item 105, page 102, line 5, which states:

“Center for Rural Health 37702 275,000”

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 \$109,963 to \$165,037.

My thirty-eighth objection to the Bill is contained in Item 106, page 103, line 8 through line 10, which states:

**“Luke Lee Listening Language
and Learning Lab 44801 175,000”**

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 \$70,000 to \$105,000.

My thirty-ninth objection to the Bill is contained in Item 107, page 104, lines 1 and 2, which state:

**“West Virginia School of
Osteopathic Medicine 17200 \$ 7,458,334”**

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 \$450,058 to \$7,008,276.

My fortieth objection to the Bill is contained in Item 108, page 105, line 1, which states:

“Bluefield State College 40800 \$ 5,823,680”

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 \$8,561 to \$5,815,119.

My forty-first objection to the Bill is contained in Item 112, page 106, line 1, which states:

“Shepherd University 43200 \$ 9,921,556”

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 \$90,226 to \$9,831,330.

My forty-second objection to the Bill is contained in Item 113, page 106, line 1, which states:

“West Liberty University 43900 \$ 8,198,329”

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 \$1,589 to \$8,196,740.

My forty-third objection to the Bill is contained in Item 114, page 106, line 1, which states:

“West Virginia State University 44100 \$ 10,733,691”

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 \$426,550 to \$10,307,141.

My forty-fourth objection to the Bill is contained in Item 235, page 165, lines 1 and 2, which state:

**“Medical Services Trust Fund -
Transfer 51200 \$ 22,928,928”**

While we are forced 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 2017 budget show a manageable 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, there will be additional funds available to appropriate to Medicaid at a later time. These vetoes allow the appropriation to Medicaid from the Revenue Shortfall Reserve Fund to be decreased. Therefore, I am reducing the appropriation by the amount of \$8,136,597 to \$14,792,331.

My forty-fifth objection to the Bill is contained in Item 315, page 218, line 1, which states:

“Medical Services 18900 \$ 16,422,140”

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 \$2,000,000 to \$14,422,140.

My forty-sixth objection to the Bill is contained in Section 20, page 255, line 1 through line 10, which states:

“Sec. 20. Special permissive, one-time appropriation from Revenue Shortfall Reserve Fund. – There is hereby appropriated an amount not to exceed \$20,000,000 from the Revenue Shortfall Reserve Fund (fund 7005) for the renovation of State Capitol Complex Building 3 to provide for its use as state office space. In lieu of incurring additional state debt, bond issuance and interest expense, the Governor may at his discretion, direct the transfer of funds to the Capitol Dome and Capitol Improvements Fund (fund 2257) created under §5A-4-2, for expenditure.”

This is a use of the Revenue Shortfall Reserve Fund that is not in line with the intention of the fund and potentially sets a precedent for use of the fund contrary to purpose for which the fund was created. Therefore, I am deleting the language on page 255, line 2 through line 10, which states, “ – There is hereby appropriated an amount not to exceed \$20,000,000 from the Revenue Shortfall Reserve Fund (fund 7005) for the renovation of State Capitol Complex Building 3 to provide for its use as state office space. In lieu of incurring additional state debt, bond issuance and interest expense, the Governor may at his discretion, direct the transfer of funds to the Capitol Dome and Capitol Improvements Fund (fund 2257) created under §5A-4-2, for expenditure.”

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2016.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

Veto Messages

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 20, 2015

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. 347. Law-enforcement officers throughout the state have voiced overwhelming opposition to this bill. In light of their concerns and in the interest of public safety, I believe a veto is appropriate.

Sincerely,

Earl Ray Tomblin,
Governor.

cc:The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 26, 2015

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 Enrolled Committee Substitute for House Bill No. 2187 for a technical reason. Specifically, the bill requires the State Building Commission to develop guidelines for display of the national motto and POW-MIA flag on state buildings and properties. The State Building Commission, however, ceased to exist as of July 1, 2000. *See W. Va. Code §5-6-1.*

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 26, 2015

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 Enrolled Committee Substitute for House Bill No. 2571. It would allow private businesses and entities to designate minor road repair projects for the Commissioner of Highways to complete. This program is not a cost effective use of state resources. Further, it

would be unduly burdensome for the Commissioner to administer. For these reasons, I disapprove this bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 31, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove and return Enrolled Senate Bill No. 445 for the following reasons.

Signing this bill would expand the West Virginia Regional Jail and Correctional Facility Authority's (the "Authority") investment authority beyond that which is appropriate for the funds at issue. Specifically, the bill expands the Authority's investment authority for excess funds to explicitly include investing with the West Virginia Investment Management Board.

The Investment Management Board is generally focused on the long-term investment of public funds, primarily those funds needed for public retirement and pension programs. Excess funds of the

Authority are not characteristic of the types of funds invested with the Investment Management Board. Rather, the Authority's excess funds are better suited for more liquid, short-term investment options, such as with the Board of Treasury Investments. Section 31-20-10 of the West Virginia Code already authorizes the Authority to invest its excess funds with the Board of Treasury Investments. Thus, Enrolled Senate Bill No. 445 is unnecessary and would inappropriately expand the Authority's investment authority.

For the foregoing reasons, I disapprove and return the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 31, 2015

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 Enrolled Senate Bill No. 582.

The Herbert Henderson Office of Minority Affairs ("HHOMA") was created to fulfill a statewide mission; that is, to provide a forum to discuss the issues affecting West Virginia's minorities and to recommend strategies to lawmakers and community leaders for

addressing those issues. This bill would require HHOMA, which had limited financial resources and consists of one executive director and her assistant, to establish a four year, comprehensive community-based pilot project focusing on public health in one neighborhood of the state.

I cannot fault the Legislature for wanting HHOMA to guide efforts for reviving Charleston's West Side neighborhood. It certainly has the energy and expertise. However, HHOMA lacks sufficient financial resources, human resources, and time to devote itself to the considerable local undertaking outlined in this bill. Further, its focus on minority issues should not be local; it should be general and statewide. For these reasons, I disapprove Enrolled Senate Bill No. 582.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for Senate Bill No. 19.

This bill changes the requirement that all county boards of education offer early childhood education programs five days per week. Specifically, it relaxes this requirement and allows boards to offer four day programs. One of my goals through Senate Bill No. 359, signed into law in 2013, was to ensure parents had the option to send their child to a five day per week early childhood education program, except in certain limited instances where the five day requirement is waived. The changes made in Enrolled Committee Substitute for Senate Bill No. 19 diminish the educational requirements currently in place. It takes a step backward in meeting the goals of comprehensive education reform I championed.

I believe offering five day per week programs for early childhood education is critical to meet the developmental needs of our state's students. Consequently, I must disapprove this bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 30 for the following reasons.

Signing this bill into law would pose a serious risk to public health. First, the bill acknowledges that consuming raw milk has inherent dangers and that it may contain “bacteria that is particularly dangerous to children, pregnant women and those with compromised immunity.” A product with these types of health risks should be subject to more supervision than merely requiring a person to release the seller from liability for such risks. Second, the bill lacks provisions regarding oversight and regulatory authority with respect to sanitation or the handling and storage of raw milk. Given the health implications of the bill, the Bureau for Public Health should have been given oversight and regulatory authority in raw milk production.

For the foregoing reasons, I disapprove Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 30.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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 Enrolled Committee Substitute for House Bill No. 2160.

This bill would permit the West Virginia Schools for the Deaf and Blind to be eligible for all sources of funding distributed by the School Building Authority of West Virginia (“SBA”). The SBA has limited resources for funding construction and improvement projects in the public schools throughout West Virginia’s fifty-five counties. I recognize the Schools for the Deaf and Blind have substantial improvement needs, and I appreciate the hard work and achievements of the Schools’ teachers, aides, and students. However, this bill is problematic because it has the great potential to redirect limited resources away from the fifty-five county boards of education that apply to the SBA for funding.

This bill is also problematic because we do not yet have a firm understanding of what the Schools for the Deaf and Blind’s needs are to become financially viable well into the future. Accordingly, I have asked the State Board of Education—which controls, supervises, and manages the Schools—to commission an independent, objective assessment of their needs, both facilities and curriculum-related. Outside experts should also analyze the Schools’ continuing viability. Without such an assessment, there is the potential the state could spend limited resources unwisely.

I am committed to continuing to work with the Schools and the Legislature to find an appropriate solution upon completion of the

outside assessment. Because this bill is premature and not the appropriate solution, I must disapprove it.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary 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. 2161.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d. 610 (1972) (requiring bill title to provide notice of bill's contents). The bill's title does not provide notice that wiretaps are permitted in suspected cases of human trafficking; that business entities are now subject to criminal penalties; and that there is a statute of limitations for claims; among other things. As a result, the title fails to provide adequate notice of the bill's contents, including its criminal penalties. Moreover, this bill creates the Commission on the Prevention of Human Trafficking; however, the bill does not provide

a method for paying the commission's expenses. I question why this bill does not have a fiscal note.

Human trafficking is a scourge in states and communities across the country. Legislation designed to raise consciousness about this epidemic and hold accountable those who exploit human trafficking victims in West Virginia is a step in the right direction. Therefore, I encourage the legislature to resolve the foregoing issues related to this bill and to present it for my signature during the 2016 Regular Session of the Legislature.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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 Enrolled Committee Substitute for House Bill No. 2240. This bill seeks to establish that strangulation is a criminal offense. However, there are numerous criminal offenses in the West Virginia Code that already prohibit and punish strangulation. *See, e.g.,* W. Va. Code §§61-2-9

(malicious or unlawful assault; assault; battery) and 61-2-28 (domestic violence). I disapprove this bill because it is duplicative of existing law.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill No. 2576 because it is technically flawed. For example, the bill refers to boards and commissions that have been repealed; the bill incorrectly identifies several boards and commissions; and the bill contains several incorrect internal West Virginia Code citations. Moreover, page 8, lines 41-49 contain numbering issues, including two subdivisions numbered (8). For these technical reasons and others, I must disapprove the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill No. 2627 because it is technically flawed.

The bill establishes, among other things, a new criminal offense for the damage or destruction of certain commercial or industrial property relating to the protection of health or safety. *See* page 3, lines 40-54. The bill designates this offense a felony. However, its punishment provision does not include a period of confinement in the penitentiary.

According to W. Va. Code §61-11-1, a felony offense is defined as being “punishable by confinement in the penitentiary.” *See also* Black’s Law Dictionary (9th ed. 2009) (defining felony as “[a] serious crime usually punishable by imprisonment for more than one year or by death”). Crimes that are not punished in this manner are considered misdemeanors. This bill is fundamentally flawed because the crime does not meet the definition of felony.

For this technical reason, I must disapprove the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill No. 2674.

This bill modifies the eligibility requirements for home school students to receive the PROMISE scholarship. The PROMISE scholarship is a merit-based financial aid program for West Virginia residents who meet certain academic requirements, including graduating from high school with a cumulative grade point average of 3.0 or higher or earning a general equivalency degree (“GED”). This bill eliminates the GED requirement.

Eliminating the requirement that home school students show mastery of certain subjects, rather than simply complete a course of study, provides an unfair advantage for those students to receive a PROMISE scholarship. It could also create an incentive for some students to drop out of the public school system if their performance

does not meet the required GPA standard to be eligible for the PROMISE scholarship. I believe this type of advantage was not intended when the Legislature created this merit-based program. Therefore, I disapprove the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove Enrolled Committee Substitute for House Bill No. 2793 for the following reasons.

The bill eliminates several requirements associated with the provision of home instruction to children that are necessary and appropriate. First, the bill eliminates the requirement of two weeks' notice to remove a child from public school for the purpose of commencing home instruction. This is important to ensure there are no underlying issues associated with truancy or other attendance

problems. Second, the bill removes the requirement that a plan of instruction be submitted annually. This requirement helps ensure that a home schooled child will receive adequate instruction each year to develop at a rate comparable to his or her peers, beyond an annual assessment to take place after the school year. Third, the bill eliminates the prohibition on permitting a child's parent or legal guardian to administer a nationally normed standardized achievement test for purposes of the annual assessment. This prohibition protects a parent or legal guardian from any appearance of impropriety or conflict of interest in such a testing situation. Finally, the bill eliminates the provision requiring a parent or legal guardian to pay the cost of an academic assessment that takes place outside of a public school. This leaves §18-8-1 of the West Virginia Code unclear as to who or what entity is responsible for paying the costs of the annual assessment.

For the foregoing reasons, I disapprove Enrolled Committee Substitute for House Bill No. 2793.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 1, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2840.

This bill would allow county boards of education to substitute up to four days of in-school instructional time with at-home instructional time in certain instances. As a result, students may only receive 176 days of in-school instructional time instead of 180 separate days as required under current law. One of my goals in Senate Bill No. 359, signed into law in 2013, was to ensure students receive 180 separate days of in-school instruction. This bill takes a step backward in meeting this goal and is directly at odds with my comprehensive education reform bill.

I encourage county boards of education to continue exploring options to meet the required 180 separate days of in-school instruction to ensure our state's students receive a thorough and efficient education.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 2, 2015

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 Enrolled Senate Bill No. 549.

This bill increases the annual salaries of certain civilian employees within the West Virginia State Police Forensic Laboratory, including civilian evidence technicians, forensic analysts and forensic analyst supervisors. Just last year, these same employees received a twenty percent salary increase across-the-board. *See* Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 486 (2014). Although I value the work performed by the State Police Forensic Laboratory, I am not comfortable with approving back-to-back pay raises during a year in which many other State employees are going without any pay increase.

For this reason, I disapprove Enrolled Senate Bill No. 549.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 2, 2015

The Honorable Natalie E. Tennant
Secretary of State

State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill No. 2776.

This bill allows physician assistants, advance practice registered nurses, and optometrists to prescribe “hydrocodone combination drugs to a patient for a duration of no more than three days per thirty day period.” The term “hydrocodone combination drug” is not defined in the West Virginia Code, nor is it defined in the bill. This creates ambiguity because it is not clear which drugs listed in the schedules contained in chapter sixty-a, article two of the Code may be prescribed. Further, the language added to the Code in this bill directly conflicts with other sections of the Code. For example, §§30-3E-3(a)(7), 30-7-15a(c), and 30-8-6 expressly prohibit these professionals from prescribing Schedule I and II drugs in contrast to the added language in the bill. Finally, and perhaps most importantly, this bill does not place any limit on the aggregate dosage that may be prescribed in a seventy-two hour period.

In an effort to continue combatting the substance abuse problem in West Virginia, it is critical that the law is clear in identifying what drugs our state’s practitioners may prescribe and the amount thereof. Because this bill is ambiguous and in conflict with existing provisions of the code, I must disapprove it.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable Tim Armstead
The Honorable William P. Cole III

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

April 3, 2015

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill No. 584.

The Board of Education has made laudable efforts to determine the best course of future action related to the Cedar Lakes Camp and Conference Center and I support the transfer of the camp to a private, nonstock, not-for-profit corporation. However, §18-2L-8(d) of the bill provides for an unexpected increase in separation costs that will result in substantial taxpayer expense.

I encourage the Board of Education to work with the Legislature to remedy this issue in the future; however, as it was presented, I must disapprove the bill.

Sincerely,

Earl Ray Tomblin,
Governor.

cc: The Honorable William P. Cole III
The Honorable Tim Armstead

All business of the sixty-day and extended session now being concluded,

Senator Gaunch, 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 Gaunch then reported this mission accomplished.

Thereupon,

On motion of Senator Carmichael, the Senate adjourned *sine die*.

ERRATA

On page 1642, House Concurrent Resolution No. 83, under the original double committee reference, was then referred to the Committee on Rules.

We hereby certify that the foregoing Senate record of the proceedings of the regular sixty-day and extended session of the Eighty-second Legislature, 2015, is the Official Journal of the Senate for said session.

President of the Senate

Clerk of the Senate

Appendix – Remarks

Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators

(Passage of Eng. Com. Sub. for Senate Bill No. 1)

REMARKS OF
**HONORABLE
HERB SNYDER**

Wednesday, January 21, 2015

SENATOR SNYDER: Thank you, Mr. President.

I think it's incumbent upon us to talk about this bill because there has been a lot of lead up to it, of what we're doing here. I want to thank everyone, particularly the Energy, Industry and Mining committee, for keeping the net metering in. A lot of our e-mail accounts lit up with people who are concerned. They have made investments.

I want to thank all those approximately 400 citizens and businesses throughout the state that have put in solar energy panels and so forth. Some of these are large investments; some of them are very small.

American Public University in Ranson put in a very massive solar array for solar energy. It's quite an investment. It's a regular commercial investment in Charles Town, Ranson—it's right on the border. I can never figure out whether it is in Charles Town or Ranson.

But, at the same time, this has worked well. I'm not going to give it credit for the reason that all this was done, but it's certainly helpful to make these investments.

There is a solar energy company in Berkeley Springs that has flourished with some of this. I want to encourage all those types of investments to continue.

We kept the net metering which I think a total repeal would have had a chilling effect on those investments in the future. There is even a church in Shepherdstown that made a fairly large investment to put in solar array panels. They're selling their excess back to the power company.

I want to thank everyone, particularly you, Mr. President, for allowing the bill to be amended and not be a total repeal. I think that was a good idea.

I also want to speak to clean coal technology and gas, West Virginia natural gas. I hope none of this is seen as kicking clean coal technology to the gutter nor our very bright future in natural gas. I know we are all aware that the price of natural gas is down substantially—cubic foot price—now. Some are starting to withdraw their aggressiveness in the natural gas sector simply because of the price.

Mr. President, I am convinced in my mind and heart that natural gas is a massive, massive part of West Virginia's future. It is the bright spot in our future as we see coal mined out of West Virginia. It's harder to mine. It's more expensive to mine. Although it is still a very, very important part of West Virginia and of our nation's energy production, West Virginia is extremely important with coal. But natural gas is also not only extremely important now—it is even going to be more important in the future. And I hope, we all dream, that they will turn into manufacturing jobs with crackers and so forth to make those byproducts of the natural gas. So, I hope that no one takes

away from here that we're kicking clean coal technology and natural gas to the gutter. I don't think that's the intention of this at all.

I do thank everyone in the Senate who played a part in keeping the net metering. I think that sends the right signal to the people who have made those investments.

I support passage of the bill.

Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators

(Passage of Eng. Com. Sub. for Senate Bill No. 1)

REMARKS OF
**HONORABLE
RON STOLLINGS**

Wednesday, January 21, 2015

SENATOR STOLLINGS: Thank you, Mr. President.

I, too, rise in support of this bill. Things were a lot different in 2009 than they are now. The Senator from Logan and I and the Senators from Mercer and Wayne have seen the mass exodus of coal jobs in our neck of the woods. We absolutely are doing the right thing in my mind by doing this.

The cost of CO2 sequestration is one that would be so expensive that we couldn't do it. At the same time, the coal industry has cleaned up coal. You don't see those yellow-belching chimneys any more. If anything, you see a little puffy white cloud down at John Amos Power Plant.

So, I certainly rise in support of this bill and, hopefully, in support of our coal

industry—particularly Southern West Virginia. As you know, if you look at those graphs, Southern West Virginia production is going down. Northern West Virginia coal is going up. We really, at the same time, have to, beyond this bill, continue to look at other ways to help diversify our economy in Southern West Virginia and also to support the industry.

I urge passage of the bill.

Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators

(Passage of Eng. Com. Sub. for Senate Bill No. 1)

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Wednesday, January 21, 2015

SENATOR KIRKENDOLL: Thank you, Mr. President.

I also rise in support of the bill. I just want to make some comments.

Having served the public as County Commissioner of Logan County for 30 years, I take pride in the fact that, as Commissioner and now as Senator, I've been to Washington, D. C., probably more than any legislator in the history of Southern West Virginia, in support of coal. I spoke in the halls of Congress. I spoke in front of the EPA. I've been to Robert Byrd's office, Jay Rockefeller's office.

We lost a coal mine in 1998 called Dal-Tex, 450 quality jobs. The average age of each lady and man at that particular mine site was 36 years of age. Twenty-

nine million dollars in direct payroll tax in Logan County was lost, shuffled out the door. A lot of these young men and women went down South and looked for other industries and never came back. It was all over an acreage permit.

I remember I actually flew in a helicopter with then-Governor Underwood and other people from the Coal Association and the union affiliates to plead our case. I also went to Arch in St. Louis and met with Arch officials trying to get them to leave the drag line. I knew if it was ever dismantled—it took over a million dollars—it would never be back.

And, then, that particular company in acreage is now called Mountain Laurel. We had a permit to have some layered or surface or strip mining or whatever you want to do—ten years in the permit process, and it was voided by the EPA after they had approved it.

I can tell you all the bad things about how the coal industry and the coal officials and people fight for these particular jobs, how we take that coal severance money. Mingo, Logan and Boone—three of the counties I represent—have, traditionally for the last five years, sent an average of \$170 million to the state coffers. We get about \$12.5 back. Some of the other states were a little smarter than us. Some of these coal-producing counties get 50 percent of that revenue. We wouldn't be worried about infrastructure, roads, broadband or anything in Southern West Virginia had we had smarter legislation years ago and we had that money to operate on. I didn't create that. This body didn't create that. That was decades ago.

I'm very thankful for this body. While I was on the County Commission, I helped orchestrate a bill through Senator Stollings and a couple of House people. We wrote the legislation that allowed coal-producing counties one percent a year for five years

to cap out at \$20 million. Well, in my particular county of Logan, that's \$2 million under the current production levels for them to put in water, sewer, job creation and economic development.

I applaud this legislation. I want to be fair with everybody. I am a proponent for increased production in Southern West Virginia. We have the best of the best as far as technology. We are under more scrutiny on permits and everything than anybody in any industry in America.

I serve as a member of the Senate on the EIM Southern States Energy Board. Twenty-eight percent of all the coal reserves is in America. We have more oil and gas than Saudi Arabia. Why are we even having these issues? We should be dictating to the world the energy portfolio. This country should be totally energy independent. We should never go over \$2 a gallon on gas. We were at \$4 a gallon just a few months ago. We will go back to that. We have regulated ourselves to where the industry and the job creation of the most significant and smartest people should be showing the rest of the world—here is the energy portfolio for the world.

So, I do applaud this legislation bipartisanly and support for this bill. God bless the state and let's get on about business.

Thank you very much.

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Thursday, January 22, 2015

SENATOR MILLER: Thank you, Mr. President.

I rise today to speak to a bill that was introduced in this chamber yesterday. I was, unfortunately, at a funeral for a family member of my son-in-law, so I was unable to be here when the bill came to the floor.

In this chamber, we often find so many bills of which we strive to disagree with one another. There are tax bills and business bills and labor bills and social bills. There are bills which reflect the very base or ideology. There are bills that reflect the direction in which we like to see and feel is needed in this great state.

While we may all differ in our thoughts about many things, issues which we struggle, we all have the same desire. That's to make this great state which we love a great place and a better place to live. I applaud each of you in your views and stances. While I may find that you're wrong at times, I'm sure that you often feel that way about me. That's what makes this Senate a great body. We can differ; we can argue; we can have our differences and yet try to move forward.

Today, I stand to speak to a bill that should not separate any of us. I'm speaking to Senate Bill No. 277 (*Requiring issuance of certificate of birth resulting in stillbirth*). Now, it's not going to change the world, but I've requested that this be called Noah's Law based on the efforts of a mother who was recently from Raleigh County who now lives in Greenbrier County who has fought this battle for some time. In fact, she has fought it so successfully that she now has an organization that takes care of people who have lost a child during pregnancy in stillbirth.

This mother, during the months of her pregnancy, carried her child with a sense of excitement waiting for the birth of this baby. She did all the right things. She and her husband had even picked the name, the name Noah. Everyone of us in this place who have had children or grandchildren know that excitement.

Many of you know that I'm going to become a grandfather [it's hard for me to accept] for the first time in March. I can tell you that I've become one of those persons that I used to joke about. Ask me and I'll show you a picture of the sonograms of this grandson. We already named him too—Emerson.

This mother and father had the unimaginable happen. Their expected son died during the pregnancy and was born and classified properly as a stillbirth. Noah became just a statistic of stillbirth. The family grieved as they would. When they requested a certificate of the birth of the child, they were given nothing really because there was nothing given to them by law.

What this bill does is to simply give this family, to give all families, an opportunity to complete the grieving process by acknowledging the existence of a child. I respect, as others have said, that process. I encourage the Health committee to please look at the bill. It's not a Democrat or Republican or pro-choice or pro-life bill. This is simply something that I think is right. This is something for which we can all be proud when we help to make a difference.

Thank you.

Allowing well work permit transfers

*(Passage of Eng. Com. Sub. for
Senate Bill No. 280)*

REMARKS OF
**HONORABLE
DOUGLAS E. FACEMIRE**

Friday, January 23, 2015

SENATOR FACEMIRE: Thank you, Mr. President.

I stand in support of this bill. As West Virginians we talk about being an energy state. It's important that we recognize this is part of a multi-billion dollar investment in our state.

The requirements of this well permit have already been met through our agency. We need to show these companies that we appreciate them coming into our state and making the investment. We want them to do it right, and we'll make them do it right. Most of them want to do the right thing. We're talking about lots of jobs.

We'll have plenty of issues to fuss across the aisle about, but we also need to recognize when there's something that's not a Democrat-Republican issue. It's the right thing to do for our state. This is the thing that moves our state forward. I urge passage of this bill. I'm proud to support it. We can work together, both bodies. Not only is it the right thing to do, but it's our duty.

I commend you for what you've done here, and I'm proud to support it. I urge passage of it.

Allowing well work permit transfers

*(Passage of Eng. Com. Sub. for
Senate Bill No. 280)*

REMARKS OF
**HONORABLE
RONALD F. MILLER**

Friday, January 23, 2015

SENATOR MILLER: Thank you, Mr. President.

I also stand to speak for this piece of legislation. I was concerned for landowners

and what would happen to landowners with this legislation when it was originally submitted. The committee substitute does protect landowners, particularly how it is written.

The rule—I've been doing some checking on that—the rule is older than the horizontal well bill. The rule is an older rule than that so it was based on previous legislation. So that rule was just applied and implied in this piece of legislation when we did the horizontal well bill.

I also stand to support this because landowners are protected. I am very concerned about landowners in these situations.

I think this is a very responsible company, a very responsible move. I think we're moving forward in a responsible way as Democrats and Republicans. I think it is very important to note that.

Thank you.

Allowing well work permit transfers

*(Passage of Eng. Com. Sub. for
Senate Bill No. 280)*

REMARKS OF
**HONORABLE
MICHAEL J. ROMANO**

Friday, January 23, 2015

SENATOR ROMANO: Thank you, Mr. President.

I wanted to rise in response to my esteemed colleague. I, too, rise in support of Engrossed Committee Substitute for Senate Bill No. 280 and I wanted to assure him that in vetting this particular change to the bill

not only did we hear from the surface owners who were wholly in favor of this but we were assured that the transferor company—the one who was receiving the permits—would have to meet all of the requirements of the original permitting company.

I think the committee was unanimously confident that this not only spurred on the oil and gas industry in our state but also protected the landowners and, of course, will create jobs.

Thank you, Mr. President.

Relating to payment of separated employee's outstanding wages

(Passage of Eng. Com. Sub. for Senate Bill No. 12)

**REMARKS OF
HONORABLE
MICHAEL J. ROMANO**

Friday, January 23, 2015

SENATOR ROMANO: Thank you, Mr. President.

Mr. President, having been on the committee and considered the facts and the circumstances and the change in this bill, I have to rise in opposition.

Just a couple years ago, the requirement to pay a separated employee was 72 hours, and there is a reason for that. When you are separated from employment, it is sometimes not under the best circumstances, sometimes employers will not see that the best is done for you. We're talking about people who no longer have a job. To receive that next paycheck in a timely manner so that you can go out and look for work and take care of your family

is a very important thing to a working person. Most of us are fortunate enough in here not to live paycheck to paycheck. I know I am. I know that's a real blessing, but most people in West Virginia do not.

Two years ago I believe we changed it from 72 hours to four business days or the next pay period, whichever came first. In today's day and age, calling up your payroll company and asking for a check to be cut is a pretty simple matter. If you cut them yourself, that's even a more simple matter. Plug in the number of hours and you print the paycheck. This bill hurts hardworking people. It hurts people that may have a reason to be separated or terminated which may not be their own doing but they no longer have a job. It really helps no one. Employers certainly have the ability to cut a paycheck so that people can use those funds to smooth over whatever tough times they're having when they lose their job. At the same time, no employee is going to be able to go out and hire an attorney and go through the process of gaining their pay for no reason.

At the same time this bill reduces what used to be treble damages three times the amount of the paycheck—so if it's an \$800 paycheck, the employers will pay \$2,400—down to two times. There seems to be no rhyme or reason for that change.

I would recommend that this body see this bill for what it is—something that doesn't help businesses and certainly hurts working people—and vote against it.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Monday, January 26, 2015

SENATOR MILLER: Thank you, Mr. President.

I want to remind my colleagues, or make them aware if they are not aware of it, that, about a year ago, we suffered a water crisis here in the Kanawha Valley. About 300,000 people were affected.

We now have a water crisis in the Greenbrier Valley as I speak. There was a diesel spill into some streams up there this weekend. There are several communities without water. Schools have been shut down. Everybody is operating on emergency water systems, water buffalos, water tanks and those types of things. We're all familiar with those things down here. I want you to continue to remember those folks as we, fortunately, have water this time and they do not. As bad weather moves in, there is always the fear for the elderly, fear for the hospitals and for folks who are without water.

It's very, very important that we protect that valuable resource. You don't realize how valuable it is until you lose it. In our region, no one would have thought of losing water because of about 4,000 gallons of diesel. As it came down the river, it shut down Lewisburg's system, which shut down Lewisburg, Ronceverte, Fairlea and Frankfort—losing possibly the Alderson system and maybe Talcott in Summers County. As of last night, they still have water in those places.

So, be aware of this, please, and in any way that we can help. There may be a call for bottled water later, not right now. That's not been sent out. The Red Cross is taking care of that.

So, be aware of those folks today who are without a necessary ingredient of life—water.

Thank you.

Designating January 27, 2015, Higher Education Day at Legislature

(Adoption of Senate Resolution No. 13)

**REMARKS OF
HONORABLE
DAVE SYPOLT**

Tuesday, January 27, 2015

SENATOR SYPOLT: Thank you, Mr. President.

First, I'd like to thank you for being here at the Capitol today and thank you for the work you do to bring attention to the role higher education plays in our state. Several leaders of these higher education institutions are with us today, and I personally thank them for what they do to promote a culture of lifelong learning to our state's residents.

According to the Higher Education Policy Commission's 2014 West Virginia Report Card, the overall college-going rate decreased half a percent between 2012 and 2013. Furthermore, the overall college-going rate has decreased 5.6 percent since 2009. Also, the enrollment numbers for first-time freshmen have dropped 1.6 percent since 2009. Clearly, the trend needs to be moving in the other direction.

My goal in the Education committee is to work to make sure that college isn't unattainable for our young people. To put the previous numbers into context, first-time freshmen enrollment increased across the country by 15.5 percent between 2003 and 2011. There is no reason, Mr. President, that West Virginia is going in the opposite direction.

During the annual State of the State address, each year our Governor promotes the importance of higher education and

how the majority of the jobs in the near future will require a certificate or some sort of degree. Then, before the night is over, he presents the proposed budget which, for this year and the past two fiscal years, has involved a reduction in higher education spending. That's right—it's a cut to the very funding that's necessary to make our higher education system thrive.

Now, admittedly, we're in a tough situation with our state's budget. There is a good chance we'll need to dip into the Rainy Day Fund to make up a \$26 million shortfall. We have work to do to bring our state back to living within its means—but we can't afford to do that at the expense of higher education year after year after year.

A well-educated workforce is a win for West Virginia. A well-educated workforce drives economic development. It's our responsibility to make sure we do our part as legislators to be the kind of partner that these institutions of higher education need and deserve. We must rise to the challenge to make our standards higher. We must lay the foundation for success by providing these educational opportunities for all of our young people, all of the people re-entering the workforce and all those who simply just wish to learn.

Thank you to these leaders for coming to Charleston today to make their voices heard. I'm excited to welcome them and to be their partner in education.

Thank you, Mr. President.

Providing for DOH performance and efficiency audit

(Passage of Eng. Com. Sub. for Senate Bill No. 8)

REMARKS OF
**HONORABLE
JOHN R. UNGER II**
AND
**HONORABLE
CRAIG BLAIR**

Wednesday, January 28, 2015

SENATOR UNGER: Thank you, Mr. President.

Would the Senior Senator from the Fifteenth yield?

MR. PRESIDENT: Will the Senator yield? Senator yields.

SENATOR UNGER: Senator, I'm not on the Government Organization committee, and I believe that's the only committee it went through. Is that correct?

SENATOR BLAIR: Yes, it is.

SENATOR UNGER: Okay. If you could, help me on some of the discussion so I see if it was there. Were there discussions regarding the Governor's Blue Ribbon Commission and some of the results that have been coming out regarding that Blue Ribbon Commission that was commissioned, I guess, a year or so ago that members of this body served on? Was there discussion on that particular report?

SENATOR BLAIR: In this committee, the Government Organization committee, no, there was not.

SENATOR UNGER: Okay. In that report, I just want to share that the Blue Ribbon Commission has come up with that what we need is \$1.1 billion in addition, \$750 million to the resurfacing of our roads and then \$380 million for expansion of bridges.

Also, I just have a question: Did you all also discuss in the committee a report

that came out September 2014 about a Reason Foundation–The Performance of State Highway Systems. This is a conservative think tank that this report was brought out. Did you all have any discussions in Government Organization about this particular report in relation to this performance?

SENATOR BLAIR: Not on that particular report either.

SENATOR UNGER: Okay. This also talks about the performance of all the states and ranks the various performances within the states and it's a performance audit that was done in all the states and it was produced. The one thing I want to mention on this particular report is a number of things that actually came out of this.

One is that West Virginia ranks fairly high in the area of overall performance, but where we lack in this performance audit that was done is the area of moneys distribution. For example, as far as state-controlled mileage of money per mile, West Virginia is ranked the sixth worst. We have \$34,645—the average is \$16,286. Also, maintenance distribution: We're ranked seventh worst. We only have \$9,059 per state-controlled mile compared to the average of \$26,079 countrywide. Capital and bridge disbursements—again, money—we're ranked second lowest per mile. Capital and expenditures for bridges at \$23,707 with the average of \$86,143 countrywide. Overall, the total disbursements of money to our state-controlled miles: We are the second worst in the country in regards to money going into our road system where we only put in \$39,883 where the average throughout all the other states is \$1,062,202. So, overall this is demonstrating that our problem is the finances and the money going into our system.

The other thing to point out that's in these reports—and it's unfortunate

Government Organization didn't look at this—is that in the 1970s under Governor Moore's administration, there were 11,000 employees; today we have less than 5,000 state highway employees in our system. But, Mr. President, we also have 1,200 miles of additional roads that we didn't have before.

SENATOR BLAIR: Senator, I need to know what your question is.

SENATOR UNGER: My question is: Did the committee take any of these reports that have already been done—the audits and the information—was that not provided to the members of the committee during the time of the discussion?

SENATOR BLAIR: They were not provided, but the fact of the matter is that this audit will actually go into that and even go into further in depth with that. Now, if you would like to, I'm quite certain that we can actually take this information that you have and as this bill moves through the further legislative process that we can make sure that that's included in on the discussion of it. We have a duty probably to do that. Any more questions?

SENATOR UNGER: Thank you.

Mr. President, you know, in this aspect here I think that we know the problem here, and I think that once you had mentioned in a report that you had thought that we have a study-it-to-death mentality in West Virginia and that you wanted to get away from that.

Clearly this has a financial implication to it because it's going to take a half a million dollars out of the State Road Fund—that's in addition to what the Governor is proposing taking out of the State Road Fund of another \$12 million. And then I see that in the Transportation and Infrastructure committee they actually passed a bill that would be tax exempt and would take

another bit of money away from the State Road Fund.

Mr. President, all the reports are showing that the problem is that it's not the efficiency of what's going on, because clearly they're doing more with less. It's the finances and taking a half a million dollars from the State Road Fund. I think it's a pretty bad mistake.

So, here's what I suggest, Mr. President. I move that this particular bill be committed to the Committee on Finance. I ask for the yeas and nays and, also, I reserve the right to close on my motion.

SENATOR UNGER: Thank you, Mr. President.

I didn't get the chance to close for the motion, but I wanted to again point out the fact that normally—at least from my tenure here for the last 16-17 years—any financial implication to state government always goes to Finance committee. It didn't even go to Transportation and Infrastructure, but that's not as important as Finance.

We're going to spend a half a million dollars to commission a study that's already being done by the Blue Ribbon Commission; and, in addition, it's already been done by the Reason Foundation in regards to performance audits. As the Senior Senator from the Eighth mentioned, even our Legislative Auditor has done a study on this. And, once again, we're going to spend a half a million dollars taking away from the State Road Fund.

Now, Mr. President, I know you travel these roads as well as I do, and our roads are terrible. Potholes and everything else. With this winter coming on, we're going even to have more of a problem, because once we get into the spring the roads are going to be damaged. We're basically stripping

the money from our State Road Fund where it's already woefully underfunded. We're taking a proposed budget—what the Governor put forth—\$12 million out of it. We're eliminating sales tax going in it. Then we're doing a commissioning of study that's going to cost at least a half a million dollars.

Once again, we've had study upon study upon study on this. Mr. President, I think it was you that, let me say, in your acceptance speech as far as becoming President of this body—I quote: "To put it bluntly, the time for studies is over. I do not believe the problems we face as West Virginians are ones that can be solved by commissioning another study that will tell us what we already know: We have work to do." Mr. President, that was what you said to us on January 14.

Mr. President, I think that with our road situation we have the highest fatality rate on our roads than any other state in the Union. We rank the highest. Part of that is because of our narrow lanes. We have 41.75 percent of our roads are narrow lanes that causes these accidents where the average in the country is 8.89 percent.

Mr. President, we all know what needs to be done. And the one thing we don't need right now is to take any more money from the State Road Fund—where these roads are not being paved; the bridges are falling apart. In all this, report after report shows where our problem is. Taking another half a million dollars, Mr. President, from the Road Fund, I think, is only going to create more of a problem than it's worth.

I think we ought to be doing the opposite. We should be putting more money into our Road Fund so that we can fix the roads and the bridges and making sure that that's safe. You know, there are only a few things we have constitutionally as a legislative body that we are required in state government to do. One is the welfare and safety of our

residents, and the road system is one of the most important aspects of that.

Mr. President, I rise to say that a vote for this bill is, number one, a vote to kick the can down the road. It's a vote against what you have set the tone for—we don't need any more studies; we just need to get to work. And, Mr. President, a vote for this bill right here is taking money out of our State Road Fund. I hope every West Virginian when they hit the potholes and have to get front wheel alignments, etc., I want them to think about this vote. Because the reason why we can't fix our roads is because we continue to take from our State Road Fund, Mr. President.

Thank you.

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Wednesday, January 28, 2015

SENATOR KESSLER: Thank you, Mr. President.

Members of the body, I would direct your attention today to a bill that we introduced on the bluelist—Senate Bill No. 349 (*Relating to Tourism Promotion Fund*) which is the Tourism Promotion Fund bill. As many of you know, tourism is a rapidly growing industry and business in our state that needs to be cultivated to grow.

As many of you know, over the last few years during our budget cuts we've cut, we've cut, we've cut. One of the things we've cut, unfortunately, has been the Tourism Promotion Fund, the marketing fund, the advertising fund, Mr. President, that brings people and dollars into our state to spend. Now, I don't care whether it's a car business or a law business or

whatever business it may be, people won't come here to buy if they don't know you're there. What we have done has been counterproductive by cutting our tourism budget year in, year out, year in, year out, for the last few years.

So, what would this bill do? It would restore \$5 million of funding back into the Tourism Promotion Fund so that we can have the matching grant fund replenished and also the marketing and advertising fund, Mr. President. As you know, last year when we did the SCORE initiative, trying to help the southern coalfields diversify their economy—whether it was in the Logan and Boone County area, whether it was back in Mercer County in your area, Mr. President, whether it was over in Fayette County in Oak Hill or whether it was down in Beckley—a uniform theme throughout every one of those meetings, Mr. President, that the opportunities that were there in Southern West Virginia for whitewater rafting, for the Hatfield-McCoy Trail, the Greenbrier, the New River Gorge, the new Boy Scout camp—all of those endless possibilities to create jobs and opportunity in this state for the people of this state are dwindling because of those cuts to that budget.

I've heard the Senator from Putnam on many occasions talk about the Pure Michigan campaign which was a concerted effort to bring people to Michigan. How did they do it? Through advertising. It was a rousing success. Additionally, Mr. President, Colorado tried to cut their budget by cutting their tourism budget. Guess what happened. They saw dollars lost.

So, in this bill, Mr. President, if we find \$5 million, the return on investment from advertising, I'm told, both in jobs and income tax and sales tax that are brought in will more than replenish that. I've heard it will provide a seven to nine times return on investment.

I urge the body in a bipartisan manner to take this bill up in the Finance committee. Let's give our growing garden an opportunity to continue to grow for jobs and for the tax base and for the people of this state. If they don't know we're here, people won't come. We need to water that garden and fertilize that garden—not drown it out and cut it off. So, with that, Mr. President, I urge consideration of that bill.

REMARKS OF
HONORABLE
JEFFREY V. KESSLER

Thursday, January 29, 2015

SENATOR KESSLER: Thank you, Mr. President.

Members of the body, I see one of the bills introduced today is a bill of great concern to me and many of my folks in my community: Senate Bill No. 361 (*Repealing code sections relating to prevailing hourly wage requirement for construction of public improvements*), the prevailing wage abolition bill, the repeal of the prevailing wage bill.

You know, this morning I had occasion to meet with the building contractors in my district. There was a roomful of them. These are the folks that do the building in my community, that build the schools, that build the public projects, that build the homes, that do all the building, all the work and all the sweatin', all the hiring in the construction field back in my community. I asked them across the board—Senator from Ohio, you know them, they are your friends—are any of you for the repeal of the prevailing wage bill? Raise your hand. Do any of you have a member or somebody in your business, in your industry, in your field back home, anybody, that thinks this is the right way to go, that we should repeal

this bill? Raise your hand and tell me now. Deafening silence, Senator from Wyoming. It was deafening. Not one person in my community thinks it's the way to go.

People say, well, this is a labor bill. You're pro-labor, anti-business. I've got a stack of letters here, Mr. President, from businesses in my community—not from labor—but from businesses in my community saying stop this train. It's the wrong thing to do. It is radical, it is reckless and it is wrong. Mr. President, I know you share my vision—we all do—to create jobs in our state, to raise our standard of living, to improve the lot of our people, to provide for the working men and women of this state.

I suggest to you, Mr. President, that this bill will do the exact opposite. Mr. President, as you know, West Virginia, all the studies say, has the lowest per capita income in the country, lowest per capita income in the country. What will this bill do, Senate Bill No. 361, the repeal of the prevailing wage? It will drive wages down further. We will have a race to the bottom in this state. I don't think that's the place anybody in this room wants to go. That is wrong for the working men and women of this state. That is wrong for the businesses of this state. That is wrong for the people of this state, Mr. President.

I call on you—since we passed that rule the second day we came here—once again, Mr. President, to use the powers we gave you and ask for a study of this bill. Yesterday, we had a study on roads, half a million dollars out of the Road Fund, we would study roads. We're about to go down a road, Mr. President, that is going to drive the wages of the people in this state down. I call on you as our leader, Mr. President, to ask for a study. As you know, we gave you the power for a jobs and wage impact study. Nothing could be more important than a study of whether what we're being proposed to do will

work; because if it doesn't, Mr. President, it will be catastrophic for the people of this state. There have been studies that say that it is wrong. It's been tried in Oklahoma. It hasn't worked. It's been tried in Pennsylvania, Ohio, excuse me, and they've rolled it back. Why? Because it hurts the people of the state where it's been enacted.

I remind you, Mr. President, that we are not outliers all the time. We've got to do this so that we're in line with other states. Do you know there are 31 other states that have a prevailing wage law? Thirty-one! We're in the majority, not the minority. There hasn't been one state repeal it in 25 years. You know why? Because it's the wrong thing to do.

Our prevailing wage bill, I remind you, historically, Mr. President, is modeled after our federal bill. It's modeled after the Davis-Bacon wage law. I don't need to remind you with history that the state prevailing wage laws were modeled after that. You know, it was not a liberal idea, or a Democrat idea. Davis-Bacon bears the name of two Republican senators—James J. Davis of Pennsylvania and Robert L. Bacon of Long Island, New York. Neither was a flaming liberal, I assure you, or a labor radical. Bacon was a banker and a decorated military officer who served in World War I while Davis served in the cabinet of three Republican presidents that thought so much of him. And here we are, we got a bill that's going to roll it all back and repeal it. I urge you, Mr. President, to slow this train down.

The first two bills that dealt with this went to Labor, the Senator from Wyoming and the Senator from Ohio's committee. This bill, I see, is going straight to Government Organization. The other ones go to Labor; then to Judiciary. I can't think of any more important bills to the working men and women, to the labor community, of this state than the prevailing wage bill. They're

not going to get a chance to see it under the introduced bill, Senate Bill No. 361, which I understand was introduced today and scheduled, according to the agenda, to be rolled out to Government Organization this afternoon. So, I ask you to slow down this train, Mr. President, to ask for this study which you are empowered to do, to see where we're going and not let rhetoric and politics ruin West Virginia.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
DONNA J. BOLEY**

Thursday, January 29, 2015

SENATOR BOLEY: Thank you, Mr. President.

Today on the bills that came up, is Senate Bill No. 362 (*Relating to public school curricular standards and assessments*). I'd like to call your attention to that.

In summary, it's a "stop Common Core" bill that we've been working on for several months. The bill affirms the rights of parents to direct their child's education, prohibits the use of Common Core standards in West Virginia schools, withdraws West Virginia from the Smarter Balanced Assessment Consortium and prohibits the use of any Common Core-based assessments, prohibits the ceding of authority over academic standards to the federal government or private entity. It temporarily adopts the tried, tested and proven Massachusetts Three Common Core standards.

I would like to call your attention to a paper I put on your desk as to why we decided that it would be well if we could adopt Common Core standards from Massachusetts. If you

look at Massachusetts, there's four columns there. Overall State Grade: Massachusetts—one. They ranked number one. Chance for Success, they ranked number one. K-12 Achievement, they ranked number one. School Finance (amount of money they put in per pupil), they ranked tenth.

If you look down at the bottom at West Virginia: Overall State Grade for West Virginia: It's not one; it's twenty-seven. Chance for Success, forty-seventh out of fifty. K-12 Achievement, forty-seventh. But if you look at the School Finance and the money that we put into education per student, we rank second in the nation. This came from the Education Research Center.

Other things that the bill does: It places limitations on statewide assessments. I'm not sure if you have all looked at your counties and what the WESTEST—that was just given in May and finally the results came out in December—did to your county. It places restrictions on the collection and sharing of student data. It prohibits colleges from denying admission solely on nonparticipation in the Common Core program or assessment. And, last, it establishes a plan, a way to take our standards and not Massachusetts' standards and maybe bring us up from forty-seventh to first.

Thank you.

Creating Captive Cervid Farming Act

*(Passage of Eng. Com. Sub. for
Senate Bill No. 237)*

REMARKS OF
**HONORABLE
BOB WILLIAMS**

Friday, January 30, 2015

SENATOR WILLIAMS: Thank you, Mr. President.

I rise in support of this issue. This is an issue we have worked on for quite a number of years. This body has passed this issue out at least twice—maybe three times—in previous years.

What we're talking about here is simply a matter of transferring the authority to regulate an agricultural enterprise from the Division of Natural Resources to the Department of Agriculture. We're talking about animals which are kept behind a fence, which are fed, watered, provided veterinary care, selected for improved genetics—everything that's involved in the proper husbandry of any livestock that we have in the state. It just happens to be deer. It's clearly, without question, an agricultural enterprise and one that needs to be regulated by an agency that wants to see the industry grow and prosper and still have the appropriate safety regulations in place to be certain that you can protect the health of the wild deer and still have the deer farming industry prosper.

You've probably heard and received some communication regarding the concerns about the disease issues, the chronic wasting disease issue particularly. Let me just give you some comfort there. Will we never have chronic wasting disease in a captive deer herd? I can't say that. We do have it in West Virginia in the wild deer herd but not in the captive deer herd. There are regulations in place and those will transfer to the Department of Agriculture that requires certain testing procedures for chronic wasting.

I would also suggest to you that the Division of Natural Resources—who's currently in charge—does not have a veterinarian on staff. The Department of Agriculture has five or six veterinarians on staff. The Department of Agriculture has a long history of dealing with disease

outbreaks effectively in the poultry industry and the cattle industry. Our state is free of most of the serious diseases that occur in livestock.

So, I would encourage the support of this issue for the transfer of this to see this industry grow and prosper in West Virginia. It has a good future. We're looking forward to seeing a lot more growth and the opportunity this bill will provide us. The opportunity to sell the meat, the venison from the deer. They have to be slaughtered in a licensed, registered slaughter facility and processed just like our beef and our pork and our lamb is today. So, I would encourage the support of this piece of legislation.

Relating to medical professional liability

*(Passage of Eng. Com. Sub. for
Senate Bill No. 6)*

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Monday, February 2, 2015

SENATOR KESSLER: Thank you, Mr. President.

I appreciate the explanation of the Judiciary chair.

I rise today just to remind folks that we talked on Friday a lot about this bill during the amendment stage. I remember medical malpractice reform legislation probably better than many of you because that was my maiden year as the Judiciary chair in this Chamber. There was no more hot button topic that came across the desk of any chairman in this body for probably 20 years, except maybe workers'

compensation. It was hot. It was heavy. It was highly debated throughout that period of time. As you know, we did enact many tort reform measures as a result of that, lady and gentlemen, including certificates of merit, caps on noneconomic damages and a lot of things of that nature as part of our medical malpractice reform legislation.

I would remind the members of this body, Mr. President, of the fact that, in companion with the tort reform—and maybe equally important—was the creation by this body and this Legislature of the Physicians Mutual Insurance Company. The problem in many respects, if you recall back then, and the Senator from Boone will recall, was that doctors couldn't find an insurance company and if they could find one, it wasn't affordable. They couldn't find it and they couldn't get it. The free market, Mr. President, was not working when it came to insurance for physicians and health care providers back in 2003 and hadn't for several years before. So what this Legislature did, Mr. President, was we advanced a loan of \$20 million, I believe, so that the physicians of this state could organize and create their own Physicians Mutual Insurance Company. They would help police their own. They would own and operate it to make sure that there was steady, available, reliable and affordable health insurance for our medical community in this state.

So, in that respect, Mr. President, many times we bust the government and government intervention . . . keep hands off and let the markets work all the time. But the free markets don't always work. I've heard it said that we need to run everything like a business. Well, government isn't a business. We have to serve people. We don't always have to worry about profits. We have to worry about people and delivering the services needed by the people of this state. I remind you all that in 2003 what we did by putting \$20 million of state money in an exchange was a very good investment and we got a

good return on that investment. The doctors have insurance today. They continue to have affordable, available insurance. They paid that loan back early, too, Mr. President, I'm happy to say. So, it's been a rousing success. But it wasn't just the tort reform measures. It was also the insurance reform measures that this Legislature enacted that made that a good piece of legislation for the people of this state.

Thank you, Mr. President.

Relating to medical professional liability

*(Passage of Eng. Com. Sub. for
Senate Bill No. 6)*

REMARKS OF
**HONORABLE
CHARLES S. TRUMP IV**

Monday, February 2, 2015

SENATOR TRUMP: Thank you, Mr. President.

I would be remiss if I did not acknowledge that the Senator from Marshall County is exactly right in enacting the Medical Professional Liability Act. I look around this Chamber and I see a lot of people still here who were here then, including the Senator from Marshall, who had the role of chairman of the Senate Judiciary committee at the time, who took courageous action to save the medical community in West Virginia.

This is an important and necessary step to make sure the fixes that were put in place a dozen years ago continue to work for the citizens of West Virginia.

I urge the passage of the bill.

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Monday, February 2, 2015

SENATOR KIRKENDOLL: Thank you, Mr. President.

Earlier when we started session during our introduction of guests I introduced the Mayor of Logan, Serafino Nolletti, and his Clerk, Amber Viars, and the Mayor of Man, Jim Blevins. At that time, they weren't quite in the gallery. So, I will now ask them to stand. But my remarks are not only relating to them—they're about what they do.

I'll ask the Honorable Serafino Nolletti and the Honorable Jim Blevins to stand. Serafino just went through an election a couple days ago and got 82 percent of the vote, I think, in my area. Jim Blevins is running in June for a municipality called Man. Serafino is the Mayor of Logan. With them is Clerk Amber Viars. First of all, give them a warm welcome. These are great guys right here.

Mr. President, before I became a Senator, I spent 30 years as a County Commissioner in the County of Logan. I can tell you on a daily basis what these guys and ladies go through that serve in the role of mayor in these municipal towns in our state. Most of them have a million dollars or less in a budget. Most of them have all the auxiliary support they have to give the people who live within the boundaries of the city to take care of with the police department, with their sanitation board, with their water systems. Each year we have laws up here that we look at and sometimes we overlook the people down on the grassroots.

Even when I was a commissioner, I always said that government starts at the bottom with municipal and county

government. If it's strong there, it will be strong here. Before I got here I always said that it doesn't do any good to have a Rainy Day Fund and a surplus in the State of West Virginia when we have towns and counties that can barely meet their budgets. Now, how do we fix that? We simply look at what is affecting them on their payouts, their intakes, and give them the best opportunity to make the money that they have worked for.

I know we just had a bridge dedication in the City of Logan that I could not attend—I was on the floor. The Governor was there. It was a mainstream walk bridge from one of our beautiful ballparks to one of our little towns. It was about a half a million dollar project. Well, I can tell you now the City of Logan could not have done that without the Logan County Commission and the help of my colleagues and the Senior Senator from Boone and myself and their ability to have what funding they have.

I would encourage, today and in the future, as legislators that we look at how to make our counties and our towns stronger, more efficient and more effective. If we do that, at the end of the day our job will be a lot easier. It's easy to come up here for a 60-day session and work on our budget, work on our bills that we feel in our hearts are the right thing to do for certain people; but when I go back to Logan and I go to Man and I see Jim Blevins, as the Mayor, out there with a push broom sweeping his own sidewalk. Serafino Nolletti, you call him anytime during the day and chances are he'll answer the phone. Now, I don't know if all you guys are as lucky as I am to have three mayors in your county—I know Boone is the same way—those guys are there every day, and I know their personal achievements. They don't have to be, but they want to give something back. So, what I'm trying to say: With what they're giving up, let's take every opportunity with the legislation from today on to make sure that we pass legislation to give them

something back.

With that, I just want to say I appreciate what my people back home do. I know I'm prejudiced to say it on the floor but I represent Logan, Boone, Lincoln, Mingo and Wayne—the best people in the world. You should feel the same way when you speak. If we do that as a unified body, we'll make not only the State of West Virginia better but give the local people an opportunity to compete and give their people the best they can have.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
MICHAEL A. WOELFEL**

Monday, February 2, 2015

SENATOR WOELFEL: Thank you, Mr. President.

Those were very inspiring words, Senator from Logan. Thank you.

Let me speak for a minute about the Super Bowl commercials that we saw yesterday, for those of us who had extra time to enjoy the Super Bowl. I'm a big fan of the commercials as many Americans are. But the one that stood out to me yesterday is entitled, "Wisdom".

For those of you who didn't see this, Wisdom told us about the Dodge Motor Company in 1914, which opened during that year—100 years ago. It showed us the Dodge Challenger, which some of us remember was one heck of a muscle car. I recognize, in addition to Mr. President, the gentleman from Wayne County is also a gear-head and enjoys the muscle car. What happens next during this commercial shows folks born during that decade who come on

the screen and give powerful bits of advice to us that are very relevant today. Words that we could live by today. These folks, a hundred years old, ninety years old, ninety-three years old. It was amazing. You can see why these folks are referred to as our Greatest Generation.

Now, the folks in the commercial are not driving the Dodge Challenger today because they surrendered, as a matter of safety, their driving privileges. It's just a thing, at that age, that's best for the public.

Wouldn't it be tragic if any government would decide to take away fundamental constitutional voting privileges from those people—our Greatest Generation—simply because they no longer possess a valid photograph ID issued by a state agency?

Thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

REMARKS OF
HONORABLE
JEFFREY V. KESSLER

Thursday, February 5, 2015

SENATOR KESSLER: Thank you, Mr. President.

I listened online to the committee proceedings that were going on as it relates to the repeal of the prevailing wage bill, Senate Bill No. 361, and was stricken by the fact that, as I mentioned a few days ago

on this floor, I've got a stack of letters from businesses back home in my community that says it's no good for them. It's no good for small business. It's no good for the contractors in our state. I know where labor stands on this as well. They don't think it's a good bill. I have yet to hear anyone give us a compelling reason why we need to do this, Mr. President.

In fact, I heard someone, I'm not sure who, whether it was the Government Organization chair, the Senior Senator from the Fifteenth, or one of the speakers, say that there was another report being done and the results were going to be presented on Monday, if I heard correctly—some updated report maybe from some statistical data.

So, again, I don't know why we need to run this train. Again, I believe the repeal of this is radical. It's wrong. And it's not in the best interest of the people of the State of West Virginia.

There's no compromise in this bill. This bill right now is an absolute repeal. I've heard some suggestion that maybe there might be an opportunity to do some compromise, but this bill is not a compromise. This bill is an outright abolition of the prevailing wage law that has served our state well for decades and decades, Mr. President.

So, therefore, I urge the adoption of the motion to reject the committee report.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

REMARKS OF
**HONORABLE
 HERB SNYDER**

Thursday, February 5, 2015

SENATOR SNYDER: Thank you, Mr. President.

This is an extremely unusual motion. I've never seen this in my time here in the Legislature since 1997. But, these are unusual times. What's happened here is that I've never seen this before and it may stab at the very heart of this legislative body.

Politics is the art of compromise, Mr. President. Politics is the art of compromise. We're sent here to find that compromise with many differing opinions. This is a tough one. It's been around for a number of decades. I dealt with it and chaired a subcommittee to deal with this 10 years ago. We've had Republican governors and Democratic governors that were aware of this, that it needed to be fixed, that there were problems. I think everyone, even organized labor, said, sure, there are things that can be looked at. We know what those areas are: The threshold, the data collection, maybe even the agency that collects and makes these decisions. But that compromise was not found in the Government Organization committee. No negotiations with stakeholders had been held.

This is a single reference bill, Mr. President. There was no opportunity to let another committee look at it like a double reference bill. This is the reason why we have committees. If not, we should just send everything to the floor and let us decide on the floor. Sloppy! I've asked and asked: When will be the opportunity to find compromise and hang on to that compromise? Well, we'll do it on the floor is what I was told. That's sloppy on such

a very, very large issue that we all knew was coming. This is not something that happened overnight. It is not a water crisis where suddenly the river is full of chemicals that just happened and we had to react. This has been coming. There was plenty of time for compromise, but that compromise was neither sought nor embraced.

What we have done, Mr. President, is put fear in the hearts of tens of thousands of West Virginia citizens—our citizens, Mr. President! Their fear is that they do not know, if this repeal bill passes, what their wages will be. Seventy-five percent of what they make today? Twenty-five percent? Fifty percent? They have no idea.

Many union contractors mailed us nearly a hundred letters. These are businesses in West Virginia pleading with us not to do this repeal bill. Those letters started long before we came here to Charleston to begin session. They do not want this repealed. They showed up here and the halls were full of everyone that wanted this body, that committee, to find that compromise. That did not happen.

I'll repeat the words of one construction worker that said it best, Mr. President, and then I'll end. After that committee vote, one construction worker talked to the Senator from Braxton and I. He said it best. He said it best and summed this up, the fear that has been instilled in tens of thousands, fifty to sixty thousand West Virginia families. He said, "I'm going to lose my home; I'm going to have to go home tonight and tell my children that they're not going to be able to go to college. I'm going to lose my home and I'm going to have to go home tonight and tell my children that they're not going to be able to go to college." I just hung my head. It was not a proud moment, Mr. President.

I urge adoption of the rejection motion.

**Eliminating prevailing hourly wage
requirement for construction of public
improvements**

*(Adoption of Senator Kessler's motion
to reject Committee on Government
Organization's report for Com. Sub. for
Senate Bill No. 361)*

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Thursday, February 5, 2015

SENATOR MILLER: Thank you, Mr. President.

I stand also to urge adoption of this rejection motion. I came to this body proud to be a member of the West Virginia Senate, proud to be a member of a body unlike the House—and I don't want to throw the House under the bus—but unlike the House, we didn't have these petty fights. We were deliberative; we were thoughtful; and we thought about all angles of what we were doing. We looked: How do we come and bring people together? How do we create compromise? How do we create a path where everyone who comes before this body can have something that works, something that is successful, something that builds this state even greater success?

This bill did not have that compromise in it. I appreciate the committee chair allowing the discussion that took place; but in the end, it was not about compromise. It was simply about progressing a piece of legislation that we could slow down, talk to the parties involved and find a way to solve the problem.

It isn't about union or nonunion. This is the first piece of legislation since I have been here that I received over a

hundred letters, not from union people or nonunion people, workers. I received it from companies, from contractors. They don't write me letters usually. I've been in agriculture all this time. They don't write me letters very often. These were companies, painters and roofers and road builders, construction people who wrote saying: We do not want to see this happen. Find a way to reach a solution. Find a way to solve this.

Rejecting this piece of legislation [committee report] enables us to go back. . . . These walls have ears and I've been hearing from all over the place. People are saying we're going to reach a compromise on this.

This is not how we do it. We do it through the committee process. We do it through the process that has been given to us, and we work with a certain decorum, a certain direction, a certain give-and-take.

So, Mr. President, I urge this body to accept this rejection of the committee report. It's important to who we are as West Virginia senators. We're the body of deliberation; we're the body of thinkers. I encourage, as we go on the board, for us to look—who supports workers, who supports businesses in this state? I can tell you I support them because I want what is right—not what is expedient, not what is fast—but what is right for the people of this state.

I love this great state just as everybody in this body does. I love this Senate, and I want us to be proud of who we are as members of this West Virginia Senate. I'm not proud we rushed this through this way. I'm proud when we work it as statesmen, as people who give and take in the process.

Thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

REMARKS OF
**HONORABLE
MICHAEL A. WOELFEL**

Thursday, February 5, 2015

SENATOR WOELFEL: Thank you very much, Mr. President. I'll be brief.

I am speaking in favor of this rejection on behalf of two companies in my district—that would be E. P. Leach & Sons Construction and Neighborgall Construction. These companies have employed people in my community for generations. They do fantastic work, these two companies. They pay their staff, their employees, well. They provide benefits. They give back to the community in many, many, many ways. I have met with representatives of each of those companies and they are against this prevailing wage bill as it has come out of committee.

It seems to me that the number one problem with our national economy in the last 20 years—number one—is outsourcing. We have outsourced so many of our great jobs to foreign countries all around the world. We've elevated the standard of living and the wages of other countries at the expense of our economy.

I would suggest that this bill is nothing but another form of outsourcing. This bill is going to outsource so many of our good jobs with benefits to documented and undocumented workers, to folks

from all around the country, Mexico, etc. I think that would be a mistake.

Thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Thursday, February 5, 2015

SENATOR KIRKENDOLL: Mr. President, I'll also be brief.

I rise to speak to reject the committee report. I want to make just a few, I think, very common sense comments. I came to this Senate as an appointee by Governor Tomblin to fill his unexpired term when he became Governor in November of 2011. In 2012, I won a four-year term. I've always taken pride in listening to my constituency back home.

I look in the galleries. I see labor; I see business. I guarantee you, if you poll both sides of those aisles, they would say that I'm one Senator that has voted for labor and I've voted for business. I voted for the common sense of what I thought was best for the average working person in West Virginia. I've been on both sides of the aisle on my votes. I was endorsed by both sides. I've always believed there is a compromising position.

Something no one said in this chamber yet: Every time we have a bill of huge

concern, I get my e-mails; I get my phone calls; I get all the notice of support for or against a certain bill. I can look all across the aisle and on my colleagues. I never got one e-mail; I never got one phone call asking me to support the abolition of the prevailing wage. Now, what would that tell you as a legislator when you don't get one? As of today, I think I had 250 plus e-mails or notices or letters or calls; I probably will have more than that when I check again.

I serve the Seventh District which is Logan, Boone, Lincoln, Mingo and Wayne. The Senator from Boone and I are stuck in a position down there. I just supported the coal bill which was job creation. I asked for people to come to the committee last night and explain their position to me.

I put a bill in last year for a tax credit to use five million tons more West Virginia coal because we used 34 million tons and only burned 19 million tons of West Virginia coal. That is sad. I asked for a tax credit which I believed would create over \$100 million and for the state to put up \$15 million. It died in Finance.

We should take a session sometime, and hopefully it will be the next one, to put most of the bills on the sideline and come in here with one reason—job creation. I spoke before of how job creation takes care of all your social money that we're spending in the Senate and the House on all these social programs—multi-millions. It's a proven fact there's less divorce; there's less drugs; there's less domestic violence; all these programs go down when people are working. We're sitting here fighting and looking at possibly putting more people on the sidelines.

I think there are reasons and issues that we can work with all the stakeholders, but every person in this legislative body should be in the process with those stakeholders figuring out what's best for West Virginia. Take a chance on putting more West Virginia workers on the sidelines with this

bill or any bill in the future, would be the saddest thing we've ever done.

Mr. President, thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
MICHAEL J. ROMANO**

Thursday, February 5, 2015

SENATOR ROMANO: Thank you, Mr. President.

As a freshman Senator, I have a little different perspective from maybe some of my other colleagues in this house. I come from being a county commissioner, and I've built dozens of prevailing wage jobs, been a part of them, overseen them. As a businessman and as a commissioner, I've seen nonprevailing wage jobs completed. I can tell you without a doubt that prevailing wage jobs are done on time. They're done with quality workmanship. They're done on budget. Nonprevailing wage jobs don't always have those qualities. But the important thing is that when we have a prevailing wage job, that money goes in our workers' pockets.

You know, the waste is not prevailing wage. The waste is government officials using taxpayer money like it's monopoly money. Overbuilding. Building unnecessary buildings. That's what we ought to be attacking.

But that's not why I rise. I rise because, as a businessman, I think we're being shortsighted. Sure, we're taking away a living wage from so many of our workers in this state; but that doesn't seem to bend anybody's ear. That doesn't seem to change any votes. We're being shortsighted as business people because study after study has shown that if we don't put money in the hands of working people, the economy doesn't do well. Working people spend money in our local economy. They build houses with extra money. They send their kids to school. They buy cars. They use all of the services that so many of our business constituents offer. And that's the problem with our national economy. The living wage for the middle class has shrunk and they don't have any money to spend so our economy is flat. The top one percent is doing great. They don't need any help. We don't need help. It's the working people that need our help.

Now, we can sit there and make this a party line vote but, if we use our heads, if we think long term, we'll realize that prevailing wage raises wages for everybody. Raises wages for all workers. I know things are tough in the south, and we need to concentrate on that. We need to diversify the economy in the south the way we have in the north. If you draw a 25-mile circle around Clarksburg, West Virginia, there's 3,500 job openings. We need to train people to fill those jobs. A bag boy at the local Aldi makes almost \$14 an hour. Those are good wages for a high school boy coming out, getting ready to go to college; but think what that means for the people who go to work to provide for their families with wages that high. We need to do that across the state. The answer is not getting rid of prevailing wage.

I, too, have received hundreds and hundreds of e-mails. I've got a stack of hundreds of letters on my desk, most of them from businesses, Mr. President. But the ones that touch me the most are the

handwritten ones from workers that are worried about feeding their families and making their house payment. I urge you, I implore you: Let's vote for this rejection. Let's start again. If there's something wrong, let's work together to fix it.

Thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
CRAIG BLAIR**

Thursday, February 5, 2015

SENATOR BLAIR: Thank you, Mr. President.

I rise in opposition to the Minority Leader's motion. Committee Substitute for Senate Bill No. 361 was on the agenda 24 hours in advance. I was told several times that that's not the way we do things around here and that we always negotiate things behind closed doors, basically, is what was being said.

We know that Committee Substitute for Senate Bill No. 361 is going to be a passionate, difficult and long overdue issue. We can see that in here today by this motion and by the comments that have already been made. I fully understand that.

Now, the most important part about it is that this bill is set up for the ability to have amendments on it in the body of the whole—

not a committee of 14, not a committee of 17, not a committee of three. The body of the whole is going to be able to amend this bill, work it through, work it together in front of these tv cameras here. If that's the show we want, that's great. Again, this is open government to where everybody is going have an opportunity to participate on this—not just half the Senate and then come in here to this chamber and pass something through like it's been done years in the past.

Again, I encourage rejection of the Minority Leader's motion.

**Eliminating prevailing hourly wage
requirement for construction of public
improvements**

*(Adoption of Senator Kessler's motion
to reject Committee on Government
Organization's report for Com. Sub. for
Senate Bill No. 361)*

**REMARKS OF
HONORABLE
JOHN R. UNGER II**

Thursday, February 5, 2015

SENATOR UNGER: Thank you, Mr. President.

The Senior Senator from the Fifteenth mentions the process. I just want to talk a little bit about the democratic process. The committee structure is such so that we can have the debate in the public but also allow for constituents, concerned groups, individuals, experts, people to provide reports and everything else to come before this legislative body and give their voice. When you bring it down on the Senate floor, cameras are focused in on and highlighting, but it doesn't allow for that to occur any longer.

The only voices that we hear within this Senate chamber are our own. It doesn't allow for the people out there to talk to us. It doesn't allow for people to come in and give us reports and tell us maybe where we're not seeing a certain angle. So, bringing it down here with bypassing the committee, I think, is irresponsible.

Now, let's look at this bill. Let's look at the travel of this bill. This bill was introduced last week, Senate Bill No. 361, on the floor and it was originally on the Committee on Government Organization's agenda at 2 o'clock. We were on the floor at 11; it was already on the committee agenda for 2 o'clock. Now, that didn't give 24 hours notice unless it was on the agenda before the bill was ever introduced on the floor. Granted, the Chair pulled the bill from the committee agenda and then later brought it back. Now, I guess there was 24 hours notice after that.

But, let's look at this bill, too. This bill was introduced that day by a sole sponsor who happened to be the chairman of the committee that the bill was referred to—the same committee chair. And those individuals in Government Organization had an opportunity to discuss it, yes, briefly. But a piece of legislation like this always goes to at least two committees to allow, particularly Judiciary or Finance, to allow the vast majority of this body to debate, to hear from constituents, to hear reports, to hear discussions, but this was not.

This bill was ramrodded right through the system. Yeah, this is an unusual motion. But this motion also is to uphold the integrity of this body of the founders of how they created the deliberative process to allow the people the maximum opportunity to give input and insight into any legislation we have, and that's our responsibility to our constituents.

Now, you want to talk process. This is not the process. For the new ones, this

is not how it's been—not the years I've been here. This is the first time I've ever experienced such a situation like this.

So, Mr. President, I would ask that we're talking about not only in the sense of the issue of the prevailing wage aspect—and that issue in debate is important—but this vote to reject the committee report is also a rejection to what has happened here, an injustice that occurred; and a vote in the positive is a vote to uphold our democratic process and the way we allow people to have input into our process. I ask each and every Senator to vote “yes” and show the people of West Virginia that we do uphold the democratic process and we do care about what they say to us.

Thank you.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
MITCH CARMICHAEL**

Thursday, February 5, 2015

SENATOR CARMICHAEL: Thank you, Mr. President.

I find myself in agreement with the Chairman of Judiciary. As he said one day: I enjoy this process; I must be crazy.

It has been a vigorous debate here today. I can imagine that we'll be going on and on and on with this debate as this bill moves through

the process. Let me say at the outset: I urge rejection of this motion. A rejection is a “no” vote. A “no” vote when this is called.

I do so for a couple of reasons. First, no one's democratic rights are under threat here. We've run this through the committee process as we've always heard through the years in our legislative service. It's been through the committee process. There were no amendments offered. Everyone was given ample time to see the bill, to look at it, to evaluate it. We have received lots of input on this.

At its core, if we're going to debate the issue, this is a simple question. A very simple question. Should workers on public projects be paid the same, more or less than they are on private projects? Now, how would you answer that? More? If you say “more”, then where does that money come from? Where does the money come from? We've heard a discussion about the bag boy at Aldi's making \$10 or \$11 or \$12 an hour. He pays taxes. The taxpayer will be subsidizing the wage rate on public projects. Is that fair? Is there anything fair about that? Why would wages necessarily go down with the elimination of the prevailing wage? How would one define what prevails in the market? That's a definition, right? Prevailing wage. It's what prevails in the market. If it's a free market bid process, why would the wage rate go down? Shouldn't it be the same? How could you answer otherwise? Why would someone feel threatened to compete in the private sector bid process as opposed to having the government come in and set your wage rates? Do you feel better about that? To have the government calculate what you should pay for a particular project? Really? Talk about democratic process. Talk about democracy. Talk about capitalism. What is right here? Is it the free market? Or is it government setting your wage rate? Thank you, government. I'm here to help you. The taxpayers are paying for this—for every one of these projects.

To the extent that we don't allow the free markets to work here—somebody will go without water, somebody will go without a sewer project, a municipal project will not be built, other projects will go without.

You know, we say this bill is on the fast track, or whatever, and it gives me the opportunity to really talk about our entire agenda. Because for the new people, you're right, this isn't how it's been done in the past. The status quo has not been good enough. We're here every day to create jobs for West Virginia citizens and we approach it with a sense of urgency that empowers people to go to work in a free market, capitalistic society. That's what we want to create here for West Virginia. We want every day to come to work with our hair on fire to create jobs for West Virginia citizens.

To the extent that we just continue to allow the government to set the wage rates that are, in essence, 300 percent higher than the Bureau of Labor Statistics calculates it, how can we feel good about that? Certainly there are those who benefit from an artificially inflated wage rate. And, I know, I have constituents, I hear it all the time: We're benefitting from this unique provision of the code; please keep it in place. I like to make everyone happy. Nobody wants to do these things. These votes are hard. When I nominated the President earlier this year, I said this takes courage to do these things. Oftentimes, you can't make everybody happy. While we all like to do that, it's not always the case.

For those reasons, I ask that we continue this process of exploring how we craft this proposal correctly. We feel it's before us; it went through the committee process. Let's allow it to continue and reject, respectfully, reject the gentleman's motion.

Thank you, Mr. President.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Thursday, February 5, 2015

SENATOR TRUMP: Thank you, Mr. President.

I also rise in opposition to the gentleman's motion. I'm not aware that there was any reason why amendments weren't offered or weren't considered in committee. I believe any member of that committee would have had the right under the rules to offer amendments to that bill. It was apparently reported to this floor without amendment. The Majority Leader is correct. The committee process has been followed, but I rise to another point I want to make regarding this process.

We have under our Constitution only a 60-day session. We are now more than a third of the way through. The days are waning. And we have, Mr. President, the lowest labor force participation rate in the United States of America in West Virginia. This bill, if passed, will create jobs in this state. It will create jobs. We have incredible infrastructure needs in this state. Water, sewer, schools. This bill, if passed into law, will stretch farther the tax dollars of the hard-working citizens of this state.

If the gentleman's motion is adopted, it will delay further action on this measure. Mr. President, the people of West Virginia are waiting. They've been waiting for

generations. The time to act is now. We would make the people wait no further, no longer for action to improve the business climate, to create jobs, to build the infrastructure that this state needs. The time is now. The time for delay is over.

I urge rejection of the gentleman's motion.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Adoption of Senator Kessler's motion to reject Committee on Government Organization's report for Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
GREGORY L. BOSO**

Thursday, February 5, 2015

SENATOR BOSO: Thank you, Mr. President.

This particular topic has not been easy for any of us. I think I'm sort of unique compared to the rest of you, because I've worked in the industry. As a young engineer starting out about 35 years ago I began dealing with prevailing wage and the issues that are before us right now.

Two weeks ago I was asked to come and serve in this great body. I will tell you that this one particular topic has been the greatest struggle for me and my soul.

Having worked in the construction industry, I recognize that those wages that we pay in public works projects are very good. As a young engineer, I reflected back to those times when I sat on the boards designing water and wastewater

projects, and then I was putting together the estimates to figure out what it was going to cost to do those projects. And I was wondering: Why do I want to be an engineer? I need to go dig a ditch. I need to be a part of the construction crew, grab a shovel and throw the dirt out of the ditch; because they were making three times what I was making as a young engineer.

Article III of our Constitution, Section 3: "Rights reserved to people. Government is instituted for the common benefit, protection and security of the people, nation or community." I represent 117,000 people who live in the Eleventh Senatorial District—not a few unfortunately or fortunately of the construction workers that are there, the contractors that are there. I represent the whole. I've never understood why some 30, 40, 50 years ago this great body allowed the protection of a particular class of people under our Constitution; but they did. Now we're sitting here faced with the challenge of what do we do with it. It's time that we get back to where we protect the interests of the whole, not of a particular class.

I would urge rejection of the motion.

**REMARKS OF
HONORABLE
ROBERT KARNES**

Thursday, February 5, 2015

SENATOR KARNES: Thank you, Mr. President.

I would like to echo slightly the opening comment of the Senior Senator from the Sixteenth in that if men were angels, we wouldn't need government. But, even as we have government, I think right now it's obvious that the men and the women in Washington are definitely not angels, and our country is suffering because of it.

So, I am rising to call the members' attention to Senate Concurrent Resolution No. 21 (*Urging Congress call convention for proposal of constitutional amendments imposing fiscal restraints, limiting jurisdiction and setting term limits*) which is a call for a convention so that the states, our sister states, can propose amendments to the Constitution of the United States that can force the federal government to come back to obeying its proper role within the context of our federal system. There are a number of recent polls that show that the United States citizens across the entire country consider the federal government in Washington to be the single biggest threat to the future prosperity of this country and the single biggest threat to the individual liberties of the people of this country.

No wonder. We have over \$18 trillion in debt that our children will one day have to pay. We have over \$100 trillion in unfunded mandates that will also be borne by our children. In the middle of a time when we say we have a war on terror, we leave our southern border open for anybody to come across that southern border without any check whatsoever. Our president is currently busy removing sanctions off of terrorist-sponsoring countries like Cuba and soon to be Iran. At the same time his EPA is conducting an economic war against states like West Virginia.

There clearly are a lot of problems. It's no surprise that the people across the United States feel that the federal government is a threat to our future prosperity and liberty. I think, if you listen to the discussion as this resolution moves through this body, you'll arrive at the same conclusion that I have already arrived at, and that is we have no other method of bringing our federal government back into account than to propose some amendments to our Constitution that require a balanced budget and other things that force them back into line.

Thank you, Mr. President.

REMARKS OF
**HONORABLE
CHRIS WALTERS**

Friday, February 6, 2015

SENATOR WALTERS: Thank you, Mr. President.

Today, I reluctantly have to share some somber news. Bristol Broadcasting has reported that Larry McKay, a professional and friend in the art of journalism, passed away this morning.

Everyone in this building knows Larry. He's always seen out in the halls. He's a radio journalist. In this building, we all kind of become like family. From us to the journalists that report, we all get to know each other. We all share experiences together.

He was always a cornerstone in the journalism industry here. Larry upheld the qualities that anybody would want to uphold as a journalist, as a professional and as a man. He will be someone who will be greatly missed. He was a fine individual and a fine West Virginian.

Thank you, Mr. President.

**Designating February 10, 2015,
Drug Court Day**

(Adoption of Senate Resolution No. 26)

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Tuesday, February 10, 2015

SENATOR KESSLER: Thank you, Mr. President.

I rise to speak in support of this resolution. As I look around this room, I'm probably a little longer in the tooth than just about everyone here save for the Senators from Pleasants, Wayne and Marion, I've probably been here longer than anybody. But it reminds me of, maybe, perhaps a teaching moment for many of our new colleagues, our freshmen members of this body, as we work our way through the process, Mr. President, particularly in committees, and we're making amendments. Folks say it doesn't really matter. The only thing that matters really happens out here on this floor.

As we're getting ready for this presentation today, Mr. President, I'm reminded of when I was a young Senator on the Judiciary committee back in 2001. I'd come back from an NCSL conference out in Denver, Colorado. One of the presentations was on crime and penalties and justice. One of the things presented was a novel new concept called drug courts. So, I came back all bright-eyed and eager to get back to Judiciary committee. We were working on a community corrections bill. The Senator from Morgan will remember because he was working on community corrections as a valued member over at the House at that time, I think. So, we get into the committee and I introduce an amendment of alternatives in addition to work release and home confinement. I added the words "including the creation of drug courts".

Lo and behold, that bill passed. Within a couple of weeks I got a call from my good friend Judge Marty Gaughan up in the First Judicial District. Would you believe it? They were like barracudas; they were down on my office. They said: You know what? We've been trying to do something like that and get it off the ground. Can you get us some money? I said: What do you need?

He said: \$300,000 to get a pilot project up and running. We went down; we talked to the Finance chair at the time, Oshel Craig, and the members, the former president—now governor—and all said it sounded like a good idea.

So, lo and behold, we created that drug court pilot project; and it works and it works well. I believe it's been replicated and it's now mandated that every judicial circuit in this state will have a drug court. Those are the kinds of things, ladies and gentlemen, particularly the freshmen, as you go through and you see ideas, there are things you can do in those committees that can make this state better—make legislation better. Drug courts are now universally adopted. I would be remiss if I didn't tip my hat to our good friend Supreme Court Justice Brent Benjamin who has been an outspoken advocate for this program, because it works.

I'm also happy to report, Mr. President, that, last Friday, the U. S. Attorney up in the Northern Panhandle said they're going to replicate what we're doing at the state level. Imagine that. The federal government is going to copy what we do. They have created a federal drug court up there.

Trust me, Mr. President, there's probably nobody in this room who personally understands how important that is. There is an epidemic in this state. When announcing the creation of the federal drug court the other day, ladies and gentlemen, some astounding facts came out. In the last two years 290, 290 young people from the First Judicial Circuit in the Northern Panhandle died from heroin overdoses. In this year alone, this year alone, Mr. President, 80 have died. Two hundred ninety deaths, imagine that. Imagine that. We have 34 of us in this chamber. Multiply eight times that. Lay them up. The bodies would pile five feet high, Mr. President. We need to do something. One of the things we are doing

that is very beneficial, Mr. President, is the drug courts. They're trying to save these kids.

We passed a bill the other day that lets us go ahead and give them a shot to keep them from dying and bring them back to life. Our challenge, Mr. President, and the challenge of the judicial system and the legislative system and the executive system is to find money not to just bring them back to life but to save their life with intervention, treatment and prevention. That's the goal of this legislation. My hat's off to drug courts.

I speak in favor of it and I'm proud to have had a small part in the creation of this drug court program, Mr. President.

**Creating Coal Jobs and Safety
Act of 2015**

*(Adoption of Senator Beach's amendment
to Com. Sub. for Senate Bill No. 357)*

**REMARKS OF
HONORABLE
ROBERT D. BEACH**

Tuesday, February 10, 2015

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, the Judiciary chair is correct on one point. This piece of legislation does go back 40-some years. It goes back to July 22, 1972. At that time we had the Blacksville mine disaster which was a mine fire. It was the result of several things—not just one thing. If you go back and look at the reports that came out following the incident, you'll find that also included in that disaster was the presence of methane gas, coal dust, ventilation

problems, obstructions. The list goes on and on. The one thing the report focuses on is the movement of heavy equipment within the mine which actually led to the end result as that spark that we all referenced time and time again throughout our debate.

Ladies and gentlemen, I cannot stress to you more deeply how I feel that we should keep this piece of legislation intact as is, because West Virginia has a history of mine disasters across the state. I think I only have to refresh your memory even just locally within just the last few years of Aracoma, Bartley, Benwood, Buffalo Creek, Farmington, Monongah, Sago, Upper Big Branch and Blacksville No. 1. Ladies and gentlemen, since 1900 we've had over 2,500 deaths related to mine accidents here in the State of West Virginia. Those were accidents that were counted as disasters—that being three or more deaths that occurred.

You know, I try not to get too emotional on this, because for me it is emotional. This piece of legislation that we're trying to protect here keeps things intact and gives a sense of comfort to both miners and their families when they're underground. We don't need to be in a position where we're rolling back safety. I don't care if we're talking about transportation safety, mine safety, water safety, whatever it may be. We, as a legislative body, should not be rolling back those accomplishments and successes we've had in the past. You know, I say this is personal because, like many of us, we can remember those dates in history like when the Challenger accident occurred, 9/11 occurred, the birth of a child, the death of a parent.

Well, I remember July 22, 1972. That was the day after my birthday. I had just turned 13 years old. I remember where I was standing. As a young man, we had a large farm and we had just come out of the hayfield that evening. It was 8:30 in the evening when the accident occurred.

It was probably 9 o'clock when we finally received word.

I just want to take a second here real quick to read the names of some of those individuals who lost their lives in that accident. I wouldn't call it an accident. It was, in fact, a disaster, folks. Names like: Terrance Stoneking, age 29, left behind a wife and daughter; Frederick Phillips of Mount Morris, Pennsylvania, 42, left behind a wife, two daughters and two sons; Conrad Belt of Morgantown, 34, leaving behind a wife, two daughters and two sons; Billy Murray of Morgantown, 37, leaving behind a wife and two daughters; Roy Sisler of Morgantown, age 24, leaving behind a wife and one son; Roy Dalton of Morgantown, 42, leaving behind a wife, daughter and three sons; Kenneth Haynes of Westover, 21, leaving behind a wife and son; Robert Tressler of Westover, age 32, leaving behind a wife, a daughter and a son; and the mine foreman that day, age 23, leaving behind a wife and a daughter, my uncle, Justin Beach, died in the disaster that day.

Wounds don't heal—especially these kinds of wounds. My father put to rest three brothers before he passed away. You remember all those, but this one in particular was one of those that the family and I—and the family of these individuals that I just read off—those wounds don't go away because that was a situation that was out of our control. Death is out of our control, but mine disasters here today, by not repealing this stuff, allows us to continue to protect other miners in the future.

I should point out that in 1972 that was a mine fire. Because of legislation that the Legislature passed at that time and some of the federal legislation that has occurred, that was the last mine fire to occur in West Virginia.

So, folks, I'm asking you to stay with me, allow safety legislation to remain in

place and let's protect our miners. Let's just not ignore the past. Let's learn from the past.

Mr. President, thank you.

**Creating Coal Jobs and Safety
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 357)*

**REMARKS OF
HONORABLE
C. EDWARD GAUNCH**

Tuesday, February 10, 2015

SENATOR GAUNCH: Thank you, Mr. President.

I, too, had trouble with this bill. I sat through the committee meeting. I listened to the testimony. I listened to the discussion. I certainly sympathize with the Junior Senator from the Thirteenth.

I'm one of the oldest members of this group. I grew up in a coal camp. I watched my father come up the hollow every day. I also remember sitting on a Sunday evening when he went to work to clear a section for the next day. I remember hearing a siren. I remember going there and spending that night and all the next day wondering whether he would come out of that mine. Thank God, he did. But we've come a long way since then.

I've tried to think about this issue. For me, this is about an industry. For all of those years, most of my life, we've ridden on the backs of the coal industry—and they continue to produce. They continue to help us build roads and schools and everything else that we do with the money generated

from the coal industry. All the while, they are ostracized and criticized—almost even demonized. It's like an adversarial relationship with this industry. I say this industry—not just meaning coal operators and coal companies—I mean coal people, the people who mine the coal. They are definitely part of the industry. They deserve our respect. They deserve not to have to go into unsafe conditions. So, if I believed for a minute that we would be doing that by passing this bill, I wouldn't support it.

I do support it, Mr. President. This is about pennies and nickels. It's about allowing this industry to compete. It's about pennies and nickels that just might put a few of our unemployed coal miners back to work. It's about pennies and nickels that will make these companies a little more competitive—that might allow some of these mines that are marginally profitable to stay in business.

This weekend I made it a point to talk to six of my old friends—from retired coal miners to miners who are still working and some who are not. To a man, they said to me: We see no problem with this bill. Give us a chance. Put us back to work and let us produce for the State of West Virginia.

So, that's what this bill is about—the industry. What it's not about is conservative, or liberal, or Democrat, or Republican, or labor and management. It's not about any of those things. I believe the final vote will show that. What it's about is extending a hand to this industry that has supported us for all of these years and say: This is a hand of appreciation. This is a hand that wants to say thank you for carrying us all of these years.

Mr. President, I urge passage.

**Creating Coal Jobs and Safety
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 357)*

**REMARKS OF
HONORABLE
DANIEL J. HALL**

Tuesday, February 10, 2015

SENATOR D. HALL: Thank you, Mr. President.

I also rise in support of this legislation. The statement was made a little bit ago that there was no input sought from the people in the underground, the people on the ground. I would argue that that is not true. There's been a lot of input from the miners, management, safety professionals across the state. I, for one, have had conversations with all of those groups. State mine inspectors, federal mine inspectors, UMWA coal miners, all support this legislation. They were all consulted.

We want to put our miners back to work. We never want to do it at the expense of safety. Just like the senators have all said, everyone shares the sentiment: We want to protect our coal miners. I feel like I know that very well.

A few years ago, Upper Big Branch (UBB) in my district, Senator from Raleigh, Senator from Boone, Senator from Logan, right down there with it. I've never spoke about this before—never made it a public issue. My dad was on the ground that day, or went underground that evening after the explosion. He's a state mine inspector, the first inspector on the scene. I lost my neighbor; I lost family and friends that day. I sat up all night with family grieving, in just complete shock of what had happened. I'm not talking about this to make it theatrical for the tv. I just want you to know that nobody knows more about this stuff than the people from Southern West

Virginia—me included. For weeks we went to funerals. We stayed up all night long. We went to funerals for days after that. For 29 families in my district. Twenty-nine. I don't know how many of those events and gatherings I went to, Mr. President. We all remember that. It was painful. Everybody agrees with that.

If I thought for one second that this bill was going to take an unnecessary risk to make that happen again, I'd stand right here and fight it. I would vote against it. I'd make every speech to try to kill the bill and take every parliamentary action that I could think of to do it. But I don't. The professionals on the ground and in the offices and in the inspection offices across this state agree—this is good legislation. Let's put our coal miners back to work and let's do it safely.

Thank you, Mr. President.

**Creating Coal Jobs and Safety
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 357)*

**REMARKS OF
HONORABLE
ART KIRKENDOLL**

Tuesday, February 10, 2015

SENATOR KIRKENDOLL: Mr.
President, thank you.

I rise in support of Engrossed Committee Substitute for Senate Bill No. 357. You know, coming from the area I come from, I've seen as many challenges as anybody in this body. As President of the county commission—I served on the commission for 30 years—I saw us lose

450 workers because of questions about extended acreage on a permit. I saw our coal severance tax go down in my county from \$450,000 a quarter to \$72,000. I had kids come in, I could not even give them money for a library. Kids come in, want a ballfield. I could not do that.

I can look at this body in a different fashion. I worked underground for 10 or 11 years. There is no way that I would support any bill if I thought anybody's safety was at risk. Years ago, when we had the old trolley systems, everybody carried their equipment underground via the electrical aspect. Well, that's not the way it is now. Under the provisions which are federally mandated, this should be coverage for everybody in the move. I worked with guys who owned the mine. The first thing they told me when I made a section move—and I made section moves—was safety was number one. But this industry has taken every swing and absorbed every swing from everybody from everywhere. The environmental group tells everybody that cancer is caused by coal dust. Everybody is going to die if you live within 100 feet of an existing coal mine. Not only that, but the scrutiny that this industry has taken over the years. I used to go in the mines and we would have an inspector come in. He would look at the roof control plan. He would go through it with me. If we were over four feet wide—that's how you would pattern your bolts for safety—and if you had bad top, you used glow and what's called rosen bolts—they would mark that and give me adequate time to spot bolt that section to make it safe for my guys. But now, with all the scrutiny on the coal industry, you have more federal regulations, more state regulations than any industry in the world.

As I said the other day, 28 percent of all the coal reserves in the world are within the borders of the United States of America. We can hardly even get a coal mine permit. It went from a little bit over 100 days on a qualified permit now to almost a year and

a half if you are sitting there with all the environmental aspects of that particular permit.

Where are we going? Three of my counties—Mingo, Logan and Boone—used to send \$170 million a year to this body to take care of the taxation of this state. We mined 170 million tons 10 years ago; now we're down to hardly over 100. I don't know where we are going.

I looked at this bill and the drug aspect—I think everybody should have a fair chance to arbitrate and get put back to work if they make a mistake. But a dirty drug screen is a dirty drug screen.

The Diesel Council—they're talking about the disbandment of it—the problem I had with it when one guy can shut down using a diesel piece of equipment because he didn't show up for the meeting, I don't think is fair. I hope and pray that the new administrative body will look at this and put the equipment where it needs to be and allow these miners to operate.

I'm sitting here as a Democrat, but I'm also sitting here as a concerned West Virginia citizen. As I told the gallery the other day, when I look at a bill, I try to do what I think is best for the people of the Seventh Senatorial District for them to have an opportunity to go to work. I know voting for this bill gives them an opportunity.

In our Judiciary committee I asked some of those people to tell me the economic impact of this bill—what will it do to give us the affordability to mine coal in a fashion where we can be competitive?

We're sitting here with blinders on, serving as your representatives on the Southern States Energy Board, along with the Senator from Braxton. We've been to Oklahoma, Alabama, Mississippi. We found out that in the next 10 years there will be almost between a 30 and 50 percent

more demand for fossil fuels. We're not on the drawing board for the production of it, yet, we have a third of the coal reserves in the world. You tell me we're open for business? We can do it both ways.

I've helped bring people out of the mines who got injured. I got injured myself a time or two—not too bad, broken finger, head got a little sideways one night on a piece of rock; but I can tell you that coal miners are like brothers when they go under that hill. There's no guarantee. I escaped death three times by just a matter of minutes—the return fell in one time, a piece fell on the buggy between the shift change. There's no way to describe it. You can inspect the mine. It can be perfectly safe. That mountain has no guarantee it's going to stay there. That's why they deserve the pay they get. They keep America free.

As legislators we've got to get to the point that we pass quality legislation and quit being ashamed that we're an energy state. We're ashamed of it. It is a driving force of America—always has been, always will be. I truly believe that if West Virginia gets back to where we are the driving force in the coal industry People in Arizona and all these places don't understand. One of these days what's going to happen on their power bills—we have the lowest electrical rates in America as of today but if they continue to go they way they're going on your power bill One of these days you'll pay an energy tax to the federal government to take care of people who can't pay their energy tax unless we do something.

So, I will vote for the bill. I hate it when we have a bill where there's dissension on certain issues. This body is very respectful of each other. Everybody has an opinion. That's the greatness of it. I looked at the entire bill and I thought the contents were as perfect as they could be to give the people the opportunity to go back to work and be competitive.

Thank you, Mr. President.

**Creating Coal Jobs and Safety
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 357)*

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Tuesday, February 10, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, it's been a great and enjoyable privilege to participate in the deliberations regarding this bill and its consideration. I believe that this bill will enhance the safety of miners underground. I would not support this bill if I did not believe that.

Mr. President, I come from a part of this state where there is no coal. You look at that wonderful State Seal of ours on our flag and it shows the miner and the farmer. I come from the part of the state where it's just the farmer. But I know, as the student of some history, what coal has meant to this state and this nation.

If you look at the skyline of any of our great cities, you see skyscrapers made of steel that were possible because of West Virginia coal. The coal provided from the hills of this state created the greatest economic engine in the history of this planet. An economic engine that raised the standard of living not only of West Virginians but of tens of millions of people all over America. The economic engine that rose up and freed Europe from tyranny and fascism, not once but twice in the last century.

Even though the part of West Virginia I live in is not an area that has coal, I am proud to be from the state that produced that resource and the people that made all of that possible.

Now what we are not talking about within the halls of this chamber is one of the things that are going on with that coal industry right now. It is confounding to me. I can't get my mind around it. I can't understand it. I never will. Why our federal government believes that it's sound policy to make coal more expensive, to raise energy prices, to make it more difficult—the reliable, dependable, inexpensive electricity that built America—why our federal government would turn its back on that is absolutely beyond me.

I will suggest to you, ladies and gentlemen, that it's temporary. It's temporary. There will come a day—I don't know when it will be—but there will come a day when America will turn to West Virginia and say: We need the BTUs from your hills. We need the power that you can provide to advance economic prosperity in America and the world. That day will come.

The purpose of this bill is to make us ready. If anyone outside this chamber, outside the borders of our state, is looking in, West Virginia is getting ready. We will provide the energy. The people who are necessary to extract it from the earth are here, and we are ready. That's our message to America. West Virginia is ready.

I urge passage of this bill.

**REMARKS OF
HONORABLE
CHRIS WALTERS**

Tuesday, February 10, 2015

SENATOR WALTERS: Thank you, Mr. President.

Mr. President, I rise today to talk about the State of West Virginia whenever it comes to its broadband connectivity. If you all haven't realized recently, the federal government has increased its threshold up to what broadband actually is and how to define broadband. Currently, it is now defined as 25 up and 3 down speeds.

If you look at these maps that have been put on your desks, they show the State of West Virginia. To make it simple, everywhere that is blue is not considered to have broadband access in West Virginia. To say that West Virginia is falling behind the nation in broadband connectivity would be an understatement. Just a year ago, Mr. President, we were rated fifty-second behind Guam and Puerto Rico in broadband connectivity. After spending \$42 million for last mile service, we've now raised our rating to fiftieth, still trailing just about every other state in the United States.

I want to talk to you about creating jobs, Mr. President. A lot of people come here every day and say: Which bills can you point to that create jobs? What legislation can you point to that absolutely creates jobs? Mr. President, I'm here today with a piece of legislation that will absolutely create jobs. I have an economic impact report that I had prepared from the university in my district that shows that it creates jobs. Over 10 years, this bill will create close to 3,000 permanent jobs in the State of West Virginia. That's how many jobs it will create. The economic impact is in the hundreds of millions of dollars for the State of West Virginia. These are high-paying, great jobs.

Let's talk about the State of West Virginia where we are. Here in Northgate Business Park which is here in Charleston, West Virginia, a business in my district asked for 10 up, 10 down speeds. Ten up, 10 down.

They were quoted at \$1,200 a month. In Chattanooga, Tennessee, where they built and funded the network that's used by private providers like what I'm calling for in this legislation, to provide that internet service to that business it would be \$70 a month at 1,000 up and 1,000 down. Mr. President, you can't get 1,000 up, 1,000 down speeds in the State of West Virginia. When you hear Chattanooga, Tennessee, and the economic impact they're having, their city has built the network proposed in this bill and has had a \$300 million boost in their city's GDP. Three hundred million! One of Amazon's largest distribution centers is now located in Chattanooga. Cisco's largest east coast sales center and distribution center is located in Chattanooga, Tennessee.

Mr. President, when thinking about fiber infrastructure, you don't need essentially anything other than the connectivity which is what this is. West Virginia already has some of the greatest power, some of the lowest power prices in the United States. Mr. President, we have some of the most affordable land in the United States. If we build this infrastructure and give West Virginia the most affordable and fastest fiber internet connectivity in the United States, we will be a world player in high-end, high-paying jobs.

Let's diversify our economy. Let's, as a state, build this infrastructure and allow private businesses, universities and schools utilize it to give to our businesses. Let's diversify our economy.

I have this bill that if anybody wants to sign on to, it's here available at my desk.

Thank you, Mr. President.

REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV

Tuesday, February 10, 2015

SENATOR LAIRD: Thank you, Mr. President.

As we heard earlier today, today is Corrections Day at the West Virginia Legislature. I rise today to call attention to a bill that's on the list of bills introduced for today. That is Senate Bill No. 449 (*Relating to salaries for Division of Corrections, RJCFA and Division of Juvenile Services employees*) which was drafted and intended to implement and fund a comprehensive pay plan proposal for correctional officers who staff our correctional facilities throughout the state and protect the public each and every day from those who mean us harm. The need to consider upgrades and improvements in the pay levels for correctional officers as a means to reduce high staff turnover rates, mandatory overtime and dangerous vacancies and staffing shortages at our correctional facilities is a chronic problem that has been the subject of much discussion and deferred decisionmaking for many years.

What makes this year different is that in January the Legislative Post Audit Division completed and released a well researched report which carefully examines the current salaries, turnover, overtime and vacancy levels for correctional employees employed by the West Virginia Division of Corrections. This report by the Post Audit Division was presented to your Legislative Oversight Committee on Regional Jail and Correctional Facility Authority during our January interim meetings and is the foundation upon which Senate Bill No. 449 is based.

Very briefly, it is sobering to know that the starting annual salary level for a correctional officer in the State of West Virginia is \$22,584. As documented in this report, West Virginia pays the lowest entry level salary for correctional officers as compared to the remaining

49 states. It is important to note that the average entry-level salary for the five border states surrounding West Virginia is approximately \$31,100, or \$8,500 more than West Virginia. Perhaps most sobering within the information included in the report by the Post Audit Division is that all Correctional Officer I and II employees earning entry-level salaries and living in single income households with three or more persons meet the income guidelines and qualify for such government assistance programs as food stamps or SNAP benefits, WIC benefits, Medicaid, CHIP benefits, child care assistance benefits through the Low-Income Energy Assistance Program and low-income housing assistance through HUD's Section 8 Rental Assistance Program. It is sad indeed to know that these correctional officers who get up each day and go to work at our state correctional institutions often do so at salary levels which qualify them to participate in those safety net programs that are usually reserved for the most poor and economically challenged among us. By any reasonable standard of measurement, including comparisons with six states with similar economic conditions as ours, we trail the rest of the nation by a substantial margin in what we value and pay our correctional officers.

With this in mind, it is no surprise that in fiscal year 2014, the Division of Corrections had 424 correctional officers separate from their employment with that department. This equates to an approximate annual turnover rate of 37 percent. As can be expected, approximately 51 percent of separations were employees who had worked for that division for less than one year. This revolving door further contributes to the growing employee stress and dissatisfaction brought on by "freezes" or unplanned mandatory overtime to cover staffing vacancies on the next shift and threats to personal safety due to reduced staff levels. At this time, the Division of

Corrections has 205 total correctional officer vacancies in its various facilities throughout the state. In fiscal year 2014, the Division of Corrections paid correctional officers approximately \$5.3 in overtime pay. In many instances we have some correctional officers working 65 to 80 hours per week to meet minimum staffing levels at our institutions.

In conclusion, Mr. President, the cost of training a new correctional officer in West Virginia is \$7,238. If the Division of Corrections had replaced all 424 correctional officers who separated from their employment last year, training costs alone would have been more than \$3 million. The Post Audit Division's report makes a clear and compelling argument that meaningful pay increases for our correctional officers can indeed be paid for from reductions in training expenses related to high staff turnover rates and excessive overtime expenses resulting from the chronic understaffing of our correctional institutions.

For taxpayers, it makes good business sense to pay our correctional officers a living wage. For this reason, I would encourage the body to take a look at the Post Audit Division's report and to carefully consider the merits of Senate Bill No. 449 as it makes its way through our committees and perhaps back on this floor.

Thank you for allowing me to speak.

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Tuesday, February 10, 2015

SENATOR KESSLER: Thank you, Mr. President.

At the risk of becoming white noise in this chamber, I do have just a few more somber remarks I would like to share with the members here today. When we were on the floor, Mr. President, at noon back home in the town where I grew up called McMechen in Marshall County there was a funeral service held there today for a friend of mine by the name of Garry Rose, 67 years old, who passed away on Friday.

Garry was a wonderful man, a devoted family man. He was a member of the McMechen City Council. Many of us and friends know what community government does for us. He was a softball coach, President of the Marshall County Softball League. He was involved with the soup kitchen. You name it. Anybody needed a hand, anybody needed anything—Garry was always there whether it was softball for the kids, Special Olympics for the disadvantaged children. He was a community participant who made our lives better back home.

He was also a trained EMT, a lieutenant for over 37 years and a member of the McMechen Volunteer Fire Department. On Friday evening, he answered a call as he always had for 37 years. He answered that call and went to someone's home and was wheeling them into the Ohio Valley Medical Center. As he was tending to and caring for another one of his friends and constituents, his colleagues in McMechen, he died suddenly, unfortunately, of a heart attack.

There are many of us that admire their work, but we never say thank you to the EMTs, the volunteer firemen, the first responders in our community. I'm using this moment to say thank you not only to Garry but to all of those servants who take care of us, Mr. President.

I would ask, if I could, I know there is Senate Bill No. 254 (*Relating to Fire, EMS and Law-Enforcement Officer Survivor*

Benefit Act) that's coming out. You've probably gotten some grief over it and I have. It has been introduced by the Executive. In fact, in cases of first responders dying in the line of duty, they are entitled to a \$50,000 death benefit. I believe the bill, as introduced, says that if they have any funeral benefit of \$10,000 that gets reduced from that. I would ask that, wherever this bill goes, we take a look at it, remove that reduction of \$10,000 and, in fact, if that bill hits this floor or goes to that committee, to raise that death benefit to \$100,000. I know the Senator from Harrison has suggested that and I would agree with him.

These are the folks who tirelessly take care of our people in our communities. When we need them, they are always there. It happens so very rarely that one of them dies in the line of duty.

Mr. President, I would ask that we all rise today in a moment of silence for my friend and a friend of all West Virginians, Garry Rose.

**REMARKS OF
HONORABLE
MICHAELA A. WOELFEL**

Wednesday, February 11, 2015

SENATOR WOELFEL: Thank you, Mr. President.

I want to take a minute to speak about Kayla Muller, 26 years old. She was the young lady that was held in captivity by ISIL for a period of 18 months. You wonder what a 26-year-old girl would be doing in a war-torn country to be in a position to be taken hostage for a year and a half. The reason Kayla was there was because she had said, in writing, that she saw the face of God and the suffering of the poor people of that war-torn country.

So, what it brought to mind to me today is the passage: Blessed are the pure in heart, for they shall see God. What I'd like us to do as a body and, of course, those in attendance, let's just take a moment for silent prayer or reflection to honor Kayla and for her family.

**REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV**

Wednesday, February 11, 2015

SENATOR LAIRD: Thank you, Mr. President.

I'm indeed very sad today to report the passing of long-time Senate employee Dora Belcher. Dora recently retired in January from employment with this body. She died at her home this past Monday.

Dora worked for a number of years in the Senate Clerk's office and various offices within the Capitol. I was very fortunate to have had her as my secretary for the past three years. Dora was a very unique and lovely lady. She will be greatly missed by those of us who knew Dora well and certainly loved her.

So, again, I would just ask this morning that we keep Dora and her family in our thoughts and prayers.

Thank you, sir.

**Eliminating prevailing hourly wage
requirement for construction of public
improvements**

*(Adoption of amendment offered by
Senators Blair, Carmichael, Plymale,
Palumbo, Williams, Gaunch, Takubo,*

*Stollings, Prezioso, Kessler, M. Hall and
Ferns to Com. Sub. for
Senate Bill No. 361)*

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Thursday, February 12, 2015

SENATOR PLYMALE: Thank you, Mr. President.

I rise in support of the amendment. We did work on this—I was actually a part of it with the Senior Senator from the Seventeenth and the Senator from Taylor—from the Democratic side. We were trying to come up with a solution. I think we helped craft a solution that was good, that came to the conclusion of working in terms of how do you come up with a solution on the prevailing wage and not use the Bureau of Labor Statistics as the primary and only vehicle. We came up with a compromise to allow Marshall and WVU to be involved in this process since this is the kind of work they do. I think it was a great compromise.

One thing I do want to say is that it was quite evident last week that the votes were here to repeal the prevailing wage. I want to thank you and I want to thank the Senator from Jackson and the Senior Senator from the Fifteenth for allowing the process to go along so that we could come to some compromise that I think makes sense as a compromise.

I rise in support of this amendment and I think that on behalf of my Democrat colleagues who worked on this, we appreciate your patience working through this process so we could come to an end that probably is not satisfactory to some groups but it is a good compromise.

I support the amendment.

**Eliminating prevailing hourly wage
requirement for construction of public
improvements**

*(Adoption of amendment offered by
Senators Blair, Carmichael, Plymale,
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REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Thursday, February 12, 2015

SENATOR KESSLER: Thank you, Mr. President.

I'm going to also rise in support of the amendment and I'll explain why as well.

As you know, last week as we were working through the process and to the concerns—particularly on this side of the aisle—about the repeal, the outright repeal of this legislation which, quite frankly, I'm convinced would have been a travesty. Again, I've not heard from any businesses in my district nor any labor folks back in my district that say this would be a wise course of action. So, facing that kind of scenario—either an outright repeal or to live to fight another day—we met in caucus. My colleagues on this side of the aisle met on Tuesday and asked what is the best type of methodology that we can come up with?

Quite frankly, after coming out of that caucus, we proposed some ideas that we were willing to live with and, thanks to the work of our fine counsel, we formulated an amendment to do that. I'm happy to

say that the overwhelming majority of the foundation of our principles both in having WVU and Marshall give us factual information and data to rely upon rather than some Bureau of Labor Statistics out of Washington, D. C., and which no one has ever seen or knows who they are, but rather our own home-grown folks to prepare that data was a step in the right direction. Additionally, we have a threshold that would be similar to what we have in the bill before us and also that there will not be any exemptions.

I can tell my colleagues that I think all of us came out of that caucus willing to sign on to that type of amendment. We agreed in unison to do so. So, for that reason, Mr. President, although I prefer we not be having this vote at all, I think the amendment presented is the best scenario before us at this point in time.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Passage of Eng. Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
DOUGLAS E. FACEMIRE**

Thursday, February 12, 2015

SENATOR FACEMIRE: Thank you, Mr. President.

You know, it's funny how people can look at something and come up with completely different opinions of what they're looking at.

As I've said before, I'm just a grocer. I probably don't understand a lot of these

things, but I've worked hard all my life. I don't have a college education unlike the Senator, but this state sure has been good to me and my family. We've growed our business. We've got 450 employees. I know a little bit about working people.

The question that I would like to ask: If this is so fair and it's so good, if I'm a bricklayer today making \$30 an hour, when this is over, how much am I going to be making? We don't know. How can we say that this is good when we don't even know what the end result is going to be? You know, it's easy to vote on things that doesn't affect you. As I look across this body, I don't see too many people here that work for prevailing wage. But yet, we know what's best for them.

Any time that we try to fix an economic problem by taking away from working people, it's a mistake. That's not prosperity. We've talked about all the jobs we're going to create, but no one's told me what they are. It's easy to talk in big circles.

This isn't a game. We're playing with people's livelihoods now. Nobody knows what we're doing. Nobody knows how bad we're hurting these people. We don't know. But yet everyone says it's a great bill. I'm sorry, I just cannot understand that. When I go back to my stores and these guys come in, what do you want me to tell them? Well, we passed a bill; don't know what it's going to do to you. Is that fair? Is that progress? I think not.

We're sitting here getting ready to pass something. I know it's going to pass. It's not going to make any difference what I say. Look up in the chambers at these people with coveralls on, work clothes. You reckon they're thinking this is good? Huh? We don't know what we're getting ready to do to these people. Nobody has given me any kind of a figure that says what's going to happen to these people.

I don't think that's good government. I think it's reckless government. I would have felt a little bit ashamed of myself if I hadn't stood up and at least said: We don't know what we're getting ready to do; but, guys, trust us, we know it's going to be good for you.

Thank you, Mr. President.

Eliminating prevailing hourly wage requirement for construction of public improvements

(Passage of Eng. Com. Sub. for Senate Bill No. 361)

**REMARKS OF
HONORABLE
DAVID NOHE**

Thursday, February 12, 2015

SENATOR NOHE: Thank you, Mr. President.

There's been a lot of things said in the last few days as we debated this bill, but I would just like you to see it in a different way—from somebody that was in charge of the city coffers.

I took an oath in front of God to protect the coffers of a city. The cities fall right in the middle of a crack when it comes to the funds that pay prevailing wage. There's nobody in this body that doesn't want to see his men make top dollar, the true prevailing wage in West Virginia—not one dollar. I would fight to my death if someone tried to give you less than you deserve, but think who put us here—the voters of West Virginia. Your prevailing wage comes out of their money and what you do with their money . . . they're overtaxed. They pay their money to us and we cut their buying power in third.

You want to talk about children. We could have recreation, playgrounds. A project that came to us was estimated at \$300,000 to \$400,000. It cost over a million dollars, because of the system and everything that goes with prevailing wage under that \$500 cap. I can give you an example: We wanted a tennis court for the kids. We went to people—that's actually what they do—go to court. They say it's going to cost you about \$400,000. It cost \$1.2 million. We could have given three schools tennis courts. No one wants to take them It's not funny.

You want it on the backs of the people of West Virginia. It's time to protect the taxpayer.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
KENT LEONHARDT**

Friday, February 13, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

I'd like to remind everybody in the chamber that Veterans Visibility Day is Monday. Festivities are: Announcement and introductions start over in the House at 9:30. There will be some speeches there. You will be able to greet the veterans at 10:30. There will be a presentation in the House at 11 followed by a presentation to the veterans groups in this chamber during our regular session.

I would like to encourage everybody with their busy schedules to make sure you greet as many of these veterans as you can. These veterans within these groups didn't just serve on active duty in our armed forces, they are still serving our communities today.

They're doing community outreaches. They're doing memorial services. They're doing presenting of the colors and color guards for parades and ceremonies. They're still serving. So, I'm going to ask everyone to please spend as much time with these veterans and give them the visibility that they deserve.

Thank you very much, Mr. President.

**Designating February 16, 2015,
WVSU Day**

(Adoption of Senate Resolution No. 30)

REMARKS OF
**HONORABLE
C. EDWARD GAUNCH**

Monday, February 16, 2015

SENATOR GAUNCH: Thank you, Mr. President.

It was 50 years ago when a young 17-year-old, this young 17-year-old, walked on the campus at West Virginia State College, now University. I know the difference it made in my life. A great education I received there. I know the difference that this institution makes in this Valley.

So, I'm proud to support the resolution.

**Designating February 16, 2015,
Veterans Visibility Day**

(Adoption of Senate Resolution No. 31)

REMARKS OF
**HONORABLE
KENT LEONHARDT**

Monday, February 16, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

The men and women here today are representing veterans from all across the state. If the Senate and the gallery will be patient with me, I do want to recognize each of them before I make a few more comments.

Larry Pennington, State Commander of the Disabled American Veterans; Jim DeCarlo, President of the Korean War Veterans; William Combs, Membership, American Legion; Jim McCormick, Veterans Coalition; Kenny Smith, Membership, American Legion; Kevin Light, State Quartermaster, VFW; Jack Tincher, Retired Enlisted Association; Mitch Parta, Vietnam Veterans of America; Owen Stout, Marine Corps League; Leonard Lawrence, First Calvary Division.

All the veterans here and all veterans around the country are willing to enter into harm's way. They went where and when they were told all for the single purpose of preserving the liberties and freedoms their predecessors secured for us over 200 years ago. They followed in the footsteps of many that went before. History tells us freedom is not free. It must always be defended and it must remain vigilant. We must remain vigilant and ready.

Because of our veterans, we have the right to debate the issues in these great halls. We may not always agree but, because of veterans, we have the right to choose which side of the debate we are on. Therefore, we should always be proud to serve.

As legislators, we have a duty to recognize and remember all veterans and their families. Families lend these great men and women to us. Our goal should be

to welcome home our veterans with jobs, exceptional health care and the best support systems money can buy.

The veterans here today continue to serve their communities. They provide comfort to the families of the fallen. They provide color guards to a wide variety of events. They provide aid to all that need it. All you have to do is ask, and our veterans groups are there. They are born with a sense of duty, and they are strengthened by their service.

In honor of their service to our nation, I ask that you support this resolution. To our veterans, I stand with you.

**Designating February 16, 2015,
Veterans Visibility Day**

(Adoption of Senate Resolution No. 31)

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Monday, February 16, 2015

SENATOR KESSLER: Thank you, Mr. President.

I, too, rise in support of the resolution offered by my colleague from Monongalia.

All of us in this body are so proud of the work they've done. We honor those veterans on Veterans Visibility Day. It's unfortunate the weather had to put a bit of a monkey wrench into the tribute we hoped to pay to veterans today. I have reminded many of my colleagues, if you've noticed gentlemen, there are a lot of men and women out there attending a little rally here this afternoon. I've made sure that they all make it a point to stop by and say hello and thank you to our vets.

Although we are honoring the veterans here today, I was troubled, Mr. President, when I saw an article in *the Charleston Gazette* that mentioned that the suicide rate, particularly among our veterans, was high in West Virginia. I would urge this body to address that issue by providing opportunities for our veterans to have support programs, particularly if there are mental health or post-traumatic stress disorders that affect many of our veterans. We need to provide those services so that most troublesome rate, Mr. President, goes down to zero.

So, again, I applaud my colleague for the introduction of this resolution. I urge its adoption.

REMARKS OF
**HONORABLE
CHARLES S. TRUMP IV**

Monday, February 16, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, I'll be very brief.

Today is Presidents' Day. It's a day on which I like to remember and think of Mr. Lincoln. All of us on this side of the room hold a special place in our hearts for Lincoln as the father of the Republican Party, but all of us in this chamber do and should hold special reverence for Mr. Lincoln as the author of our statehood.

March 4 of this year will be the one hundred fiftieth anniversary of Mr. Lincoln's second inauguration as President of the United States. It was March 4, 1865. Here now, at about the midpoint of our session, we are struggling mightily with the issues of the day, working hard to solve problems for West Virginians. But it is

appropriate to pause and take a moment and think about what a charmed life we lead. Really. A charmed life.

Given what Mr. Lincoln and this nation endured on the occasion, 150 years ago, of the second inaugural address: A nation ravaged and ripped completely by war; there were more casualties in that war than there are residents of the State of West Virginia now—23,000 casualties in one day at Antietam; 51,000 over three days at Gettysburg, Pennsylvania. We revere Lincoln because he saved the Union. The author of our statehood and the savior of our Union. The last best hope on Earth for freedom.

It would be good, I think, if we remember his closing words on the occasion of his second inauguration: With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and lasting peace, among ourselves, and with all nations.

Thank you, Mr. President.

**REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV**

Tuesday, February 17, 2015

SENATOR LAIRD: Thank you, Mr. President.

As members of this body are aware, at approximately 1:30 yesterday a CSX train carrying crude oil from North Dakota to Virginia derailed in the community of Adena Village in the Valley District of Fayette County.

In response to this unfortunate situation, the Governor undertook appropriate action to declare a state of emergency in Fayette and Kanawha counties as state and local responders made resources available to try to effectively deal with the consequences of this unfortunate incident. We can all be thankful that this incident resulted in no loss of life. As state and local emergency response officials continue their efforts to assist the residents of the Upper Kanawha Valley affected by this incident, it is my hope that we will continue to provide the resources and level of assistance required to effectively deal with this situation.

As a legislative body we should closely monitor the events of this incident in an effort to learn how we might make safer those communities in populated areas located along railroad routes throughout our state.

In the meantime, Mr. President, I ask that we keep the affected citizens of the Upper Kanawha Valley in our thoughts and prayers.

Thank you, sir.

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Tuesday, February 17, 2015

SENATOR KESSLER: Thank you, Mr. President.

Just briefly, following up on the remarks of my colleague, the Senator from Fayette, I think many of us yesterday, as we were hit with an unprecedented Presidents' Day snowstorm, turned on the tv last night and saw terrible glimpses of a huge fire burning down in Fayette County. When that train derailed, the tanks caught on fire. I'm not

sure how many. First I heard one; now I understand there may be as many as 10 on fire. The flames are shooting three football fields high in the air.

More troubling than that, Mr. President, is the report that some of that diesel being shipped on those trains, or crude oil I should say, was leaking into the Kanawha River. That creates great concern. I understand that they acted appropriately and quickly and turned off the water intakes that serve a couple of the communities. Now, the truth of the matter is that that may keep the crude that spilled into the river from getting into those two communities' water intake systems, Mr. President, but that oil is going somewhere. It's going to flow downstream to somebody downstream who's going to have it sucked into their system.

So, the point I'm trying to make—and this is a follow-up of what happened just a month ago over in Lewisburg in Greenbrier County—again with the water contamination. I don't think I have to remind anybody in this body what happened last year with the Elk River and the Freedom Industries spill that brought this Capitol and the citizens—300,000 people—to their knees because we had no water. Couldn't shave; couldn't shower; couldn't bathe; couldn't drink it.

I know there are some bills that are moving through this Legislature both on this side and on that side. I ask all the members, Mr. President, to stay cognizant of one simple truth. We may have people; we may have coal; we may have oil and gas; we may have commerce; we may have jobs but the first thing we need is clean water.

So, whatever we do, I hope we are mindful of the significant role and the attraction and beauty and tourist dollars that we are bringing in. Nobody in this state, no industry, wants to come or locate here if their kids are going to glow in the

dark because the water they drink isn't safe, Mr. President. I'm mindful of that. I know you folks are as well. I would hope we pay particular attention to the health effects of the water quality of the waters of this state. It is absolutely imperative not only to our health but to our prosperity.

Thank you, Mr. President.

**Memorializing life of Marshall
University President Stephen J. Kopp**

(Adoption of Senate Resolution No. 36)

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Wednesday, February 18, 2015

SENATOR PLYMALE: Thank you, Mr. President.

During the legislative session of 2005, there was a bill that passed, Enrolled Committee Substitute for Senate Bill No. 603 (*Relating to higher education*) that gave flexibility to WVU and Marshall. During that time, right after that session, the Board of Governors did an ongoing search to find a president for Marshall University. Steven Kopp became the President on July 1, 2005. I remember talking to him about Marshall University and the opportunity to have the flexibility that other places didn't have. That was one of the final decisions when he made the decision to come to Marshall. It was because the Legislature had granted that flexibility. He was very serious about making changes to what higher education did for the State of West Virginia and Marshall's role in that.

The Board of Governors and Dr. Kopp took that new opportunity and they have

done remarkable things. Over \$300 million worth of buildings on campus. He did the pilot project that brought the freshman dorm, the fitness, wellness and recreation center that they have at Marshall University, the Foundation Hall, the new parking garage, the Rural Health Clinic in Chapmanville, the Chris Cline Athletic Complex and the indoor athletic complex that was just dedicated this past year, the Veterans Memorial Soccer Complex, the Visual Arts Center in downtown Huntington. My office is only about three buildings down from that and the transformation that that has on Downtown Huntington is unbelievable.

His untimely death in December leaves a major void at Marshall University. We are fortunate to have Gary White filling that position but, at this time, I would really like to recognize the life and the time and the energy that Dr. Kopp put into Marshall University.

He and Jane loved this state. They had chosen that, when he retired, they would stay in West Virginia. He was going to be retiring a few years from now. His dedication and his role in transforming Marshall University will never be forgotten. I would like to make sure that we memorialize him in this way.

Thank you.

Recognizing Marshall University football team and designating February 18, 2015, Marshall University Day

(Adoption of Senate Resolution No. 37)

REMARKS OF
**HONORABLE
MICHAEL A. WOELFEL**

Wednesday, February 18, 2015

SENATOR WOELFEL: Thank you, Mr. President.

As a young lawyer many, many years ago, I had the privilege of practicing in Putnam County from time to time. During that anxious period, not really knowing what was going on most days, I had the privilege of going before Judge Holliday who treated me with such great respect and care and sort of shepherded me along. Well, there's an old saying: The apple doesn't fall far from the tree.

So, it's my great privilege to welcome Coach Doc Holliday, son of the judge and a friend to many in this room. Obviously, many of you know him from his Mountaineer days as a player and as a coach. He's a very humble man. Coach Holliday is a role model and a mentor for many young people. It is with great honor that I am allowed to introduce him, our AD Mike Hamrick, our Acting President and all the other folks from Marshall that are here today.

Thank you.

Relating to punitive damages in civil actions

(Adoption of Senator Palumbo's amendments to Com. Sub. for Senate Bill No. 421)

REMARKS OF
**HONORABLE
COREY PALUMBO**

Wednesday, February 18, 2015

SENATOR PALUMBO: Thank you, Mr. President.

In the current state of the bill it caps punitive damages at three times compensatory

damages, or \$500,000, whichever is greater. The bill also provides that the state receives one third of that award. In my opinion, with the state taking a third of the award, probably a third of the award going to taxes and a third going to the attorneys—I mean there really is no incentive for a plaintiff to go after, really, the worst actors in the state, the worst, the most intentional conduct, the drunk drivers, the most egregious defensive conduct that we have going on which is very rare, quite honestly. I mean, punitive damages occur in a very rare situation. I think the bill in its current form will discourage any plaintiffs from going after those punitive damages to send a message to the defendant that that conduct is not right, not acceptable.

The amendment that I have proposed would keep the cap at three times compensatory damages for the plaintiff and would not allow the state to recover any of that until after the plaintiff gets their three times and that would take it up to five times. The state would essentially not share in it from the beginning but would get part of the money from three times the five times the compensatory damages. I think this would be a reasonable cap that would send messages to defendants doing egregious conduct that they shouldn't be doing. It would also still provide incentives for plaintiffs to pursue those kind of damages in situations where they warrant them.

So, I urge adoption of the amendments.

**Relating to punitive damages in
civil actions**

*(Adoption of Senator Palumbo's
amendments to Com. Sub. for
Senate Bill No. 421)*

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Wednesday, February 18, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, I rise in opposition to the gentleman's amendment.

The bill as it was introduced and as it came to the Judiciary committee called for punitive damages cap of two times compensatory damages. The Judiciary committee looked at it very carefully, considered amendments and raised that to three times compensatory damages, or \$500,000, whichever is greater. That places us, West Virginia, if it is adopted and becomes law, in the mainstream of states. I'll talk about that in a minute. I think the gentleman's amendment, while well intentioned, would take us outside of the mainstream.

The other thing the committee did, as the gentleman mentioned, the original bill called for a two-thirds, one-third split—two-thirds to the plaintiff; one-third to the State of West Virginia on any punitive damages award. We preserved that in the bill in the committee, but the committee felt that the appropriate thing to do was to make it clear that the plaintiff, in a punitive damages case, was entitled to the first \$500,000 with no split. So, that's what the bill does. Then it requires that for punitive damages above that, those would be split in that fashion, two-thirds, one-third—with two-thirds going to the plaintiff and one-third going to the state to be deposited in the Rainy Day Fund after a deduction of one percent for the clerk of the circuit court who handles the case. That, I assume, is not addressed by the gentleman's amendment.

West Virginia right now has no statutory cap on punitive damages. We don't have anything in our code. It places us in the minority of states in that regard. There are,

from the surveying we've done, six states in the United States which don't allow any punitive damages in civil litigation—none whatsoever. There are 21 states which have caps. A couple of those have hard caps like our neighboring state, the state of Virginia, the commonwealth, the mother state has a hard cap of \$350,000. It doesn't matter what the compensatory damages are; they could be millions. Punitive damages are capped at \$350,000. We looked at that and considered it. Quite frankly, we thought it was too severe—too far to go. But we felt strongly that some cap is appropriate. The vast majority of states which impose statutory caps on punitive damages do it at either two times or three times the compensatory damages. That's what our bill does. We started at two; we ended at three. But the bill before you without the gentleman's amendment places a cap on punitive damages of three times the compensatory damages. From what we can tell, there is only one other state in the union that has a cap that is, as the gentleman proposes, five times compensatory damages. The state of New Jersey stands alone in that regard.

I would urge the rejection of the gentleman's amendment for the reason that while ensuring fairness to plaintiffs and the victims of tortious conduct that warrants an award of punitive damages we want West Virginia to be in the mainstream. I would urge rejection of the gentleman's amendment.

**Relating to punitive damages in
civil actions**

*(Adoption of Senator Palumbo's
amendments to Com. Sub. for
Senate Bill No. 421)*

REMARKS OF
HONORABLE
MICHAEL J. ROMANO

Wednesday, February 18, 2015

SENATOR ROMANO: Thank you, Mr. President.

I rise in support of the gentleman's amendment. It's a reasonable approach to a very significant problem.

Let me just point out the very simple example that if somebody reaches into your pocket today and takes your wallet and takes \$100 out of it, do you think it is enough that they just give back \$100? Of course not. That's theft; that's a crime. We punish those crimes not only to deter that person from stealing the next guy's wallet but also to deter other criminals who would do the same thing.

What we're doing by limiting punitive damages by statutory cap is we're rewarding the worst actors in our state. More importantly, we are creating an artificial cap where the common law has already addressed this issue. The cap in West Virginia is generally five-to-one of compensatories. The common law has the flexibility to look at the actions of the defendant and also to look at the worth of the defendant. What will a \$500,000 penalty do to a company that is worth \$100 million who will steal from your pocket? It will do nothing. I believe that there should be no cap, that we should leave it up to the jury system and the judges who often reduce these verdicts and the Supreme Court who every time reduces these verdicts.

The gentleman's amendment is reasonable. It will be applied in the fashion that is contemplated in the statute and it will punish wrongdoers with the benefits going to the State of West Virginia.

I urge you to support this amendment and fix this bill even a little better than it is.

Thank you.

**Relating to punitive damages in
civil actions**

*(Adoption of Senator Palumbo's
amendments to Com. Sub. for
Senate Bill No. 421)*

REMARKS OF
**HONORABLE
COREY PALUMBO**

Wednesday, February 18, 2015

SENATOR PALUMBO: Thank you, Mr. President.

Just real briefly, I would suggest that the bill in the current form does not put us in the mainstream of other states. As the Senator from Jackson knows, I'm all for us becoming, going with, the mainstream.

Twenty states right now are uncapped in punitive damages—more states are uncapped than have any specific level of capping. So, in the states that have caps, I think at least seven provide for the lifting of those caps with certain egregious conduct. Our bill does not provide for that. I would suggest that the amendments would make us more in the normal range than passing the bill in its current form.

I urge your adoption of the amendments.

**Relating to punitive damages in
civil actions**

*(Adoption of Senator Kessler's
amendments to Com. Sub. for
Senate Bill No. 421)*

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Wednesday, February 18, 2015

SENATOR KESSLER: Thank you, Mr. President.

This amendment is merely a movement of the money that is paid to the state in the event of any recovery for punitive damages. As has been explained under the introduced version of the bill that is before us, the money will go to the Revenue Shortfall Fund which is Rainy Day A and B. As we all know, West Virginia, at the present time, has one of the top three solvent Rainy Day Funds in the nation. Rainy Day A, particularly, is used for a couple of things—for storms and floods and pestilence, etc. I would suggest to the members of the body that the chances of West Virginia ever having to tap into a half a billion dollars for floods and pestilence is unlikely. We're probably looking at the end of time if we ever have to get to that day, Mr. President.

What this amendment would do is, rather than putting it into the fund that is already flush, and one that has more money in it than we'll ever need—and it was only used twice, once last year and perhaps this year, for use of balancing the State Budget for a temporary shortfall—that we move that money over into what we created last year, the West Virginia Future Fund. It is a fund where we are going to be allocating three percent of our severance tax dollars into a permanent wealth or endowment fund. I've heard you talk favorably about it. It's similar to what they've done in Alaska, North Dakota, Wyoming, Texas, which funds their entire higher education system upon their mineral trust fund. As we go through this oil and gas boom, particularly, and severance taxes continue to grow, we recognize that we're going to put a permanent source of wealth for the future of our state for a couple of things. Those moneys, other than the shortfall fund, Rainy Day A and B, which can only

be used for floods, disasters, etc., and for revenue shortfall.

As you all know, the Future Fund, and for the freshmen that are here, can only be used for enumerated purposes. Those purposes, as you know, Mr. President, are for education enhancement and workforce development. Lord knows we need those. Workforce development is the number one thing on our list if you know our workforce participation numbers. Also, for infrastructure improvements. Again, we know that infrastructure in this state—there's not enough money for water, sewage, etc. Roads certainly need more money. Also, for tax relief, Mr. President. I know many in your caucus and ours would like to see us get rid of the business inventory tax, but we can't come up with a quarter of a billion dollars anywhere to do it. If we put money in this fund, one day we will have a source. We can look people in the eye and get rid of those oppressive taxes. Finally, it can be used for economic development and diversification. As you know, Mr. President, as we went through the southern coalfields with the SCORE initiative, the people down there in the southern coalfields were crying out for help, crying out for diversification because as coal has been down, they have not had enough to help sustain them.

This amendment would be a positive signal, Mr. President, that we're looking out for the future of our state. If there are any windfalls, if you call them that, from punitive damages, rather than just throwing it in and padding a fund that's already flush, that we start truthfully looking to the long-term economic development, diversification, tax relief and other initiatives that are supported by the Future Fund.

So, I urge the adoption of the amendment.

**Relating to punitive damages in
civil actions**

*(Adoption of Senator Kessler's
amendments to Com. Sub. for
Senate Bill No. 421)*

REMARKS OF
**HONORABLE
CHARLES S. TRUMP IV**

Wednesday, February 18, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, I rise in opposition to the gentleman's amendment.

I believe that the Revenue Shortfall Reserve Fund is the right place for this, at least in the immediate future.

First of all, we don't know what sort of amounts of money we're talking about, if any, in the future. I think it's probably not fully accurate to refer to the Rainy Day Fund as flush. As every member of this body knows, to accomplish the balancing of the budget in the last fiscal year, funds had to be taken from the state's Rainy Day Fund. Although our work on the budget for the coming fiscal year is not complete and we all hope that we would not have to invade in any fashion the Rainy Day Fund, the proposal sent to us by Governor Tomblin for balancing the budget includes the taking of some moneys from the Rainy Day Fund to balance this year's budget.

I would urge rejection of the amendment. I think the appropriate place to deposit any money that comes as a result of this, for the time being at least, is the Rainy Day Fund.

**Relating to punitive damages in
civil actions**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 421)*

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Wednesday, February 18, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, I rise in support of this bill. We talked about a couple aspects of what it does, but there are some other provisions we haven't discussed that should be mentioned before a vote.

The bill fundamentally imposes caps on punitive damages, but there are a couple of other aspects of that that should be mentioned. The bill requires clear and convincing evidence before an award of damages can be made. So, it establishes an evidentiary standard. Clear and convincing evidence that damages were suffered as a result of malice toward the plaintiff or with conscious, reckless, outrageous indifference to the health, safety and welfare of others before punitive damages can be awarded. That's essentially codification of the existing common law standard.

The bill provides that, if requested by the defendant in this case, the question of punitive damages will be bifurcated from the determination of liability for compensatory damages. That's done in some cases and that's standard but it would create a two-part trial for jury awards compensatory damages the judge decides that the case is one in which the jury can be instructed and allowed to consider punitive damages then that would be done at the request of a defendant in a subsequent

phase of the trial. As discussed, it provides a cap on the awarding of punitive damages of \$500,000 or three times compensatory damages, whichever is greater.

The bill provides that if a jury awards an amount of punitive damages in excess of the statutory cap that after that the judge is required to reduce the judgment to the amount authorized by the cap.

As we discussed, the bill requires that a third of punitive damages awarded above the initial \$500,000 will inure to the benefit of the State of West Virginia. This is so because—and other states have done this; we weren't completely rogue in doing it—a plaintiff is compensated by his or her compensatory damages awarded by a jury. Punitive damages are damages in excess, by definition, in excess of those which are necessary to fully and fairly compensate a plaintiff. And, so, to the extent that our judicial branch of government is going to render a punishment, it's a punishment on behalf of all the citizens of West Virginia and some portion of it should inure to the benefit of all the citizens of West Virginia. That's what this bill does.

We talked about this before, Mr. President, on a couple of occasions. People decry sometimes decisions that come out of our courts, but the truth is—and this is another example where it's true—our courts have been left often without guidance by the Legislature. It's the Legislature's responsibility to decide if, how much, if there's going to be a cap on punitive damages. You know, I think it's terribly unfair to rail about decisions a judge makes when the Legislature makes absolutely no statutory provision to guide the court on the question.

I urge passage of this bill because in doing so we will be fulfilling our responsibility, our responsibility to establish what the law is. I urge passage.

**Relating to punitive damages in
civil actions**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 421)*

**REMARKS OF
HONORABLE
COREY PALUMBO**

Wednesday, February 18, 2015

SENATOR PALUMBO: Mr. President, I rise in opposition to this bill primarily for the reasons I mentioned before and advocated for my amendment.

The Senator from Morgan is right. There are several states that cap punitive damages at two times or three times compensatory damages, but the difference between their bills and what we are considering is that most of those states don't grab a third of that for the state.

What we're doing here is really disincentivizing plaintiffs who are harmed from going after the worst conduct in the state. We're providing protection from exposure from liability from the drunk drivers—the folks that cause intentional harm. I don't understand why we'd want to disincentivize going after that conduct. I think this bill really does that.

As far as putting us in the vast majority of the states, I disagree with that assertion, too. Twenty states have uncapped punitive damages and a handful of other states allow for uncapped damages in certain situations. I think this bill goes too far. I think this bill puts us more toward the minority of states that would really, really restrict and disincentivize going after these damages.

I urge rejection of this bill.

**Relating to punitive damages in
civil actions**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 421)*

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Wednesday, February 18, 2015

SENATOR KESSLER: Thank you, Mr. President.

I also rise in opposition to the bill.

We spend a lot of time down here and we always jump out of our seats when anybody wants to talk about taking away your rights, particularly if you take away somebody's First Amendment rights to go to church, or to speak your mind, freedom of speech. You know, we are in outrage.

You talk about the Second Amendment. You take my gun. Everybody in this room jumps up. The galleries are full. Don't you dare tread on my right to bear arms.

The Seventh Amendment. The Seventh Amendment which I'll read to you: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law." Not of the Legislature but of the common law. The Seventh Amendment. I hold this amendment as dear as the other 10, Mr. President—and we should; all of us should.

What we're doing when we water down and reduce the role of juries in our state, we're slapping the people of the state in the face. The Seventh Amendment, the right

to trial by jury, is important. The founders of our nation knew it was important. They knew how government could be oppressive when legislators and kings and executives trampled on their rights. They wanted to have the ability to go before a jury of their peers in their own backyards. No one could take away not only their freedom, Mr. President, but their property without the people in their community deciding if that should be done. That's a protection that we provide and afford in our form of government—that is the role of juries.

People ask why are we reducing punitive damages? Why? Because you have, by passing this bill, you're sending a message that you do not trust the people in Boone County and Logan County and Braxton County and Jackson County to sit fairly and hear the evidence that's presented in every individual case and render a verdict that is true and fair. You're saying we do not trust you, ladies and gentlemen of West Virginia. We know better in these halls of the Capitol what's better for you than the people that live down in Putnam County and Taylor County and Wood County and Pleasants County and Ohio County. We know better than you, ladies and gentlemen, what's fair.

We give the people of a jury the right to take away the most precious thing we have and that's our freedom. You get a guilty verdict of twelve in a criminal case and they can lock you up for the rest of the days of your life. We trust juries to do that. The most important freedom we have is our freedom. We trust juries to do that, but when it comes to our property, our money, our corporate profits, oh my goodness, do not trust those people in those little white houses to do the right thing because it might hurt our businesses and our money. Take these 30 pieces of silver out of our pocket, Mr. President. That's wrong. I trust the people of this state.

Punitive damages, as the Senior Senator from the Seventeenth mentioned, are so

rare. They happen so rarely in this state. You would think they were giving away hundreds of billions of dollars every day. That's not so. It happens so rarely. I've been doing it for 31 years, since 1981, and I think I've seen one case of punitive damages. They don't happen that often, but when there are egregious facts, when there are things that occur that are so outrageous that we try to send a message to the people of this state and to the wrongdoers that that behavior won't be tolerated, that's the role of punitive damages.

The U. S. Supreme Court, I think, has ruled that it's 8-1 or 12-1. We're still well below that limit. The U. S. Supreme Court has put an outside limit. The limit we're adopting is so low, so at the bottom of the barrel, Mr. President, that it will not serve as a deterrence to wrongdoing. That's wrong. We're basically rewarding wrongdoers and giving them immunity, darn near immunity.

I just saw the other day where we had profit reports for Exxon and Chevron and about how much money they've been making due to this shale play in my area of the state. It was in the billions of dollars. Forty-eight billion or 64 billion. The number was staggering for the last quarter. We're going to say a half a million dollars per company is the limit for an act that might do a terrible thing like a train wreck that blows up and takes out a community.

Two days ago we had a terrible train wreck. What if the facts of that case are that they knew that that train was not safe, that they knew the tracks weren't tight and they knew they were carrying a hazardous material that could kill people and they decided to do it anyway and run it anyway? What if the facts were such? If so, we may be limited on what we'd be able to present to a jury in that case, and what the jury would be able to award or punish the wrongdoers who do things to hurt the people of this state.

So, Mr. President, you know, we always say free markets, free markets, give everybody an opportunity to have free markets. What we're doing here is we're capping and trading the rights of the people of this state. You want to talk about cap and trade, this is a cap and trade bill, ladies and gentlemen. We're capping the exposure of wrongdoers and we're trading the people's rights that we know better than the juries back home how to deal and administer justice in our communities.

For that reason, Mr. President, I urge the rejection of this bill.

**Relating to punitive damages in
civil actions**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 421)*

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Wednesday, February 18, 2015

SENATOR TRUMP: Thank you, Mr. President.

Distinguished members of the Senate, I've enjoyed the impassioned debate on this question. I want to address a couple of arguments made by the opponents of the bill in its current form.

The right to jury is preserved—it is scrupulously preserved in this bill. There is nothing in this bill that takes away the right of a person, a plaintiff, to have a jury assess his damages, her damages, and make an award of both compensatory or punitive damages. Compensatory damages are not addressed at all in this bill. They are not capped; they are not curtailed; they are not impaired in any way.

So, with respect to the argument by the Senior Senator from the Seventeenth, that people won't have an incentive to go forward, I disagree completely. People will have an incentive to go forward to recover the damages that they have lost. They're compensatory damages—damages for medical bills, pain and suffering, whatever the compensatory damages might be. Be assured that when we speak of punitive damages, we're talking about, and only about, those damages which are in excess and above and beyond all the damages that are required to fully compensate a plaintiff for his or her loss—not compensatory damages at all.

The law has long traditions of statutes of legislatures establishing what the parameters and consequences and range of consequences will be for conduct. It is true that we trust juries to make decisions but, in a criminal case, in a larceny case, we don't allow a jury to return a verdict of death; because the law establishes the range of what the consequences are for the conduct. So, too, it is in civil litigation. It is within the prerogative of this Legislature to establish the reasonable range of compensation. The Senator from Marshall and the Senior Senator from the Seventeenth have both acknowledged that limits exist now. A jury may not award a hundred times or a thousand times compensatory damages as a punitive damages award. That's a limit established by the judiciary.

The Legislature has constitutional authority to establish the limit that will exist in this state or any other state. I contend it is the fundamental duty of the Legislature to do what we have done—to examine it in committee. The Judiciary committee considered it very carefully and thoroughly and has recommended to this body a measure by which the Legislature will act to fulfill its duty and responsibility in this area.

Mr. President, I urge passage of the bill.

REMARKS OF
HONORABLE
RONALD F. MILLER

Thursday, February 19, 2015

SENATOR MILLER: Thank you, Mr. President.

I would encourage the members to look at one particular bill that was introduced today.

We've been talking about alcohol all morning so we might as well talk about it a little more. We have an industry that's in a dire situation in this state—the industry of tourism. We introduced a bill today that is a tax bill. It's going to Finance. I encourage Finance to look at it very carefully, not that it may be the solution, but to start looking at the problem. We're about \$8 million short in our promotion of tourism in this state. This is an industry that's as important as any other industry in this state, particularly in my region—in Fayette, Greenbrier, Summers and Monroe counties; the New River Gorge. Throughout this state—whether it be Pocahontas County with skiing, whether it's on the Ohio River, the tourism in that region.

Senate Bill No. 522 (*Increasing wholesale liquor prices for promotion of travel and tourism*) is a way of looking at where we have the lowest tax structure, one of the lowest in the state, which is on spirits. I don't want every spirit industry writing me today or e-mailing me to tell me what I'm doing to them. I just want us to look at this. I want us to study this. I want us to start the process to look at how we can improve, how we can promote, how we can make better an industry that is vital to our state. It's as vital as the energy industry or any other part of our state. It's an important part of who we are.

So, I would encourage you today to look at Senate Bill No. 522. As it goes to

Finance, look at it. Please study it. Make changes, that's not important to me. What's important is to start this process to try to help this industry that's in dire need.

Thank you, Mr. President.

REMARKS OF
HONORABLE
RYAN J. FERNS

Thursday, February 19, 2015

SENATOR FERNS: Thank you, Mr. President.

Mr. President and members of the Senate, today we have the honor of hosting here at the Capitol the Governor of our neighboring Ohio, Governor John Kasich. He is here to discuss the details of an Article V convention of states for the purpose of passing a balanced budget amendment.

As you may be aware, I have introduced Senate Concurrent Resolution No. 13 (*Urging Congress propose balanced budget amendment*) along with my colleagues the Senator from Wyoming and the Senator from Preston. The resolution requests that West Virginia join with what is now 25 other states to call a convention of states to propose that the United States Constitution be amended to require a balanced budget.

Being fiscally responsible is a requirement of 49 of 50 U. S. states—Vermont being the sole outlier. Why should our federal government not be held to the same standard? Thomas Jefferson once said: To preserve our independence, we must not let our rulers load us with perpetual debt. I wish it were possible to obtain a single amendment to our Constitution . . . an additional article, taking from the Federal Government the power of borrowing.

The United States Constitution has no balanced budget provision. As a result, the U. S. federal government is not required to have a balanced budget. Several amendments to the U. S. Constitution have been proposed which would require a balanced budget, but none have been passed. Governor Kasich has committed himself to the cause of urging Congress to reign in spending and to pass a balanced budget.

Federally, our spending continues to outpace our revenue. Currently, our national debt is over \$18 trillion. To put that in perspective, that is more money than all the debt of all European Union nations combined. That's more money than all the stars in the sky. The national debt has continued to increase an average of \$2.39 billion per day since September 30, 2012. It's estimated that the population of the United States is over 320 million, so that would mean each citizen's share of this debt is greater than \$56,000. That's more than the 2014 median household income of \$52,240. These numbers illustrate that we must gain control of our federal budget.

I want to stress to you all that I do not believe this is a Democrat issue or a Republican issue as many states have passed similar resolutions with bipartisan support. In fact, the former Democrat Minority Leader of the Senate in Ohio is an outspoken advocate of the issue. Governor Kasich is famous for saying: The Republican Party is only my vehicle, never my master.

So, I would encourage all members of this body, Democrats and Republicans, to join us in the Governor's press conference room today at 2:45 p.m. for what I feel is an issue that is critical to all of us as Americans.

Thank you, Mr. President.

Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division

(Passage of Eng. Com. Sub. for House Bill No. 2010)

REMARKS OF
HONORABLE
CHARLES S. TRUMP IV

Friday, February 20, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, this is an important moment. I'd like to recognize that and hope the Senate will indulge me just a minute.

The framers of our Constitution recognized that it might be possible, desirable at some point, to elect judicial officers in West Virginia on a nonpartisan basis. You see throughout Article VIII of our state constitution specific authority that the Legislature may provide, by law, for the nonpartisan election of judicial officers. Engrossed Committee Substitute for House Bill No. 2010 (*Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division*) before us will do that if enacted into law.

It will provide that justices of the West Virginia Supreme Court of Appeals, judges of the circuit courts of West Virginia, judges of the family courts of West Virginia and our magistrates are all hereafter elected on a nonpartisan basis. The bill provides for the elections to occur in May at the same time as the primary elections. It provides for those judicial officers to run,

each of them, in separate divisions. While we have divisions now in circuit court races and family court races, we do not in the magistrate courts. This bill will provide for that. In the Supreme Court, we have, as all the members know, five members of the West Virginia Supreme Court of Appeals under the constitution, and the election of those occur every four years—two in one cycle, two in another cycle, and one in one cycle—for the five.

Mr. President and members of the Senate, this is a moment whose time has come. I'm very happy. I think it's an extraordinarily positive step for West Virginia and its future. I contend—and I have contended for a very long time—that whether a person is a Republican or Democrat, or a Whig or a Libertarian, or whatever, tells us really nothing—nothing about whether that person possesses the qualities and characteristics that we seek and desire in those who hold judicial office in West Virginia. You could make a big long list of what the important characteristics and traits and abilities of good judicial candidates and good judges includes. At a minimum, it would include, certainly, integrity—integrity would be first on most everyone's list I assume—character, ethics. We aspire to that in all of our public officials; we aspire to it certainly in our judiciary. We pray for that. Legal scholarship. We pray for our judges to be smart, to be legal scholars, to be people who are steeped in the law, studied in it, who love it, who care about it. A good judicial candidate, a good judge, has to have the ability to communicate. Communicate clearly in verbal communication and in writing opinions. A good judge or judicial candidate should have a good, we say, judicial temperament—an even temperament. Patience. Willingness to listen always to all sides of an argument or an issue. To be fair and impartial and independent.

I hope that we can agree, all of us here, that those important characteristics, when

possessed by people, are not more likely to occur in a person because he or she is a Democrat or a Republican. I would submit to the members of this body that history proves—our own history, West Virginia's history—proves that these highly desirable characteristics and traits that we expect in great judges are not traits or characteristics that are possessed simply by people of one political party. We can all agree, can we not, that we know people of both parties who are of utmost character and integrity, people who are legal scholars. As I stand here, I see them in both parties in this room. So, too, it is with our judiciary.

We have had, I will say here on the floor in this house, as I've said it before, I'll say it again in front of everyone, we have had, and we have, a great judiciary in West Virginia. We do. We have in our court system from the Supreme Court, circuit courts, family courts, magistrates and their staffs—I'm talking about clerks, probation officers, up and down, assistants—people who get up every day and work hard to try to render justice and fairness for the citizens of this state.

We have a great judiciary in spite of the fact, in spite of the fact that I think we have a flaw in the way we elect them. We are among only six states in the United States which elect our judicial officers the way we do now, on a partisan ballot. It is time for us to change that. This issue has been examined and studied.

There was a commission appointed to study the future of West Virginia's judiciary. I think Governor Manchin made the appointments. We had the great honor of having a former Justice of the United States Supreme Court, Sandra Day O'Connor, participate in that. She wrote a letter—I have a copy of it here—from September of 2008, addressing changes that should be considered for the structure of West Virginia's judiciary. I'll read you part of the next to the last paragraph of her

letter. Justice O'Connor said "If contested judicial elections are to continue, they should be made nonpartisan."

I hope my colleagues will join me today in making this important change for the future of the judiciary in West Virginia and the future of our state.

Mr. President, I urge passage of this bill.

Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division

(Passage of Eng. Com. Sub. for House Bill No. 2010)

**REMARKS OF
HONORABLE
MICHAEL A. WOELFEL**

Friday, February 20, 2015

SENATOR WOELFEL: Thank you, Mr. President.

I rise in support of this bill.

By definition our judicial officers execute or are supposed to execute their duties in a nonpartisan manner. So, this is an important step, as the Senator said, in moving our state forward, in restoring faith in the judiciary. The May election of our judges is a great first step in taking some of the money out of our elections.

I urge support of this bill.

Thank you.

Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division

(Passage of Eng. Com. Sub. for House Bill No. 2010)

**REMARKS OF
HONORABLE
MICHAEL J. ROMANO**

Friday, February 20, 2015

SENATOR ROMANO: Thank you, Mr. President.

I rise briefly to neither oppose nor support this bill.

I think those of us who are sitting here today realize that it's not going to make any difference in the election of the judiciary or the amount of money that's expended to elect the favorites from any particular group. Why I do rise today is to urge this body to consider public financing for our judges in the future. It's an issue whose time has come.

All we have guaranteed by going to nonpartisan judges is that we're going to elect a judiciary with a much shorter time period to get to know the candidate. Many of our judges will be elected by a plurality, probably often less than 20 percent of those voting and probably far less than that of registered voters.

Again, the time has come to look at public financing for our judges. It's worked well in our Supreme Court. It does take some of the influence of big money out of a most important office in our state.

Thank you.

**Celebrating 2014 Barboursville
Intermediate Little League All-Stars**

(Adoption of Senate Resolution No. 40)

REMARKS OF
**HONORABLE
MICHAEL A. WOELFEL**

Monday, February 23, 2015

SENATOR WOELFEL: Thank you, Mr. President.

On behalf of my distinguished Senior Senator from the Fifth District, it is my pleasure to welcome today the members of the Barboursville Intermediate Little League All-Stars.

This group exceeded all expectations. Not only did they progress to the World Series in California, they finished number four in the United States; they finished number six in the world competition, World Series. They were led by their manager, Dell Adkins, coaches, Randy Coyle and my very good friend and many-time State Amateur Golf Champion Pat Carter.

I urge adoption of the resolution and recognize all the proud parents that are seated behind me.

**Celebrating 2014 Barboursville
Intermediate Little League All-Stars**

(Adoption of Senate Resolution No. 40)

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Monday, February 23, 2015

SENATOR PLYMALE: Thank you, Mr. President.

What's interesting is, as they were winning in Florida, they started thinking, "Hey, how are we going to get to California?" So, they did a fundraiser at the VFW in Barboursville and raised enough money to take all the athletes and some of the family that went. My wife and I attended the fundraiser. You want to talk about community spirit, the ability to be able to do something, the Barboursville community has always done that—the whole Fifth District where I grew up in Ceredo-Kenova, but Barboursville has always been known to be supportive. There were so many people coming in and out of there. They raised so much money at that event. I was proud my wife and I could be involved in that community gathering.

Congratulations to these young men. It was quite a group and quite a feat that they did in representing the State of West Virginia.

REMARKS OF
**HONORABLE
MITCH CARMICHAEL**

Monday, February 23, 2015

SENATOR CARMICHAEL: Thank you, Mr. President.

Just very briefly, ladies and gentlemen, a couple of things. Cedar Lakes Conference Center in Jackson County is having a rally, sort of, downstairs in the Governor's Press Conference Room today to bring awareness to the fact that the Education Audit recommended that Cedar Lakes, which is now under the Department of Education Many of you have been there or have children who have been there or constituents through FFA programs and

other really great programs over the years. It's been there 75, 80 years.

All of us in the political process are accustomed to seeing articles in the paper that distort or have absolutely no basis in what really occurs in this body. Well, I laughed this morning because it's being reported that, somehow, Cedar Lakes has been forgotten about in this legislative process. Nothing could be further from the truth, Mr. President. You know that I have been in your office multiple times with the Chairman of Finance talking about ways to properly transition Cedar Lakes from the Department of Education to the private foundation.

I just wanted to bring your attention as members of this body to the plight of Cedar Lakes in Ripley and to ask that, if you have a few moments today at 1 o'clock, to go to the Governor's Press Conference Room and see what they have to say about Cedar Lakes and just reassure those outside of this body, those that might be reporting that Cedar Lakes has been forgotten, that nothing could be further from the truth.

We are working diligently to find a solution for this landmark institution of West Virginia.

Thank you, Mr. President.

Recognizing WV "Rosie the Riveters"

(Adoption of Senate Resolution No. 44)

REMARKS OF
HONORABLE
CHRIS WALTERS

Wednesday, February 25, 2015

SENATOR WALTERS: Thank you, Mr. President.

We have the distinct honor of having in our presence a Rosie the Riveter, Maxine Marshall. We also have a soldier from World War II with us today, Jackson "Jack" Jones. It's really an honor to be able to read their accomplishments and to have them in our body today. I'm going to start with Maxine. I'm basically going to read a short bio. It kind of talks about how they contributed to our country and how they served us during World War II.

First off, Maxine Marshall is a native of Cabin Creek, West Virginia, where she grew up on a farm. After the war started, she went by a troop train to New Jersey to work for the war effort. She worked in the office of a factory that made tubing for airplanes. After the war, she married a man who had been a prisoner of war in Germany after being captured at the Battle of the Bulge. She still sees her role to tell what prisoners of war have given, and she is still bothered by the toll it took on her husband. She's a good example that when the public is involved with Rosies, all of America wins. For example, with the help of the Charleston Gold Dome Lions Club, she goes to schools where students are fascinated by her experiences and belief in American freedom. Her limited hearing and sight does not stop her as she is known as the "Energizer Bunny" for her determination to continue this work.

The Rosies worked in factories when the men were away at war. They built the machines and prepared our country and made it successful to be able to be here and call ourselves Americans today. I was born in 1986. It's because of them that I was born in a free country. The debt of gratitude I have for them is unmentionable.

Jack, who is in our presence today, is a native of Charleston. He grew up on the West Side near Patrick Street and is a lifelong West Virginian. When World War II started, Jack graduated from high school. The seventeenth of May, 1942,

he was immediately drafted into the Navy at the age of 18 years old. By November, he had served six months in the Navy. At the start of the war, he got married and promptly went overseas where he spent the first two years of his marriage only coming back for 30 days. He married November 19, 1943, and enjoyed 63 years of marriage before his wife passed away in 2005. Jack served on a landing ship tank that was 328-foot long with a 154-man crew. He and that crew landed on the beaches of Normandy during D-Day, June 6, 1944, for the invasion of France. Afterwards, Jack made 30 additional trips to Normandy and he got rheumatic fever on his way back to the United States.

Jack is an example of what veterans have done and continue to do as a service to our country and to those in need. He put others first, before his own life, to protect what we have here today. He's a proud member of the South Charleston Lions Club and has been since 1978 and served 37 years. He consistently abides by the Lions' motto which is: We serve. Interestingly, Jack received a certificate from the French government 50 years after D-Day expressing thanks to him and each military man who had been at Normandy on D-Day for their contribution to changing the history of the 20th Century.

Mr. President, I urge adoption of this resolution.

Recognizing WV “Rosie the Riveters”

(Adoption of Senate Resolution No. 44)

REMARKS OF
**HONORABLE
KENT LEONHARDT**

Wednesday, February 25, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

Thank you, Senators and everybody in the gallery that's here. Thank you, folks, for coming here today to represent.

What we're seeing here today is still going on today. We're honoring these folks. We had someone on the front lines and someone here back at home making the whole war effort work. That still goes on today. People don't necessarily realize that. We have a lot of young men and women on the front lines, and there are still people back here supporting those war efforts doing the same things today. We all need to remember that. I would also at this time like to take the opportunity to ask us to remember the families that gave these great men and women to us, that allowed us to continue to be here. It's a total family effort. It's a national effort.

I urge adoption of the resolution.

REMARKS OF
**HONORABLE
ROBERT H. PLYMALE**

Wednesday, February 25, 2015

SENATOR PLYMALE: Thank you, Mr. President.

Sadly, this morning I got information about the passing of a friend, a mentor actually to quite a few of us in here, but particularly to me.

In the last year, since January of last year, I've lost three people, this being the third, that I consider mentors. One of them would be Buck Harless. One of them, Sam Clagg—Dr. Clagg from Marshall University who was a great mentor. And this morning, I heard of Mike Perry's

passing. Mike had been ill for two years if you didn't know.

Mike Perry was one of the greatest people I've ever come to know in my lifetime on this earth—as a person, as a Christian and as a family man. He put his family above everything else, but everything he was involved in got the greatest attention that was ever done. At a time when we're sitting here debating and arguing and playing some games, it amazes me when you have somebody that I go back to and talk to about how's this going or what about this or what about that. Mr. Perry contacted me about three or four days ago, he and his son. He sent me a nice e-mail and text.

I would just like to ask us to take a moment of silence for a person that was a great West Virginian, a person who graduated from Marshall University, went to law school at WVU. I think he graduated first in his class at WVU law school. He was a lover of both schools, Marshall a bit more, I'll have to admit. He was one that I have the greatest admiration for. One of the reasons I'm here is because he took me under his wing many years ago. He sat and talked with me and took the time to be a mentor.

If we could, I would just like to take a moment of silence in remembrance of a great man, a great West Virginian, Mike Perry.

Thank you very much.

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Thursday, February 26, 2015

SENATOR KESSLER: Thank you, Mr. President.

I stand with the rest of you here today who had the great pleasure of hearing a fine group of talented young children to sing before us, the West Virginia Children's Choir. We were treated to that. I appreciated your indulgence in saying, "One more time", Mr. President, although I would have liked to have heard their whole repertoire for the next 18 days or so.

But, you know, as I stood here and I looked at each and every one of those children, I couldn't help but notice the diverse group of children we have in our state. They varied in terms of race, age, sex; they were black, white, red hair, blonde hair—no gray hair. I'm sure there are different political affiliations in their families. They were all different.

If statistics would bear us out, out of those 40 or 50 children here today, I would suspect, Mr. President, that probably 5 or 10 or 15 percent of those children are gay. You know that to be the case, Mr. President. We have a duty and obligation on the floor of this Senate, the most deliberative body in this state, to not only cheer them but to cherish them, to love them, to protect them and to respect them. Every single one.

There's a bill moving over in the House, Mr. President, House Bill No. 2881 (*West Virginia Intrastate Commerce Improvement Act*) that tells them that if they're different, if they're gay, then we will not protect them. We will not respect them. They cannot live here. They cannot work here. They cannot participate here. They can't be welcomed here.

So, as we move through these last precious few days . . . I saw some precious children here. Their faces will remain etched in my mind until the day I die. They were happy. They were beautiful. They were talented. They were innocent. Ladies and gentlemen, there's a few of them that might be different but I challenge you as we move forward these last 17 days. I

challenge you to stand with them because if you won't protect them, if you won't stand for them, then who will? Who will? Who will?

REMARKS OF
HONORABLE
RONALD F. MILLER

Thursday, February 26, 2015

SENATOR MILLER: Thank you, Mr. President.

Today is West Virginia Community of Arts Day in the rotunda outside our door.

I come from the area of great arts appreciation. Senator from Fayette and I both serve this district of great arts appreciation. There are four Carnegie halls in the world—one of them is in Greenbrier County. The West Virginia state professional theatre is in Greenbrier County. The Trillium professional dance company is in Greenbrier County. The American Heritage Music Hall—the Senator from Putnam has a house down in that area, in Ronceverte—is in Greenbrier County. I could go on and on and on and tell you how arts have added to the enrichment of life in our community.

When you think of Greenbrier County, I'm sure that one of the first things that comes to your mind is the great Senator from Greenbrier County, but after that I'm sure you go to the next thought and that's the events that you have attended in Greenbrier County. Events that you participated in—whether you've been to a play at Greenbrier Valley Theatre or a music performance at Carnegie Hall or whether you have been to a dance recital at the old Lewis Theatre with the Trillium professional dance team. Or maybe it's the great food that you experienced eating while you were there. A lot of that is

based upon the arts contributions to the community.

I stand today because it's important that we understand the great role the arts play in our communities—the great role they play in all of our communities—particularly in my community but in your communities, too.

They are stressing the funding of the arts, restoring the competitive arts grants. Sixty million dollars are generated in West Virginia in economic development from the arts community. I would encourage you today not only to look at what's here—look at your own community at what's out there—participate in the joy and the fun and appreciate what's there but also go back to your own communities and look where are we in our communities. Some of the greatest development in our communities, in our towns, are found in our arts community.

I had a bill—and I won't go on about that—it's called Creative Communities Development. It's been around a while and people sometimes think it's just about the arts. It's not just about the arts; it's about the creative energy in our communities—harnessing that through the arts, through education and through all the other aspects of our community that center around the arts and education. Harnessing that energy and making a great place to live.

I live in, I think, the finest place in West Virginia. You may say that about your place, too; but we feel very fortunate where we are because we have such a strong arts community. I would encourage you today as we look throughout the rest of this session even from today on, look at what arts have played as we think of funding, as we think of restoring what we need to restore, leveraging \$1 for every \$38 and arts work, competitive work in our community.

Think about that today. Go out and enjoy yourself. Visit the folks there. Have

a good time, but think about that, too, as we finish our work here.

Thank you, Mr. President.

REMARKS OF
**HONORABLE
HERB SNYDER**

Thursday, February 26, 2015

SENATOR SNYDER: Thank you, Mr. President.

I'll be brief. We have a fairly short calendar today, so I thought this would be a good time to do this. In today's *Charleston Daily Mail* there's an article about greyhound racing, an editorial. That's the reason I rise today. I want to talk to you about something that has not really been talked about in the Senate yet this year: How to garner large amounts of money for the State of West Virginia. I've got everybody's attention.

I want to talk about the lottery. We're all familiar with the bucket list. Everybody has seen that over the years. We're all familiar with what that is. For you new members, this is the big ticket item for the State of West Virginia. Hundreds of millions, billions of dollars have flowed through this bucket list out of what is called the lottery. It's been in many forms over the years, Mr. President, subject to the individual conversations, moving money here, moving money there and so forth. As that lottery model shrinks, the revenues shrink, we're looking harder and harder at it to pick at it. Where to move money, and I'm not speaking particularly about the greyhound article. That's an individual subject.

I want to talk about the much larger subject, that is, the much, much larger

amount of money. How does the State of West Virginia get more revenue? I have a solution to that. Very large amounts—we're talking hundreds of millions of dollars. Not a tobacco tax or having an additional sales tax or whatever. We need to fix our lottery model.

The lottery model in the State of West Virginia, particularly the racino lottery, the machines and so forth, the model is broken. We haven't really talked about fixing it; as bills appear here we look at individual items. All of you have been here for awhile. There's some even floating in the mix of introduced bills this time, but they're individual pieces of the bigger issue.

Our lottery model was probably the best in the country. We shined. Other states looked at what West Virginia was doing and copied it; and for good reason. It was huge amounts of revenue for their states. The states around us saw how well that lottery model was working and they wanted to do it because they're not taxing their citizens. It's lottery, people choose to do it. But our lottery model is broken—and we don't see the Lottery bringing a solution to us. I'm disappointed in the Lottery for not bringing us options to fix the lottery model.

For instance, the Wheeling track and casino is doing about 30 percent of what they used to do. Now, that's pretty broken. Charles Town, which is only three, four miles from my home, is significantly impacted by gambling in Maryland. They're holding their own. They're doing a great job of keeping it, but the Inner Harbor facility built by MGM is coming. In the near future, it's going to put another big dent in them. They know that. That's why they're working so diligently to build extra facilities there to continue to draw those people. It's huge amounts of money for the State of West Virginia. So, what are some ideas on fixing the lottery model?

Well, the story about greyhound racing says to buy them out. Some just want to get rid of it. I'm not speaking to that—that's not why I rise today. But that action itself creates a stand-alone casino. If you say they don't have to have the live racing, which they do now, the four licenseholders, if we did any of this—to allow them not to have that live racing—would make them stand-alone casinos. That's what I want to talk about. That's how we fix the lottery model.

In my view, we have three assets in West Virginia—three big ones. I'm not talking about the children that were here. I'm talking about financial assets: Coal, natural gas and a gold mine. What's that gold mine? That gold mine is the Virginia border with West Virginia. And it's long. Because Virginia does not have gambling and in the foreseeable future will not have, nor does North Carolina, those people will come to our West Virginia border.

Obviously, this takes some thought of how to approach this. It's a complete change in our model if we go to stand-alone casinos. The dog buyout certainly does that, but what's the next step? We're looking at something that I think this Legislature in the coming few years is going to tackle. I'm standing today. Let's tackle the whole model. You could sell these casino licenses—maybe it's one, maybe it's in Bluefield. All that can be decided, but it's the great value of that border for casino gambling that will repair and put meat back on the bones of our lottery model.

When we got out of the retail liquor business and sold licenses the first time, just selling those licenses was \$50 million. That's the licensing fee. Could you imagine what a business would pay for a casino license on that Virginia border? A lot. The Finance chairman would certainly like to see a bill that would bring in tens and hundreds of millions of dollars. We all would. We need to consider it. Seriously, consider it.

In addition, you then turn on the spigot and start filling these buckets back up. Without tackling this, these buckets in this list will undoubtedly continue to go down. Getting rid of live racing whether it's dogs or horses, or even taking those siphons of money that go to them, doesn't fit the model. We need to talk seriously, Mr. President, about fixing the model.

I would suggest to you today that I believe this raises to the level with the potential on the horizon if this works—and I think it will work—a select committee would be in order to do this. Let's get started on it. Let's start dealing with the experts as to how to do this. I, by no means, want to hurt the four racinos that are in the state now. They have value. They have investment here. You've got to treat them fairly by geographic distances to their facilities. Give them the first option on buying the license if it's bid. If the license is bid for \$10 million, they can start their bidding amongst each other at \$10 million. There are easy ways to do that, but we need to start that conversation. Otherwise, these buckets in this model will continue to decline. It's a given. When the Inner Harbor facility opens, we're going to take another hit.

So, I have something for all of us to consider. I know that it would be considered by some as expansion of gambling. We already have gambling, fellows. We definitely already have a lot of gambling with the model. We're invested in this model. It's such a large part.

We look at coal severance—not a lot we can do about that. Gas severance—tied to our future with the gas industry. But we can do something about lottery. I just ask each one of you to think about that seriously as we progress into this in the future. Not look at individual pieces. Those issues will come to us. Let's look at fixing the lottery model and start to refill these buckets so the chairman of Finance doesn't have the challenge that he has this year in years in the future.

Thank you, Mr. President.

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Thursday, February 26, 2015

SENATOR KIRKENDOLL: Thank you, Mr. President.

First of all I want to take the opportunity to just say thanks to the colleagues that I look across the aisle at. Since I've been here, I've noticed that we really take an opportunity to say special things about people who do special events, economic activity, athletics and all this and that. I would be remiss if I didn't take a few minutes to pay a special tribute to say "Thank you, Mr. President" for the way we handle ourselves with these achievements by our students or business people and everybody in tow.

But, on behalf of my senior Senator from Boone, we have a unique group of kids with us today. They are on the House side right now. It's kind of personal, but they're from Man, West Virginia. I want to be very brief. They were the state champs last year in single A baseball. I say thank you to you and your staff for the resolution that you got for me and my colleague to give to them later in the day.

The Man Hillbillies of Logan County captured the 2014 Class A Championship by defeating Notre Dame by a score of 12-10. It was the fourth time in school history the Hillbillies reached the state tournament finishing twice as runner up and in 2014 accomplished what no other team had ever accomplished in school history: A championship. The Hillbillies in a three hour and forty minute game accomplished this great victory in ten innings after they

scored five runs in the last inning and held off a furious rally by Notre Dame to earn their first championship victory for their school, their classmates and their community.

I happened to have the opportunity to watch the game—to see the resilience of kids when they really strive to do things. I just wanted to pay special recognition to them. It's a first for them. For my colleague from the Seventh that used to be a resident of Chapmanville, Logan County is a very proud athletic community and county. The people back there from the county to the state level have always supported our youth. With that, Mr. President, I hope the State of West Virginia will continue to do that.

Thank you very much.

**Designating week of March 2, 2015,
Multiple Sclerosis Awareness Week**

(Adoption of Senate Resolution No. 47)

REMARKS OF
**HONORABLE
RON STOLLINGS**

Friday, February 27, 2015

SENATOR STOLLINGS: Thank you, Mr. President.

I'm proud to rise in support of this resolution.

The folks here in the room that we're going to honor are very hardworking folks trying to tackle multiple sclerosis, a chronic neurological disease that attacks the brain and spinal cord. The symptoms can be mild or they can be devastating. It waxes and wanes. Through their efforts raising

hundreds of millions of dollars in research we now have disease-modifying drugs that are helping these folks do much better. We're not going to be satisfied until we find a cure.

I'm so pleased to rise in support of this resolution. I urge adoption.

**Designating week of March 2, 2015,
Multiple Sclerosis Awareness Week**

(Adoption of Senate Resolution No. 47)

**REMARKS OF
HONORABLE
CHRIS WALTERS**

Friday, February 27, 2015

SENATOR WALTERS: Thank you, Mr. President.

I didn't know that I would be standing up to speak on this, but this is really, really important to me as well.

One of my best friends was notified that she had Devic's disease, which is a more aggressive form of multiple sclerosis. She has a four-year-old daughter. She had to go through chemotherapy. She had to go through an experimental transplant to try to cure herself of the disease. The biggest issue she ran into was in West Virginia. She went to her doctor. They wanted to do this. He had to send her to a doctor in Chicago so she could be recommended to get the experimental treatment to try to save her life so she could be there for her daughter.

We need to look at some of the barriers we have to get these people to understand their risks and into a place where they can get treatment and take care of them even if they are experimental. She would

do anything. As a great friend of mine, I would do anything to see that she can continue to be there through the life of her daughter. This is a horrible, horrible disease that we, as a country, need to fight, fight to end. It doesn't affect based on age. It could affect anybody. To see my child growing up with her child and that she had to go away for four months and her child be alone and have an aide caring for her child is devastating to not just her family but for the friends and everyone around them.

This is such an important recognition. I know this body understands that, Mr. President. I ask that we continue to look at ways to aid groups that are looking for a cure for multiple sclerosis.

Thank you, Mr. President.

Creating Firearms Act of 2015

*(Adoption of Senator Romano's
amendment to Com. Sub. for
Senate Bill No. 347)*

**REMARKS OF
HONORABLE
MICHAEL J. ROMANO**

Friday, February 27, 2015

SENATOR ROMANO: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I want to start off by saying I believe in this bill. I've concluded long ago that the permitting process through the sheriff's department is simply a hurdle to law-abiding citizens who can carry a gun. I adhere strongly to the fact that criminals will carry guns regardless of the process. But in the exercise of our constitutional rights, we have to have some common sense.

All hold the Second Amendment inviolate.

The First Amendment is in regards to a residency requirement to be able to take advantage of our West Virginia constitutional rights. This is a common sense amendment.

Up where I come from, we have drug dealers and people who want to get into the drug trade who have no felony record who will be able to lawfully carry a gun in this state under our bill. When they cross the border, they'll take their weapon out of their trunk when they were unable to carry it in their own state and put it into a shoulder holster or their hip pocket in our state. We have to have common sense when we exercise our rights. Not restrictions; not hurdles; but common sense.

This amendment, which we did not consider in the Judiciary committee, will simply make sure that West Virginians are able to carry concealed weapons under our bill but not those who come across our border.

Let me remind you that West Virginians, when we cross into other borders, cannot carry our concealed weapons unless we have a permit here that has been issued by a county sheriff. In those cases, I believe we're limited to 25 states.

Let's make our constitutional rights for West Virginians and not for those who come in from other states and take advantage of our citizens.

Thank you.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
KENT LEONHARDT**

Friday, February 27, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

I rise in opposition to this amendment. The Senator from Harrison states that drug dealers are going to be able to put that pistol anywhere they want. Well, they're doing it anyway. It does not do anything to deter those illegally handling a firearm.

A requiring permit from out-of-state residents for concealed carry are actually discriminating against states that also have a constitutional carry law. It would threaten and disrupt the reciprocity agreements with other states and it would discourage out-of-state visitors coming to West Virginia.

This bill affirms our right to keep and bear arms under the Second Amendment and the federal constitution. The Second Amendment doesn't just apply to residents of West Virginia. It applies to all West Virginians. It applies to all U. S. citizens. Our Legislature should encourage other states to move in this direction.

I oppose this amendment.

Thank you, Mr. President.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
HONORABLE
ROBERT KARNES

Friday, February 27, 2015

SENATOR KARNES: Mr. President, I rise in opposition to the amendment.

First of all, as the Junior Senator from the Second District pointed out, this is a United States constitutional right. The Second Amendment recognizes this inherent right that all Americans have. I don't think that we want to be the state that discriminates against people from other states and infringes upon the rights of people from other states simply because they are not from around here.

Second, I would like to point out the fact that there have been a number of different cases around the country now where people even with concealed carry permits have found themselves literally locked up in jail because they went into the wrong state at the wrong time. By doing what this amendment suggests, it's not just the criminal from Detroit that's going to come down here and have that gun in their vehicle and not realize that perhaps they're afoul of the West Virginia law. It's going to be the grandma, as happened in New York, who went into New York state from Pennsylvania and didn't realize that her concealed carry permit was not good in New York. She spent time in jail. That case is still being fought out.

So, this isn't only something that would allow us to catch criminals; it is something that would allow us to catch innocent civilians from other states if we adopt this amendment. We certainly don't want to be known as West Virginia—the state that hates guns and gun rights—to the people around the United States.

I would oppose this amendment.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
HONORABLE
MICHAEL J. ROMANO

Friday, February 27, 2015

SENATOR ROMANO: Thank you. Briefly, Mr. President.

I have to point out the fallacy in those arguments.

The folks who come from other states into West Virginia with a concealed weapons permit can carry in our state. We're talking about four other states that we join by this bill. We're not going to be keeping a lot of people out. None of those states are directly around us and, certainly, the grandmother who drove into New York with a concealed weapons permit would have been welcomed in West Virginia.

You know, the Senator from Upshur makes a good point except that we're not talking about criminals with a felony record that can't carry concealed weapons in our state; because if they are, they're felons carrying a concealed weapon and, you're right, they're already breaking the law.

But we are talking about people who come down here—up in north central West Virginia we have hundreds of them. We bust them every day doing drug deals, just trying to collect money on drug deals, and they're going to be able to drive across the border in our state, not be able to carry a gun in their own state, but put one in their hip pocket in West Virginia.

That's not common sense. This is a great bill. Let's not make it so easy for it to be abused that five years, or six years from now we're back here with a backlash because of what we did today. Let's inject some common sense.

I understand the majority is against this. I don't know, I'm not sure why. It's just such a smart thing to do to make people have a permit when they cross our borders. How would they know they don't need a permit? How will they know to stick their concealed weapon in their car and unload it and separate the bullets from the gun in their trunk on the way through their own state where they don't have a permit and then cross the border and get out and put it in their pocket?

We have a Second Amendment in West Virginia—stronger than the federal one. That's the one we should be applying to our citizens. Please vote for this amendment.

Thank you.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
MICHAEL J. ROMANO**

Friday, February 27, 2015

SENATOR ROMANO: Thank you, Mr. President.

Again, the Second Amendment right to our weapons is inviolate; but again, exercise of common sense is prudent. The Second Amendment doesn't mean that we

can exercise all of our rights without that common sense.

This amendment requires that to carry a concealed weapon the carrier should be 21 years of age. I want to state at the outset that it exempts military and law-enforcement personnel who may not have yet reached the age of 21.

My reasons are selfish. You know, I have two little kids. I can't imagine when I was a kid—18 years old, 19 years old, 20 years old—being able to carry a firearm, a .357 or a 9-millimeter where it would not have been something that we would have all shared at every party, at every outing, at every football game. When I would go on a date, it would almost be something that somebody would ask me. What we're doing is we're creating a recipe for tragedy. I have two little kids. I do not want my children to be in a car and, through their own curiosity, to want to see their friend's gun. A friend that has no training, who may not have any firearms experience. I don't want that gun to be out at parties where there may be alcohol, where there may be horseplay, where there may be hard feelings and high feelings that young people sometimes have and don't control.

You know, it's a prudent amendment. You can't buy a handgun until you're 21 years of age, but yet we're going to give young people younger than that the opportunity to put one in their pocket and intermingle with other young people in what has become a very volatile society. We see it every day.

You know, this is again something I'm pleading with you to vote your conscience—to do what's right regardless of what the special interest groups try to tell us to do. That's why we're elected. We come down here to vote what we believe is right. To carry a .357 magnum we really should require them to be 21 years of age.

Please support this amendment.

Creating Firearms Act of 2015

*(Adoption of Senator Romano's
amendment to Com. Sub. for
Senate Bill No. 347)*

REMARKS OF
**HONORABLE
KENT LEONHARDT**

Friday, February 27, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

If you're legally allowed to own a firearm, you should be legally allowed to carry it, that firearm, in whatever safe manner you see fit.

A 21-year-old is not automatically bestowed with some great wisdom and prudence. What differentiates them from an 18- to 21-year-old or vice versa? This is an arbitrary number and it places further limits on our constitutional rights.

I oppose this amendment.

Creating Firearms Act of 2015

*(Adoption of Senator Romano's
amendment to Com. Sub. for
Senate Bill No. 347)*

REMARKS OF
**HONORABLE
ROBERT KARNES**

Friday, February 27, 2015

SENATOR KARNES: Thank you, Mr. President.

The Senator from Harrison confessed that he sees this as an inviolable right. I would ask if we can choose which inviolable rights we're going to restrict based on a couple of years of age difference.

We're talking about people here that are of the age of majority. Are we going to deny these people the right to vote based on their age? Are we going to deny these people the right to own property based on their age? These are people that are of an age where they can be considered mature enough to enter into legally binding contracts. They can be mature enough to enter into a legally binding contract with the United States military that puts their life on the line. But they're not going to be considered responsible enough to carry a firearm for their own defense. At the age of 18 we're even talking about parents of small children. We're going to say that an 18-year-old who is, again, able to enter the contract of marriage to have children is not responsible enough to defend the family that he has.

I think that this amendment is, in fact, a violation of inviolable rights. I would strongly oppose it.

Creating Firearms Act of 2015

*(Adoption of Senator Romano's
amendment to Com. Sub. for
Senate Bill No. 347)*

REMARKS OF
**HONORABLE
MICHAEL J. ROMANO**

Friday, February 27, 2015

SENATOR ROMANO: To my esteemed colleagues across the aisle, nobody's ever been killed with a single vote. As far as I know, nobody's ever used real property to injure or kill somebody. We're talking about a firearm. When you're on the business end of a firearm, there's no pulling back that bullet.

As somebody who grew up with guns since I was six years old—and I venture to guess I've got more guns than 90 percent of you over there—I know how dangerous they are. I know what a grave responsibility it is to own them. I challenge you to show me five out of ten 18-year-olds that respect them the same way. I didn't respect them at 18. We don't have the life experience. We don't have the knowledge of what it is about life and death when we're 18 years old.

You know, we require people to register to vote—something that can't cause anybody death or injury, but we require them to register to vote, Senator. In fact, the majority attempted earlier in this session to put even greater restrictions on voting, to require further requirements. So, don't tell me constitutional rights don't come with responsibilities—and sometimes don't come with responsibilities to be imposed.

Just remember back to what we were in high school: Young, aggressive men and women. How jealousy affected your every day. How minor problems seemed like they were major problems, insurmountable problems. How sometimes you hated your teachers, your friends, even your own parents (I think that's for all the sons and daughters).

I know this amendment is going to fail if the majority is against it. I know we're not going to change this bill, but I ask you to think about your sons and daughters. I ask you to think about that. Think about them being in the car with their friends—you know who their friends are—and think about

one of those friends being allowed to pack a .357 magnum, something that makes him feel big, feel older, feel more mature even though he's not. I ask you to think about my daughter. This is the only chance we have to inject common sense into this bill.

Please vote for this amendment.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF HONORABLE MICHAEL J. ROMANO

Friday, February 27, 2015

SENATOR ROMANO: Mr. President, I'll be brief.

We're not going to keep concealed weapons out of the hands of high school kids. We're going to allow anybody who comes across our border to carry one. Let's at least put in place a basic handgun training course that the National Rifle Association, for decades, has made the centerpiece of their Association. Training and safety is the key to handling a firearm.

My younger brother is a federal firearms dealer. If any of you really handled guns and have been around any type of gun shop where the first-time buyer comes in and looks at their first gun, you thank God that the store owner knows that gun is unloaded, because you can get shot. Those people who have never handled a gun don't know how to handle guns. They don't know how dangerous they are. They don't know to keep their finger off the trigger until they're

ready to shoot. Most of all, they don't know how to use it in a pressure situation which is why we're giving them this right.

I know, believe me, I know that getting some training is a bit of a burden. It's not perfect. It's not going to train them to be marksmen. It's not going to train them to be expert handlers of the gun. But you know what: It'll give them an understanding of their weapon. A good instructor is going to give them some idea of the grave responsibility.

I've received hundreds of e-mails on this subject. A lot of them from folks who say: Don't amend it; let it go as it is. I can't do that. My conscience won't let me. I was hoping your conscience wouldn't let you, but obviously that's not going to happen today. I've had at least 15 e-mails from NRA-certified trainers who have said this is common sense and you've got to have it in there.

I'd ask that you vote for the amendment.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
KENT LEONHARDT**

Friday, February 27, 2015

SENATOR LEONHARDT: Thank you, Mr. President.

Required training is a defacto permit and tax.

Is training required to exercise your right to free speech? Is it required to exercise your right to vote? There's no training currently required for open carry which is allowed by current law. So, requiring training to carry concealed is essentially another tax. The law should not change just because people are changing the way they dress. To require training is just another obstacle placed between our government and the people and their constitutional rights.

I urge rejection of this amendment.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
ROBERT KARNES**

Friday, February 27, 2015

SENATOR KARNES: Thank you, Mr. President.

I do think that this amendment essentially introduces a backdoor licensing scheme. If you're going to be caught out without your little training card in your pocket, the effect is going to be the same presumably as if you get caught out with a concealed carry weapon and no concealed carry permit. So, what this does is a backdoor way of reintroducing the permit that's required now for concealed carry. I think that we should reject the amendment on that basis, but I would also encourage us to reject the amendment on a different basis.

We just wisely, I believe, rejected an amendment earlier and so the effect of this amendment would mean that a person

from the State of West Virginia would be required to have a training card in their pocket at all times if they are going to carry; but presumably a person from Ohio or California would not be required to have a training card in their pocket at all times. We would actually be granting a greater recognition of our Second Amendment rights to people from out-of-state than what we would recognize from people from the State of West Virginia.

Again, I would strongly urge the rejection of this amendment.

Creating Firearms Act of 2015

(Adoption of Senator Romano's amendment to Com. Sub. for Senate Bill No. 347)

REMARKS OF
HONORABLE
MICHAEL J. ROMANO

Friday, February 27, 2015

SENATOR ROMANO: Thank you, Mr. President.

You know, I've thought about the open carry issue. You're right. Anybody can open carry. As an attorney, I've defended a half dozen of those cases. You can't open carry without being harassed. You can't open carry without somebody calling up and saying: Hey, somebody's got a gun in my restaurant or in my store.

That's why we need this bill, because open carry doesn't work and kids aren't going to open carry? Adults aren't going to open carry. That's why we need this bill?

This bill exempts from the training any active military, any law enforcement and

any permit holder who's already gone through the training. It applies equally, Senator, to both in-state and out-of-state residents. It's a matter of carrying a card.

I know that this bill is going to go through without any amendments. I know. You know I was counseled by the special interests out there, by my fellow Senators that it wasn't worth making these amendments. I hope it still turns out fine. I hope no young child in high school or college is ever shot. I hope no innocent bystander is ever killed because somebody was showing somebody else a gun. I hope when that pressure situation hits where you have to use your weapon and you've never used it before, because you bought it and stuck it in your glove compartment, but you reach for it because you need it, I hope you can do what you're supposed to. But I'll sleep well. I ask if you want to sleep well? I think that we have to have this minimum, minimum requirement in our concealed carry bill.

Please vote for it.

Creating Firearms Act of 2015

(Passage of Eng. Com. Sub. for Senate Bill No. 347)

REMARKS OF
HONORABLE
CHARLES S. TRUMP IV

Friday, February 27, 2015

SENATOR TRUMP: Thank you, Mr. President.

Members of the Senate, Engrossed Committee Substitute for Senate Bill No. 347 reported from the Committee on the Judiciary repeals two sections of the

code, §61-7-3 and §61-7-6. It amends and reenacts §20-2-6a. It relates to firearms.

The bill eliminates the crime in West Virginia of carrying a concealed weapon which has the effect of allowing all people who are not legally proscribed from possessing a firearm to carry concealed without a license. The bill repeals the provisions creating exceptions to the concealed carry license requirement including licensing fees. The bill has a specific provision. It allows persons to carry, with or without a license, in the woods of this state. That's the DNR statute. The bill requires attorney's fees and costs to be paid for successful appeal of a concealed handgun application denial. The bill sets out a procedure for the transfer of a license to carry concealed weapons from one county to another one when a person who has such a license moves.

So, the bill does not eliminate the concealed carry permit process that we have in the law even though it does permit people to carry a weapon concealed without a permit. In my understanding of the need for the retention and preservation of a permitting process is because a permit is required with most, if not all, of the states that grant reciprocal rights to West Virginians to carry concealed in those states. As I understand it, it's more than a majority of the states now with which the citizens of West Virginia enjoy those reciprocal rights if they have a permit.

The bill is an attempt by the sponsors and the committee to provide life statutorily to the federal and state constitutional rights of the citizens regarding firearms.

Mr. President, I urge passage of this bill.

Creating Firearms Act of 2015

(Passage of Eng. Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
MICHAEL J. ROMANO**

Friday, February 27, 2015

SENATOR ROMANO: As promised, I rise to support this bill.

Even without these amendments, it's a necessary bill that removes the constitutional impediment to law-abiding citizens to carry a firearm. It's a fix to the open carry, which I think carries with it a stigma not only amongst the population but with law enforcement. It needs to be erased.

I wish we could have gotten the amendments. I think it would have been a better bill. I hope we're not back here in two years regretting that decision, but I do stand in support.

Thank you.

Creating Firearms Act of 2015

(Passage of Eng. Com. Sub. for Senate Bill No. 347)

REMARKS OF
**HONORABLE
CRAIG BLAIR**

Friday, February 27, 2015

SENATOR BLAIR: Thank you, Mr. President. My statement is going to be very brief.

A well regulated Militia, being necessary to the security of a free State, the right of

the people to keep and bear Arms, shall not be infringed.

Not my words, the Second Amendment of the U. S. Constitution.

**REMARKS OF
HONORABLE
MICHAEL A. WOELFEL**

Sunday, March 1, 2015

SENATOR WOELFEL: Thank you, Mr. President.

This time I rise in serious, serious note on Senate Bill No. 541 (*Relating to regulation and control of elections*).

I've heard it said in this chamber that we haven't raised the limits on campaign contributions for a long time. Well, the fact is, we lowered campaign contribution ceilings or limits in 1978. At that time, this Legislature lowered the amount a person could donate or contribute to a campaign from \$5,000 to \$1,000. What I would like each of us in this room to do I have two requests.

Number 1: We're going to have a vote on this campaign finance law very soon. Ask your constituents what their number one complaint is about the political system and the political process in our state. Each of those people will tell you the problem is too much money in politics. Ask them. That's what they're going to tell you.

Now, the Junior Senator from the Eighth gave a beautiful prayer today. I thank him for that. He mentioned justice and he mentioned righteousness. So, my second request for the members of this body: Look at your New Testament. We pray here every day. Look at your New Testament, please. Examine it. Think about how the

least among us will be affected by unlimited campaign contributions. Who will be here to speak for the mentally ill? Who will be here to speak for our children in poverty? Who will be here to speak for our homeless people when money is going to dictate who gets elected to this body?

This is the most serious vote we will take. Are we going to open up a tsunami of money? Are we going to preserve our incumbencies? Are we going to be focused on retiring our campaign debt? Or are we going to do the right thing and limit money that is injected into this political process?

Thank you.

**REMARKS OF
HONORABLE
MIKE HALL**

Sunday, March 1, 2015

SENATOR M. HALL: Thank you, Mr. President.

I listened to the remarks by the Senator from Cabell and I just want to say that obviously money was big this last election. But the United case brings up what I call money in the shadows.

I went to the FEC, the Federal Election Commission, website and found one particular organization that had eight hundred and some thousand. It's actually probably been used for many of you on the other side of the aisle. It's obvious that this type of expensive money is out there being spent and messaging our races and we don't even know what the messages are. I had a fellow delegate from Greenbrier County who, in the last election, had messaging in his race that he found offensive. It was supposedly for him addressing his

opponent in a way that probably he even felt was inappropriate.

I think that what we have to face is the reality that the big money is not coming from our campaigns; it's coming from outside our campaigns. My thought about this even a year or two ago was that, as candidates, we need to be in a position to control at least some of that money if it's going to be given so that we can control the message.

I've also observed something else, Mr. President. Our limit's \$1,000. Here's what I've seen happen over the years. It's not quite easy for me. You can check my campaign. The most money I have ever raised in a race is \$100,000. I mean, it's tough for some candidates to get those \$1,000 max gifts. If ever there was an incumbency protection, it's what we have now. People will start doing fundraisers and get those max gifts and get up to a certain percentage. So, if you're not extremely wealthy, some people just can't get into it because they can't go out and raise the kind of money it would take from all those donors to defeat somebody who can self finance at \$300,000 or \$400,000.

I understand what he's saying about the obscenity of the money, but the fact is we don't control most of that in this election cycle. We're not supposed to. We're not supposed to collaborate. So, some sort of increase would actually be helpful to people who want to get into this process. They could go to fewer people and raise more money to be competitive. Otherwise, it's actually going to be the wealthiest among us who are going to run. That's what's going to happen. I see the objection to the obscenity of the money; but all those commercials that we're running, look at who paid for them—on both sides. When ten mailers came against some of my friends I don't know, but I can tell you there was tons of money spent on both sides. You can look at them on the Federal

Election Commission website and see it.

Whether it would happen or not, it would be my opinion that if we had a larger campaign limit maybe some of that money finding its way to those shadow campaigns would find its way to the candidate who could then control the message and be responsible for the message. That's why I think we're giving some consideration to raising these limits. That's my view on it.

So, Mr. President, I just want to make those remarks so you see where I personally come from, not for the caucus just for myself.

Thank you, Mr. President.

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Sunday, March 1, 2015

SENATOR KESSLER: Thank you, Mr. President.

I've enjoyed sitting here and listening to the remarks of the gentleman from Putnam. I agree with him in a significant portion of what he has said—and that's the role that dark money plays in these campaigns.

We've all seen it. They're inundated. They've been hiding it in the shadows throwing money out there, but the real issue and the real problem with those shadow campaigns, Mr. President and lady and gentlemen, is the lack of disclosure of that money. The lack of disclosure of the source of that money whether it's coming from CALA or coming from Americans for Prosperity or coming from West Virginians for Prosperity. We don't tell the people of this state who they are. I trust the people of this state. I put my name on the ballot all

the time. I trust the people of this state to do the right thing and send politicians down here to represent them.

What's going on now is that people are putting enormous amounts of money into campaigns. Every dime I get, every dime you get, we report. Right? Penny in, penny out, as it should be. But yet the controllers, the winners of the elections are more and more often those who are subsidized. Their campaigns are being run not by saying, "Vote for Kessler" or "Vote for Snyder" or "Vote for this one"—but by "Tell them why they're no good. Tell them why they're no good. They're letting rapists in our communities. They're letting drug addicts in our communities. They're doing all these horrible things. They're, for goodness sakes, for Obama."

That's the message that gets driven and nobody has to stand up and tell us who they are. Our challenge in this process should really not be opening the floodgates with more sewer money but opening the skies for sunshine so the people can see where the money comes from. If you look at *Citizens United* and you examine that case—and I promise that my counsel will work with yours to not open the floodgates but open the skies, the sunlight, and remove the clouds so that people can pierce the veils of who is paying and make them report—because *Citizens United* clearly has upheld it. Although they said corporations are people, too, I've yet to see one shed a tear. But yet they can decide through contributions who controls these chambers. That's wrong.

That's why people aren't coming out to vote. That's why people are staying home. With more dark money coming into the process over the several election cycles, there has been a corresponding reduction in confidence in the process and people staying home and not participating. There is a solution to that.

Lets focus on disclosure. Let the people know where the money comes from—every single dime. Tell me who you are and trust the people to draw the right inferences. If it's coming from business or coming from labor or coming from this group or lawyers or doctors, you can look at those reports and see where all the money is coming from. You can then draw your inferences about whether you like that person or where they stand based upon the source of the money they're getting.

Ladies and gentlemen, it has been upheld with *Citizens United*. In fact, it gives us a roadmap to do exactly that—if we have the courage to require full and complete disclosure and tell the people of this state where every single dime that comes into our process originates. Tell us who you are.

Thank you, Mr. President.

REMARKS OF
HONORABLE
MITCH CARMICHAEL

Sunday, March 1, 2015

SENATOR CARMICHAEL: Thank you, Mr. President.

For all the reasons just articulated by the gentleman from Marshall is reason this bill will be before us, hopefully, if it makes it through the committee and the subcommittee process.

It does exactly what the gentleman from Marshall was talking about. I couldn't agree with him any more than what he was just saying about the disclosure, the transparency, the dark money, the controlling of the message from outside interest groups and taking the candidate out of the process through these arbitrarily low and artificial limits on campaign

contributions. I agree 1,000 percent with him that we need full, immediate disclosure, transparency and put the candidate back in control of the message.

I just want to make those remarks and I am hopeful that as we move through this process we continue to share that bipartisan agreement that what this bill does is a response to *Citizens United* in many ways and allows us to shine that bright light, that fresh air on the process of disclosing who is in control and who's giving the money to these outside interest groups and the candidates make an immediate transparent and give the candidate the opportunity to respond.

Again, thank you for those remarks, sir. Thank you.

**REMARKS OF
HONORABLE
ROBERT KARNES**

Sunday, March 1, 2015

SENATOR KARNES: Thank you, Mr. President.

I have a question for the body here: How do you control the Legislature of a state for 83 years?

What you do is: You put a little bit of sunshine into the process so that everybody knows exactly who gave anybody any money; and then, after the election is over, you know exactly who to go after whenever you don't like the results of that election.

I can tell you without any question whatsoever if you look at the election that just happened, in my case, every single one of the PACs sided with my opponent. Why did they side with my opponent? Because they knew that if I didn't win, they would be punished if they sided with me.

When you think about this idea of sunshine, what you're really saying is: We want 83 years of one-party control; and if we don't get it, we're going to punish those who don't side with us when it comes time to give campaign contributions. We're going to punish the people that we don't like. We're going to punish the people that are on the opposite side of the issue from this body. That's what that's really about.

Let's have the sunshine so we know who to go after whenever we don't like what they do.

**REMARKS OF
HONORABLE
HERB SNYDER**

Sunday, March 1, 2015

SENATOR SNYDER: Thank you, Mr. President.

I'll be very brief. As a member of the subcommittee, I thought I would weigh on this a little bit so the work of our subcommittee doesn't get disparaged. Once again, for about the twelfth time this session, I want to compliment the Senator from Morgan for his fine work in having the wisdom to send this to subcommittee; because it is a huge, huge topic. I think we are going to pick that subcommittee work back up today. That was excellent. The bill was not just rammed through, and I compliment the Senator from Morgan for his wisdom in that. And his fairness.

But I also want to turn to the work that we've just completed here during this session championed by the Senator from Morgan. That work was on taking the politics out of judicial elections by having nonpartisan elections of judges. The good Senator from Morgan said that at the Chamber of Commerce luncheon that I was

at and he promised that they would see that on the agenda. He's a man of his word.

But, again, I do not in any way, shape or form know what's going to come out of this campaign finance reform subcommittee much less the committee and then finally here on the floor. I suspect it will be of great interest, as it should be, to every member of this body and of great interest to the public.

What may very well be caught in this that troubles me greatly is whether we're going up to the federal limits, \$2,600, that I've been purporting for a while because we haven't changed it since 1978 or whether we go to \$10,000 or \$25,000 statewide—I see that as having the reverse effect when we've done excellent work in attempting to get politics out of our judiciary, we may inject cash. That troubles me. That troubles me a lot. Perhaps I'll convince the subcommittee, or the committee, to see that there are special applications for judiciary candidates. I'm not sure how we're going to deal with that, but I want everyone to think about this.

It's certainly not the first time a number of us will rise to speak on the floor about this campaign financing bill. In addition, I don't want to see us undo the good work that the Senator from Morgan has done in taking politics out of the election and simply replace that with cash.

Thank you, Mr. President.

REMARKS OF
**HONORABLE
ART KIRKENDOLL**

Sunday, March 1, 2015

SENATOR KIRKENDOLL: I guarantee you I'll be brief, but this has got to be a talking point.

You know, I stand in front of this body. I take a lot of pride in the fact that I have never spent a lot of money. I had a lot of people help me. I was blessed to have a lot of good folks back south. When I ran for the Senate, I think I spent \$55,000. I could have raised more, and I could have probably got my name out there a little bit more in some of the counties; but I was pretty well known except in a couple of the southern counties. With the dynamics of this bill, what worries me is that whomever they choose to run against me, I always respect anybody who runs against me. I've never feared anybody because I've always felt like the voters are going to tell me if they like what I've done and what I anticipate doing.

There are a couple of things I'd like this body to look at. One: Uncapped money, unlimited money. There's not a person in this body who could tell me you may not feel obligated, but if you had a friend that was a real wealthy person, that really cared for you, and you were out trying to raise money and you were having problems and all of a sudden he says, "Don't worry about it. I'm going to give you \$100,000 from the company or from me personally." You may not make a vote that looked like that, but it looks bad. It looks like you're controlled. I don't believe, from getting to know a lot of these people in this body, any of us wants to be in that position. We have people who come in as lobbyists, people that have business, and they talk to us about their bills. It's free and independent. We choose to do what we think is best. Just to have an unlimited cap is scary.

But the most frightful thing—and I'd like to see us adopt a resolution from the Senate and the House to our congressional people—is the way these elections are handled for the public to view on tv and radio. It's not fair to any of the participants or their families. I want to get to that point. If I was sitting in a courtroom and I had the knowledge of some of the details of the

federal races, I would wonder why those people were not already in jail rather than getting ready to go serve in their offices. That's frightful. It's not fair.

As a candidate, you should do a couple of things: Put your name on the ballot; go see your constituents; debate the issues with whomever you're running against; and run a campaign based on the merits of what you have done and what you anticipate doing.

The nontransparency of these high volume dollars coming in Mr. President, you watch the tv. Some of the things they said about some of our federal candidates—I'll not mention names—if they were true, they would have trouble serving in office. It's got to the point that I'm fearful that quality people with quality families will ignore the fact that they should serve in public office because of the scrutiny they are going to be under because of what happens with this unlimited money. No caps. You can say anything you want to with a PAC group. You know, that's getting to be the most sickening definition I've ever seen. Not affiliated with anybody when they call you. Say whatever they want to say about you. I would employ this group to look hard at making it fair for everybody. We need to talk to some of our congressional people and make it an election the way it used to be: Fun to participate in. It's getting to where now it's tough on the candidates; it's tough on the families.

If I'm running against the Senator from Marshall, let him and I debate the issues. Let us take a fair amount of money and maybe he can out raise me but put the cap or whatever it is. But uncap the money and to allow people to say anything they want to say—that's the issues we need to work on.

With that, I hope this body takes it seriously. We need to talk to our federal

people. Just tell the truth about a candidate. His voting record is transparent. What he does, where he works, it's all transparent. But the hypothetical stuff that they're putting out there because they can and have the money to do that, it's not fair to you or anybody in this body or anybody that runs for office.

With that, Mr. President, thank you.

REMARKS OF
**HONORABLE
CRAIG BLAIR**

Sunday, March 1, 2015

SENATOR BLAIR: Thank you, Mr. President. I want to change the subject here for a minute.

This afternoon on the agenda for Judiciary is Committee Substitute for Senate Bill No. 123 (*Exempting gasoline, diesel fuel and blended fuel from unfair trade practices*). That is the unfair trade practice for motor vehicle fuels. To be quite honest with you, I would frankly like to see it going for everything in the state. That section of code from 1939 is unnecessary, but that's not what you're dealing with here this evening on this issue. It's on fuel itself.

Recently, I was taking a look at Gas Buddy. Gas prices right now in Charleston is \$2.25. In Huntington it was \$2.29. In Martinsburg it was \$2.49. The same tax. Everything is the same except for the price—20 cents difference. I've been dealing with this and looking at this for years. Every time we start to bring this legislation up, it starts moving a little bit. For one odd reason or another, the numbers start to collapse up a little bit, too. There's been lawsuits out here. I think the Senator from Jefferson, when this comes forward, is

actually going to be able to show you some of this information where some of the big guys actually sued to put the small guys out of business.

Now, what I'm trying to tell you here is: Don't be fooled by the people that come in here and tell you that we don't need to change this law. It's complicated. It's unenforceable. Well, if that's the case, then why are you lobbying for any of it? The fact of the matter is that we need to let free market principles work in the State of West Virginia. When that happens, we all win. Don't believe for a minute when they tell you that if you pass this law, the prices are going to go up in your area. That's nothing but a scare tactic. It's false and it's unnecessary.

I'm not just looking out for the Eastern Panhandle. I've spoke before on this floor and said that I want the jobs for the rest of the state. I want all the good things that we have in the Eastern Panhandle, including the growth, to be everywhere in the state. But this foolishness is taking place.

They've used the system to their advantage to make it so that they have artificially high prices and to be able to rape the consumer and force our population to go out-of-state to buy gasoline for sometimes as much as 50 cents less a gallon and they only have to travel 10 miles to do that. We're losing road tax revenue from that. Nobody's going to travel across the border for 10, 17 cents to get the gasoline, but they definitely travel across for 30, 40 and 50—especially when 30 percent of the population works outside the state to start with.

When you go to take up this piece of legislation, hopefully today, remember what I've said here and pay close attention to the facts and what the Senator from Jefferson will be sharing with you; because he's right. I am a proud sponsor of this piece of legislation along with him, and I only hope it can happen.

Thank you, Mr. President.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
WILLIAM R. LAIRD IV**

Monday, March 2, 2015

SENATOR LAIRD: Thank you, Mr. President.

I rise today in strong opposition to Engrossed Committee Substitute for Senate Bill No. 14. While I most certainly understand and appreciate the need to undertake reforms to our public education system in the State of West Virginia, I would submit to you that the basic principles and foundation upon which this legislation is proposed is fundamentally flawed and, at the end of the day, will do very little, if anything, to advance the cause of public education in our state.

The charter school movement in the United States began in 1991 and since that time 43 states and the District of Columbia have adopted charter schools as component parts of their public school system. Clearly, if there were any benefits to be derived from the establishment of charter schools, West Virginia is most certainly late to the dance. However, with the concept of charter schools being fully matured in other states, we can clearly consider the comparative success of charter schools experienced in other states prior to adopting our own statutes.

In a 2013 study of the performance of charter schools across the nation by the

Center for Research on Education Outcomes at Stanford University, it was concluded that, and I quote: There remain worrying numbers of charter schools whose learning gains are either substantially worse than the local alternatives or are insufficient to give their students the academic preparation they need to continue their education or be successful in the workforce.

By any reasonable standard of objective evaluation related to the capacity of charter schools to greatly improve the academic performance of our students, I am of the strong opinion and belief that charter schools have proven to be a failed concept around the country and have simply not delivered as a means to improve the quality of our public schools.

I find it most interesting that many of the stakeholders and education professionals who have long been associated with education reform efforts in the State of West Virginia are mysteriously missing from our dialogue and debate about the virtues of a charter school experiment in the State of West Virginia. There appears to be no great hue and cry about the need for charter schools coming from our State Board of Education, from professionals at our State Department of Education, our school principals, our local boards of education and most certainly not from our teachers. From my perspective, we appear to be advancing this legislation simply to create the illusion of reform rather than to effect any meaningful systemwide impact on the quality and performance of our public school system.

Mr. President, while I have listened carefully to the many particulars of this bill in the past several weeks and to what can be considered as the mechanics required to operationalize charter schools in the state, my primary opposition to this legislation can best be considered as philosophical. I begin by expressing my deeply held belief that every child in the State of West Virginia

should have the opportunity to receive a quality education. In our state and nation we don't promise equal outcome, but we were founded on the idea that with hard work and perseverance, everybody should have an equal opportunity to succeed. In our public school system, it is important that our children know that no matter who you are, who your parents may or may not be, or where you come from, you can indeed make it. It is part of our way of life to always promote the belief that where you start does not always determine where you end up. It is for this reason that I stand strong in my belief that our public school system has an overriding responsibility for the benefit of the whole of our school children rather than to carve out or create chartered exceptions for the benefit of the few.

Education has historically been considered to be the thing that levels the playing field, capable of lifting up the less advantaged and improving their chances for success. Education has often been referred to as the great equalizer. We tell our children that doors will open for them if they play by the rules, work hard, apply themselves and do well in school. The great American educator Horace Mann perhaps put it best and I quote: Education . . . beyond all other devices of human origin, is the great equalizer of conditions of men—the balance wheel of the social machinery.

Equal access to a quality education requires us to make systemic reforms to our public school system rather than to focus on the exceptions for a small number of schools authorized to operate as charter schools. In 2012, we received the benefit of an education efficiency audit of our public school system which documented many areas for reform opportunities. Clearly, as indicated in this report, our public school system in West Virginia is top-heavy in bureaucracy and over-regulatory in its prescriptive authority over schools. Proponents and advocates for charter

schools cite the need to allow select schools to be unshackled from the over-regulatory requirements at the state level and to be accorded local flexibility required to drive innovation and change in the classroom.

Mr. President, I am of the strong opinion and belief that the key to true education reform in the State of West Virginia is to let our teachers teach. When we get our schools right, when we empower good teachers to teach and give principals the freedom and flexibility to drive changes in students' lives, then and only then will our schools begin to fulfill their fundamental promise to be gateways of opportunity for the benefit of our children.

Under the provisions of Engrossed Committee Substitute for Senate Bill No. 14, caps have been established where no more than two public charter schools shall be authorized per year for the first five years public charter schools are in operation. In the State of West Virginia we have nearly 280,000 children attending 732 traditional public schools throughout our state. To those who may seek to trumpet this bill as some great reform measure holding the potential to really address public education needs in West Virginia, I certainly beg to differ.

In conclusion, today there is a child of great potential sitting in a classroom somewhere in our state mired in mediocrity, restrained by self-doubt, but still hopeful that a quality education may yet hold the potential for future success. What is the statistical likelihood that this particular child of unlimited potential will be in one of the very limited numbers of districts or public schools that will be authorized to operate as a charter school? Unfortunately, the only worse odds that I can think of right now is the statistical likelihood that our upcoming roll call vote on this particular bill will be anything other than a favorable margin for its passage.

In casting our vote today, it is important for us to remember that as legislators it is our responsibility to be architects for systemic change that will benefit all children rather than the chosen few. If education is to remain the great equalizer, we must raise the bar of achievement through reforms that will make certain that every child is provided with an opportunity to learn and to eventually attain their full academic potential. Engrossed Committee Substitute for Senate Bill No. 14 is selective in any benefit that it may provide rather than inclusive.

For this and many other reasons, I strongly oppose this particular bill.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
ROBERT D. BEACH**

Monday, March 2, 2015

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, earlier I had asked the question of the chairman in regards to the audits and the language within the bill. Let me once again read this, read a piece of that language: A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to an authorizer and to the state superintendent within nine months of the end of the fiscal year for which the audit is performed.

I had asked the gentleman if he realized that that was the same language that was used in other states: Pennsylvania, Massachusetts and Florida. In fact, it was used previously. They have actually had to go back and amend their legislation. There's a reason why they had to go back and amend their legislation. Let me just read a few things here to you.

2007: Dennis Bloom, founder of the Pocono Mountain Charter School, was caught spending nearly \$2.6 million in school funds to improve facilities of a church property that he also operates.

2008: Emanuel Freeman, CEO of Germantown Settlement Charter School, was caught spending millions in school funds over nine years to bail out other nonprofit organizations offered by the parent group.

2009: Kevin O'Shea was convicted of defrauding the Philadelphia Academy Charter School in 2009. The individual stole more than \$900,000 from the school and used it for various personal entertainment, home improvement, gas and telephone bills.

2012: The former CEO and founder of the New Media Technology Charter School in Philadelphia was sentenced to prison for stealing \$522,000 in taxpayers' money to prop up a restaurant, a food store and a private school.

2014: Nicholas Trombetta, founder of the Pennsylvania Cyber Charter School, has been indicted for diverting \$8 million of funds to houses in Florida, condominiums and airplanes.

2014: Dorothy Jane Brown, founder of the Laboratory and several other cyber charter schools, was permanently retired after \$6.5 million in funds had disappeared. Again, those were used to prop up other organizations that she was working with.

Boston, October, 2014: A former Springfield charter school principal was sentenced in the U. S. District Court in Springfield for a federal felony in connection with assisting students in cheating on the Massachusetts Comprehensive Assessment System test.

And here's the biggie—Illinois Charter School System. Not a big number, but it's interesting how the moneys were used. The former head of the now closed Chicago Triumphant Charter School, Helen Hawkins, was found guilty of theft of charter school funds in 2001. Now, we're going back a few years, but it applies here because, again, they had to go back and change the legislation. It was the same legislation that we have before us today. She purchased \$30,000 of items from Lord & Taylor and Saks Fifth Avenue, more than \$2,000 in hair care and cosmetic products, \$5,800 in jewelry, \$18,000 in food and beverage, \$31,000 in hotel, telephone, internet and other travel expenses.

Now, where do we stop? We are folks who are supposed to be watching the dollars that leave this building, wherever they go. We, actually this body, passed an audit for the Division of Highways with language stronger than what we have in this piece of legislation. We're doing external, internal and we're climbing in every nook and cranny within the Division of Highways to determine whether or not they're using their moneys appropriately. And here we are with weak language in a piece of legislation that affects our children. It affects every West Virginian as a matter of fact.

So, going back to Illinois. Despite the fact that the regulatory system between 2010 and 2014 passed their charter school legislation. The federal government raised the red flag about Illinois' oversight deficiencies, finding the distinct system for monitoring charter schools was poorly designed. The U. S. Department of

Education report determined that Illinois was in need of additional monitoring to determine if special needs, special conditions should be imposed including, but not limited to, designating Illinois State Board of Education at high risk.

I ask you: Is that what you want us to do? Are we going to come back in here in 10 years and find out that these 10 schools have done the same thing because we have a weak piece of legislation before us? It's highly probable. It's highly probable.

I will not be a part of that. I will not play a part to this process in pushing this legislation out. I urge rejection of Engrossed Committee Substitute for Senate Bill No. 14.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
JOHN R. UNGER II
AND
HONORABLE
DAVE SYPOLT**

Monday, March 2, 2015

SENATOR UNGER: Senator, I just have a few questions. I just want to make sure, particularly with the amendment, what the bill says.

The authorizers will be the county boards of education that would authorize for charter schools to proceed. Then there is a governing board that will be created to actually govern the internal aspects of the charter school. Is that correct?

Independent of the authorizers? Once the authorizers authorize for this school to go, the governing board would then hire teachers, manage the finances, do all that, curriculum and so forth, separate from the county authorizers. Right?

SENATOR SYPOLT: That is almost correct. The governing board would be the group which would put together a charter application and take it to the authorizer for approval. Now, within the chartering application, it would specify how the internal workings would be performed, how employment law would be dictated, how employees would be hired, how the curriculum and the standards would be applied. So, in response to your question, I would say, yes, the governing board works separately from the board of education who is the authorizer. However, they are authorized by that authorizer to charter a school.

SENATOR UNGER: So, they would work independently of the county boards and that way they would develop all that, like you said, all the hiring and firing processes and everything, within the school separate from the county board of education. Independent of the county board of education they would be able to do that.

SENATOR SYPOLT: That's correct.

SENATOR UNGER: Now, what happens if a charter school is developed and, say, they pull students from counties other than the county in which the charter school is located? What happens with that in regards to who would the authorizer be? Would it be the county in which the school resides or would each of those counties where they are pulling students that come to the school, would they be an authorizer as well? Or would they not be allowed to pull students from, say, other counties? They can only pull from the particular county where they are located?

SENATOR SYPOLT: I don't believe the bill prohibits a student from crossing a county line from one district to another. However, the district in which the charter school is chartered would be subservient to the board of education or the authorizer in that county.

SENATOR UNGER: Where the school is located?

SENATOR SYPOLT: Where it is physically located.

SENATOR UNGER: Now, in the committee, I know that we did an opt-out provision which allows for all students, I guess, to go before the lottery or at least have their names submitted to the lottery and then be able to be selected for that particular new school that's coming. Would the charter school in any way be required to provide or to contract with the county in order to provide transportation to the school?

SENATOR SYPOLT: It specifically says that the charter school may contract with the county or I assume that they would be able to provide other transportation outside of the county.

SENATOR UNGER: But it's not required—they may, it's not a shall. So, the charter school could determine that even though a student has been admitted into the school if they could not in some way provide transportation to the school, in essence, what would happen at that point? They couldn't provide transportation to the school. Say they were admitted into it, the parent doesn't opt-out, would that then create truancy issues? Would the parents be required, even though they don't go down and opt-out, would they be required to take their student to that school if the charter school doesn't provide transportation? What happens there?

SENATOR SYPOLT: It's my understanding, that in my envisioning,

if that charter school would have the responsibility for providing transportation, the language in the bill only says that they may contract with the county for transportation. I don't think there's anything in the bill which specifically says they cannot provide transportation for their students.

SENATOR UNGER: Is there anything in the bill that requires them to provide transportation for their students? I know you say that there's nothing in there that prohibits them from providing it, but is there anything in there that requires it? Right now, under public schools there is a requirement to provide transportation to the school. So, is there anything in here that would require the charter school to provide transportation?

SENATOR SYPOLT: No.

SENATOR UNGER: Okay.

Here's another question I have for you: Under Article XII of the West Virginia Constitution—of course, this is a very serious business, because the first section is: The Legislature shall provide, by general law, for a thorough and efficient system of free schools.

I'm sure you're familiar with that. But my question to you on that is: Under Article XII, Section 10—I'm not sure if you're familiar with this one—but it says here: No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

So, to me—maybe I'm reading it wrong—but to me this tells me very clearly that unless there's an expression by a majority of the voters voting on the question that this would not be The authorizers of the county could not be the sole expression

of this. Are you reading that differently? Or maybe your attorneys could tell me otherwise.

SENATOR SYPOLT: I think the point that I would like to make is that specifically the charter school bill mandates and states that a public charter school is part of the local education authority. It's part of the county board of education.

SENATOR UNGER: Well, I understand that, but it is an organization that you—just in your own words—say was independent. The governing board would govern independently from the county boards. Again, it says: . . . except with the consent of the school district [which you get the consent of the school district, but] . . . expressed by a majority of the voters voting on the question.

I think “on the question” is should there be an independent organization within the county and that governing board may be construed, or at least argued, that it's independent of the county board of education because all the county board of education did was authorize them to go forward. And, as pointed out by the Senator from Monongalia and others, they're going to be independently spending the money, hiring the teachers, setting the curriculum and all these things counter to the boards of education.

I'm just wondering if this is in violation of this particular article within our West Virginia Constitution. Has that been examined at all by you?

SENATOR SYPOLT: Obviously, I'm not a constitutional scholar nor am I a lawyer. However, I would suggest to you that, in fact, the authorization by the county board of education should be sufficient, and the terms of the chartering school legislation dictating that they are part of the county education system should be sufficient to satisfy that condition.

SENATOR UNGER: Okay. Well, I guess that will have to be determined in the courts.

Okay. Thank you very much.

SENATOR UNGER: Mr. President, Thomas Jefferson, who wrote the Jefferson's Manual that we're supposed to follow in this body, actually had three things on his tombstone that he wanted specifically mentioned, and also there are things that he also indicated that he was very proud of. Of course, the Declaration of Independence that lays the very foundation of our country: Life, liberty and the pursuit of happiness. The other is the Virginia Statute for Religious Freedom and also the Father of the University of Virginia.

But, out of all the presidents, or founders, I think that most people would determine that Thomas Jefferson was probably “The Education President”. There was another piece of legislation that he also authored and was very proud of that was, basically, the very foundation of his philosophy. His philosophy went like this if you boil it down: He believed that in order to uphold liberty and the pursuit of happiness in this country, you had to have an educated workforce, an educated citizenry. Even with the Statute of Religious Freedom, the very foundation of that was to free the mind from any hostilities against any form of tyranny of the mind against man. In essence, what made us unique as human beings compared to other animals was the fact that we possessed a free thinking mind. Almost in essence, Thomas Jefferson, I would think, that the spirit and the mind were almost one. Because if you go down to D. C. and you look at the Jefferson Memorial, the inscription under the dome reads: I have sworn upon the altar of God, eternal hostility against any form of tyranny over the mind of man. But the one bill that he did get through was A Bill for the More General Diffusion of Knowledge, Bill No. 79, which was the fall of 1778,

that basically set up the very foundation that our state, even though we were part of Virginia, of this free education system. In this he felt that in order for an individual to flourish as a human, as a citizen, we needed the education but also in order to uphold our liberties and our freedoms, it was essential that we had an education system that educated the citizens.

The bill we're discussing today, I think, could very much undermine the concept of a general diffusion of knowledge within our system and particularly setting up a situation where we have two spheres. I would determine that be the lucky and the unlucky. What I mean by that is there is an economic theory called the self selection. In the self selection is this: That in quality education there are two aspects that basically determine a good education. One is have a qualified, certified teacher that teaches and the other part that research has shown over and over again is to make sure you have a caring adult in a child's life. With this, I was watching with my wife several weeks ago a documentary called "The Lottery". Actually, it's a very positive documentary on charter schools. It primarily looked at the inner city schools of New York and how this all works. The whole thing was showing that there are games within the charter schools versus the public schools. But there was something that was so disturbing about this in the sense of here the parents would go to this big auditorium with their children and they sat there, all different socio-economics, so it's not the rich or the poor, all kinds of people sit there. As they would draw the names of the students and when that name was called, there are cheers that go up and the students would go through the gauntlet. The teachers would cheer. It was almost as if they won a million dollars. The parents were so happy. Those were the few. But there were the rest of them where the parents went away with their child, or their grandfather, sad and saying, "Maybe

next year we'll get in; we'll do it." What happens in this self selection is by paying charter school teachers more and getting out of their way so they can teach, you're going to attract possibly some of the best teachers because they're going to get more money and less bureaucracy to go to the charter schools. So, you're going to take from public schools those teachers who are qualified, certified, enthusiastic and bring them over. Then through the selection process, although even an opt-out, if you don't provide transportation for the kids, those parents who are not there, absentee parents, or children who do not have caring adults in their lives are going to be left out.

There's a high school, Senior Senator from the Fifteenth and also the Senator from Morgan, in our area from Hedgesville. The principal had done a survey of incoming freshmen at Hedgesville High School and he found a disturbing result in the sense that a large number of those students coming in are saying that they are depressed. I said, "Really? At that age?" He said, "Yes." He was trying to advocate more counseling and so forth. I said, "What could be the problem? What is the problem?" He said, "Because we've got a large number of students that do not have a family structure." I said, "What do you mean?" He said, "We are their family. We are the caring adults in their lives, because when they go home they don't have them." So, Mr. President, what this is doing is this is taking those caring adults and parents, allowing them to come over to the charter schools and, meanwhile, leaving our public schools with whatever's remaining, whatever's left.

You know, as the Senator from Fayette said: We're spending a lot of time trying to set up different structures which I would question if it is even constitutional, but regardless of that, we're still spending a lot of time saying, "Well, we can't succeed over here; let's set up another structure over here." Eventually, what's going to happen

to those that remain in our public schools and are not in a charter school? Why are we spending more time looking at what these so-called charter schools that are successful, which it varies with success or not, why don't we start implementing these things into our public schools and let all schools benefit from it? Mr. President, what we're setting up here is a lottery where some kids are going to win and some kids are going to lose. I know I drive into Charleston and I see that big skyscraper that says the West Virginia Lottery. You know, that golden building there with the golden dome on top. The other golden dome building other than our Capitol. I know there's a lot of money there, but are we really truly now setting up an education system that would be predicated on chance, on luck? Where that kid that may not have the caring adult in their life that can't get to the charter school but will cherry-pick both those teachers and also the parents that are most enthusiastic that they have a good PTO or PTA and they have the band boosters and all in this school, but the others that are left there with their parents or guardians or they don't have people in their life are not. Are we truly making it luck for children in West Virginia to get an education? I mean the lottery is in this bill. Really. This is what we got to. We're not going to try to stand for all West Virginia children.

Now, Mr. President, I know you haven't looked at me or anything. My voice ringing in this chamber is not being heard by anybody here. But I tell you who I'm speaking to. Right now as we're online, I hope that we haven't been cut off—particularly when I stood up they haven't cut us off—I'm hoping that people throughout West Virginia, particularly the parents, the children, the teachers will know that I, Senator John Unger, will not put their educational future into a chance, into a lottery where they may or may not be able to get a good education. That child

who may not have a parent that cares or may not have parents at home is struggling. I'm not going to sit here and say that I'm going to give up on you. I'm not giving up on you. I believe every child in West Virginia deserves a thorough and efficient education.

Mr. President, there's not much in this Constitution that we in the legislative branch are supposed to do except for this. It clearly states in this Constitution: The Legislature shall provide by general law for a thorough and efficient system of free schools.

That's for all citizens of West Virginia not just the ones that won the lottery or had a chance. So, Mr. President, I say that a vote for this bill is basically gambling or gaming or putting forth a lottery for our children's education in this state. I, for one, will not stand with this bill. I stand for the children, the parents and the teachers of West Virginia.

Thank you.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
C. EDWARD GAUNCH**

Monday, March 2, 2015

SENATOR GAUNCH: Thank you, Mr. President.

This is dragging on long. I thought about not standing up, but I do want to stand up. I want to say how proud I am

of the Senator from Preston and for this Education committee. I've watched them work. I've looked into their eyes. I've seen what their intentions are. Their intentions are pure. I can see that. Is this bill perfect? No, but I don't think we've passed a perfect bill yet this year.

You know, this is just a drop in the bucket. Ten schools in five years out of the hundreds and hundreds of schools that we have. This is an opportunity for us to try something different. I say to you: What's your plan? What's your plan? Throw more money at it. Maybe. We're already first in per pupil spending; we're already first in that. But look at the results. We have to try something different.

I've heard from all of the stakeholders—teachers, teachers' unions, boards of education, the State Board of Education, the Senators over there—I've heard from all of you. I've tried to be objective about this. You know who we haven't heard from—the kids.

Mr. President, the Senior Senator from the Eighth and I represent the West Side of Charleston. The three schools on the West Side of Charleston are the worst-performing schools in the state—not just in this valley, not just in this county. When I think about those little kids, those little dark eyes that I look into that are saying to me, "Please help us. Give us a chance to escape from this." That's what we have to do. The answer is not spending more money.

As I look at this bill, it's a fair selection process. It's not rich kids versus poor kids. It's not white kids versus black kids. It's not just the good students. It's 10 schools in five years. What's your plan? This is a start, I believe.

As I think about those children at Mary C. Snow Elementary School on the West Side of Charleston, if I think this has some chance of helping 10 of those, or 50 of

those or 200 of those, I have to support it. So, that's why I rise to support it today.

Thank you.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
KENT LEONHARDT**

Monday, March 2, 2015

SENATOR LEONHARDT: Thank you, Mr. President. I'll be brief; we've dragged on long here.

My granddaughter is about to graduate from a charter school. She started in an experiment 12 years ago, the first class in that charter school—not in this state obviously. I was very nervous and I was scared. I was unsure about what was going to happen to my granddaughter, pulling her out of the system. Tell you what: I'm proud of my granddaughter. She'll have some college education completed when she finishes her high school year this year. I'm very proud of the way that school took that little girl from her parents, caring parents yes, but they were poor. She got into the school and she became a great student.

My fellow Senators, the time for debating and arguing is over. We all know that we need something here in West Virginia different than what we've been doing. It's time that we worked together. This is a start. We've got to start. Things can change. Things can be adjusted, but it's time to stop arguing. It's time to start

leading. It's time to start working together. Let's make this program work.

Thank you, Mr. President.

**Creating Public Charter Schools
Act of 2015**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 14)*

**REMARKS OF
HONORABLE
DAVE SYPOLT**

Monday, March 2, 2015

SENATOR SYPOLT: Thank you, Mr. President.

I don't suppose there's anything I can say here that's going to change anybody's vote. We've thoroughly discussed this bill in committee. We've discussed it on the floor today. There's been negotiations for weeks and weeks on end. No, it's not a perfect bill. I think we've done a pretty good job of taking the first swipe at it though. I have some prepared notes.

The first part is an e-mail I received from a lady, a board of education member—don't know who she is—never met her before. It typifies probably one of two or three dozen positive e-mails I received from administrators and teachers across the state. Obviously the number of e-mails received which were negative were detracting from the charter school movement. They were immense; I mean hundreds of them, absolutely hundreds. Some of the words that she penned to me when I read made me think that there is hope, that there are administrators, there are teachers who really care who just feel like they've been oppressed by a system that they can't

express themselves in and can't do the job that they want to do.

It says: Each year a group of mostly men and a few women gather in the great city of Charleston for a very short time, and they're asked to make decisions that will change or move West Virginia forward in many areas. One of the great beat-up topics is education. The proposal of charter schools in West Virginia is exciting. Educators and businesses are always searching for new and forward-thinking ways to educate the next generation of leaders. Keeping up with the rest of the nation has been a struggle for West Virginia. Competing in the work market may be more of a stretch. Charter schools will offer a choice for parents and for students. It will raise the bar in some areas for local education to do better. Listening to and talking with states that have, with open arms, allowed charter schools to be a part of educating kids, it was obvious to me that this competitive piece was what was missing in our state.

The letter goes on. There are about three pages worth. But, Mr. President, I would suggest to you that it's not fair that some kids are born in districts which are affluent and other kids are born in districts which are impoverished. It's not fair. There are always haves and have-nots. Things are always . . . You know, we do the best we can with what we have.

Nationally, public charter schools tend to show the best results in areas where we have lower socio-economic districts. We all know that West Virginia has a lot of those districts—areas where the public schools are failing, areas where the kids just aren't getting the education that they really need.

I have to tell you that I am absolutely confounded by the attempt of so many individuals to own both sides of an argument. How is that possible? There are discussions I've had with educators

over the last several years and the last several weeks. Classroom teachers feel overwhelmed with bureaucracy, that they just can't teach, they can't get their job done. Yet, charter schools can cut through some of that. They're exempted from much of that red tape. It allows checks and balances that are negotiated included in the chartering application.

But how can someone win both sides of an argument? One thing in conversation I've had dozens of times in the past—long before I ever imagined I would ever be involved with the Education committee in the Senate—I would ask teachers and parents in Preston County: What is the one thing that really gets you about education that you think is so unfair and wrong? After we talked about it a while, most often what they would say is: Twenty-five years ago we had five high schools in this county. Today we have one. I would suggest if there was a charter school law 25 years ago when consolidation was a reality, I think that there's a possibility that those communities could have got together and kept their community schools. I think it's hard to argue with any parent who says that the downfall of education is the loss of our community schools. How is it that somebody can try to own both sides of an argument?

There's a frustration in many county board of education members, superintendents, classroom teachers alike. They are fed up with an overbearing, highly centralized delivery and control over education. Yet, with charter schools, this process is handled at the district level—not on the state level. Mr. President, how is it that someone can claim both sides of that argument? Which is it?

Do we want more bureaucracy or do we want more flexibility? Do we want community schools or consolidated schools? Do we want state control or do we want local control?

I remember on the campaign trail many times—education was always a big issue—one of my tag lines in front of a whole auditorium of people was "I'm really not an education guy." I've said it many times.

Mr. President, when the chairmanship for Senate Education was offered and I accepted, I promised I would do one thing. I promised you I would do the best job I could. I only hope I haven't let you or the State of West Virginia down. I believe in my heart that passing this legislation is an opportunity that has, until now, been unavailable to our students and our parents.

Until a few days ago, I had no idea that I had been conditioned by the same rhetoric that most everyone in this chamber—and probably everyone listening to me in the state—has been conditioned by. You could say maybe I had an epiphany of sorts. I know that many people in this chamber and citizens across the state have heard me say these words time and time again: Education in West Virginia is a top-down process. We start at the top. The directives and the money and everything flows down to the district level, then down to the school level and then down to the student level. Charter schools are a bottom-up process. They start with the needs of the children and they build a framework around those needs and develop a school and a curriculum that makes sense.

Sounds harmless at first, doesn't it? Sounds true, doesn't it? What we are doing when we describe a top-down process is we say that the Board of Education, that the Department of Education, that administrators, that RESAs, that teachers, service personnel, bus drivers, groundskeepers and coaches are all first; because they're on top. That just means that the students are on the bottom, aren't they? They're last. Always last.

Well, Mr. President, I want a top-down approach still, but I want the students in

our state to be on that top. I want them to be the first consideration, not the last. I believe charter schools is an opportunity for perhaps the first time in decades to place our children first so we can have a top-down approach that I, and every citizen in West Virginia, can be proud of.

Mr. President, I urge passage of Engrossed Committee Substitute for Senate Bill No. 14.

**REMARKS OF
HONORABLE
ART KIRKENDOLL**

Tuesday, March 3, 2015

SENATOR KIRKENDOLL: Thank you, Mr. President.

You know, we've had some tough votes today, yesterday. We've been out working 10 to 12 hours a day. You get these reports and lists from the Finance chair. Out of respect for the Governor, I hated to vote against that one bill. I've got a lot of respect. He's my Governor from my home county. Since I've been here, we have been backfilling the budget from the Rainy Day Fund. We continue to look for money here, there, everywhere.

I just got a report from back home on the road conditions in my home county. I can tell you that in just a few days, we're going to be looking at some tough, tough situations in our counties. I can tell you right now there's going to be very little paving money this year. We're going to be patching again and patching again and patching again. Last year did tremendous damage to our roads. How do we fix that?

I had a talk one day in the joint committee with highways. I said: You know, sometime we're going to have to do this bond that

the Finance chair was talking about. We need to bring all the stakeholders together to do that because we're going to have to convince the public they can save money on the wear and tear of their vehicle, the maintenance to their vehicle and everything else. To be the state we need to be, we've got to fix our infrastructure. Looking at the budget, where we stand now and what we're having to do, we're sitting here and, day after day, it keeps getting worse and worse.

What do we do? We give reports. One of the bills I voted against a while ago—prevailing wage—my vote was red from the start. It's the most uncertain bill that I've ever dealt with. To tell the working people of this state, here's what you were making; I have no idea what you're going to make now, but wait a minute, we're going to do another study here in a few days and we'll get back to you on your benefit package. I don't understand how we can do those things.

I've said since I got here in November of 2011 and I can look at colleague after colleague and they've heard me say this in junior rules and everywhere else: When are we going to, as a legislative body, this body and the House, bring the stakeholders to the table. Not the lobbyists. I love all the lobbyists, great people. But when are we going to bring the Vice President or the President of Alpha Coal, Arch Coal, the gas industry people, the health care people, to the table to find out why West Virginia is not open for business? We need to be working on job expansion and job retention. We're going to look at 2,100 probably or more pieces of legislation and pass probably 10 or 12 percent.

Mr. President, I really believe you care about the economy of this state. I think all my colleagues in this building does. But somebody is going to have to make a commitment. It's going to have to come from the Governor, you, the Speaker of the

House and our leadership team to figure out. Maybe this time next year. We're almost done this time; we've got a week and a half to go. But why don't we bring the business stakeholders, the people that employ the people, the ones that need the retention, the health care. I'm not talking about just the fossil fuels. I'm talking about expansion of our jobs in health care.

I also gave a speech last year. I had to tell an entrepreneur back home we could not allow him to spend \$7 million to create 50 to 85 jobs. My colleague from Boone County, my senior Senator, had helped me get to the point that when we got to Finance, well, guess what, after three weeks of us thinking that we were pretty good on the moratorium, we were told no tax credits. Well, it didn't end up that way that session. There were tax credits.

We're going to have to sit down and look at how to improve the job situation more than what we're doing. Drop the Republican-Democrat format. Bring the stakeholders to the table to meet with our leadership during interims or whenever we get to. Find out what can make Alpha, Arch and these people be more competitive.

We passed, and I supported, the coal bill. I voted across the aisle. My votes have not been straight party this session at all. They've been from here. I hope from here. I hope the public will realize that I'm doing the best I can. There's no doubt in my mind that all 34 of us care about doing the right thing, but we've got to take the next step.

We've got to work those 12 and 14 hour days next session and bring the AFL-CIO, bring the labor people in, bring the business people in. See if there's a middle of the road approach to job expansion or job retention in all facets of West Virginia.

We did that study. I went to four different counties even after the leadership changed. I drove late at night to Bluefield,

to Princeton, in my home county of Chapmanville and Beckley and these places. What did we hear? There's a way to increase tourism, trade, traffic and activity for entrepreneurs.

Then the budget's been cut for the last few years. So, are we doing the right thing? Michigan was one of the few states anyone wanted to go to. They did the campaign called "Pure Michigan" and right now it ranks number seven as far as tourism activity. I can tell you—nothing against the Wolverines—but they can't compare to the beautiful things we have in West Virginia. You look at what we have. We have more things for people to do when they come in here—whitewater rafting, snow skiing, golf, tourism, ATV trails. I can tell you from being 20 years on the Hatfield-McCoy trail system, we worked hard to see people from 50 states and 26 foreign countries come to nine southern counties. You know what they love the best? The people and the beautiful mountains that we have. It works. It took an effort to get there.

Mr. President, I would ask you as our leader and the Governor as our leader and the Speaker of the House and the leadership team and all the concerned people in this body, let's look at next session in advance, even during interims in advance, and bring the stakeholders to the table and see if we can't create a job and economic impulse in West Virginia unlike anything we've ever seen. Retain what we have and expand, because we got the best people in the world.

Thank you, Mr. President.

**Relating to motor vehicle dealers,
distributors, wholesalers and
manufacturers**

*(Passage of Eng. Com. Sub. for
Senate Bill No. 453)*

REMARKS OF
HONORABLE
JEFFREY V. KESSLER

—
Wednesday, March 4, 2015

SENATOR KESSLER: Thank you, Senator from Pleasants.

I would just like to read some words to the members of the body that I've said before on this floor. I will repeat them. I think they certainly stand worth repeating.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, [other] than according to the rules of the common law."

Trial by jury. The Seventh Amendment. One I hold dear. One I know all of you hold dear. You may ask: What's that got to do with an auto dealership bill? What's that got to do with an auto dealership bill? I'm about to tell you.

I direct your attention to page 17 of the bill. West Virginia Code §17A-6A-10 (1) (h). The section dealing with prohibited practices, meaning what the distributor or manufacturer, the Fords, the GMs, the big boys in Detroit, are prohibited from doing when they deal with a West Virginia car dealer. I'll tell you what it says. It says a manufacturer or distributor may not require any new motor vehicle dealer in this state to prospectively assent to a waiver of trial by jury. It goes on to say "... or require any controversy between a new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of this state or of the United States District Courts of the Northern or Southern Districts of West Virginia."

In sum, what that says is if there is a dispute between the big boys in Detroit and one of our 146 families in this state who own the dealerships here—many of them are my friends, I've represented them. I've had to fight with GM to get dealership franchises transferred and to get approval to sell new product lines. It's tough. They are a tough bunch because they're almost contracts of adhesion because they've got you where they want you. They are the big boys.

In this bill what we've done is said—for those 146 families in this state—no law can be passed and no contract can be presented between those dealers and those manufacturers that says you have to give up your right to a trial by jury in the courts of this state if you want to sell my car. You want to sell my Fords, you better sign this that you've got to go to arbitration rather than go before the people in those little white houses in the juries in our courthouses. That's illegal under this bill.

It will be and it should be. But I remind you, ladies and gentlemen, this bill shouldn't be just about 146 people who have the right to the Seventh Amendment—1.8 million people in this state should have that right.

I look around this room and I see a lot of this legislation coming through that we have passed and considered and had introduced that says we don't trust juries. We don't trust juries. But the privileged few absolutely are going to have the right to go to a jury. But those who might not have the ability to have contracts between GM and Ford and themselves will be in many times, by what we're doing on this floor, we're denying them that right.

I remind you with the punitive damage bill we capped what a jury could give. I think the U. S. Supreme Court has ruled that eight times compensatory damages is appropriate. We said four. We passed a bill that says four. Juries may say it should

be six, seven or eight. We said: Nope, we don't trust you. It's got to be four, not a penny more. It's not right.

We passed Engrossed Committee Substitute for Senate Bill No. 37 (*Creating Revised Uniform Arbitration Act*) that was, frankly, nonmandatory; it's more of a permissive bill. I remind you of the findings in that bill. The findings of that bill say: "It is hereby declared to be the public policy of the State of West Virginia and in the public interest to favor the enforcement of arbitration agreements, including arbitration provisions contained in other contracts or agreements." We said and found the contracts of arbitration is good in contracts, but in this bill we say: No, they are not. In fact, not only are they not good, they're illegal and forbidden. And they should be.

We introduced that medical power of attorney bill, Senate Bill No. 493 (*Relating to authority to waive incapacitated person's right to jury trial*). Thank God, it died a slow, anguished death. It would have permitted a medical power of attorney of incapacitated people, incapacitated people—grandma with Alzheimer's, your aunts, your uncles, your mothers, your dads, those who are disabled—to let somebody, as a condition of being placed in a nursing home, the nursing home could insist: You want to come put grandma in our nursing home? Before we let grandma in or grandpappy in, you've got to sign this little thing that says you give up your right to a trial by jury and go to arbitration. If we do something wrong or there's a dispute in her care or his care, you're going to be forced to arbitration not to trial by jury. That's wrong and I'm glad that bill died.

So, I rise here today not on the merits of the bill so much, but to remind the members of this body that the Seventh Amendment doesn't just apply to a few. It applies to the 1.8 million and every time we pass a bill under the caption of tort reform and

take power and voices and the ability to hear disputes away from the people of this state and put it in some other process, we're treading on that amendment. I abide by, and will, to the day I die, live to support the First, Second, Third, Fourth, all of the amendments; but let's not forget the Seventh.

Now, the merits of this bill may stand and rise on its own. I find it ironic and perhaps unsettling that on contracts between the out-of-state big boys and our big boys that the Seventh Amendment is absolutely protected. I'm going to keep this language in my desk for as long as I'm here. Every time there is a bill that comes in that tramps on those rights to a trial by jury, I'm going to remind us, ladies and gentlemen, of Senate Bill No. 453. I'm going to insert the exact same language as an amendment. I hope you will join me and sponsor it with 33 others, because everybody in this state deserves to have their cases heard by a jury of their peers in their communities.

Thank you, Senator from Pleasants.

**Relating to Herbert Henderson
Office of Minority Affairs**

(Passage of Eng. Senate Bill No. 582)

**REMARKS OF
HONORABLE
CHARLES S. TRUMP IV**

Wednesday, March 4, 2015

SENATOR TRUMP: Thank you, Mr. President.

Engrossed Senate Bill No. 582 was originated by the Senate Judiciary committee. The idea was the genesis of the gentleman from the eighth here in

Kanawha County. It amends two sections of the West Virginia Code and would enact two new sections.

The amended sections relate to changes in the continuation of the Herbert Henderson Office of Minority Affairs. So, this bill continues that office within state government and allows its work to continue for the citizens of West Virginia.

The primary purpose of the bill is to establish a community-based pilot project, a pilot demonstration project to promote public health for community development. If I could just take a moment and share with the members precisely what this is going to do. It requires the director to request that the Commissioner of the Bureau for Public Health take a lead role in coordinating activities of state agencies related to, Mr. President, a project that's going to be operated by the West Side Revive Comprehensive Community Development Initiative, which is a collaborative local nonprofit locally based organization here in Charleston.

The pilot project which is to operate on the West Side of Charleston, Mr. President, is designed to promote early childhood development, reduce childhood poverty, reduce childhood obesity, promote third grade reading proficiency, promote science technology, engineering, arts and math and prevocational education, reduce truancy in drop-outs, promote comprehensive education reform, coordinate social services to foster comprehensive youth and family development, reduce the delinquency of children, reduce incidences of child abuse and neglect, promote health and wellness in that community, reduce domestic violence, develop a comprehensive plan to prevent and treat substance abuse—and we have, as all members know, significant substance abuse problems throughout West Virginia, but the sponsors of this bill and the gentleman from Kanawha have illuminated us on the degree to which it's a problem on

the West Side here in Kanawha County. It is a very severe problem there. The duties would include to provide job training and workforce development, promote economic development, housing rehabilitation, weatherization and construction and promote adult and juvenile offender reentry into the community.

Mr. President, what this bill does is it authorizes a collaborative effort to deal with these severe problems, significant problems here within the West Side of Charleston among groups that are already active and involved in addressing some of them. I think it is an important measure. Certainly the local senators believe in its importance.

I would urge passage of this bill.

**Relating to Herbert Henderson
Office of Minority Affairs**

(Passage of Eng. Senate Bill No. 582)

**REMARKS OF
HONORABLE
RONALD F. MILLER**

Wednesday, March 4, 2015

SENATOR MILLER: Thank you, Mr. President.

I stand to speak for this bill also. Maybe that's not necessary today. I think it does draw attention to the West Side which has tremendous need, a very rich history in our state and I encourage you to take the tour of the West Side. Have the senators from Kanawha County give you a tour along with the leaders from the West Side. Take a tour and see what a rich history has been in the West Side of Charleston.

I also stand for another reason to speak for this bill. This application, this study of the West Side of Charleston can also apply to Bluefield, West Virginia. It can apply to Mount Hope, West Virginia, to Ronceverte, Wheeling. It can apply to every city, every area in our state. What we learn there can be applied to those things which are very, very important in our state. We've seemed to have forgotten sometimes those who are with the most need in our state, because we're so busy with other things.

I also want to draw attention to one other thing. I can't help but draw attention to this. It mentions the Herbert Henderson Office of Minority Affairs. That office is highly underfunded. We're dealing with minority issues all over this state—not just black issues or Latino issues but minority issues—and we're doing it with a budget of about \$132,000. We're trying to solve a problem, and it is a problem in this state. It is a problem that we see all around us.

So, I encourage support of this piece of legislation. Let's not stop there, Mr. President. I would encourage the committee on minority affairs, during the interim session, to continue to look at how we increase what we do for those with the most need in our state.

Thank you.

**REMARKS OF
HONORABLE
DANIEL J. HALL**

Wednesday, March 4, 2015

SENATOR HALL: Thank you, Mr. President.

I want to bring something to light here that's been going on across West Virginia. Southern West Virginia has been hit

pretty hard the last couple of weeks with some pretty severe weather. It's an ever deteriorating situation. If you go outside, you can see the Kanawha River is rising now. Southern West Virginia has been hit hard in the past with severe flooding and it looks like we're getting some of it again today. The senators from Boone and Logan are well aware of what's going on down south.

A couple of weeks ago we had about three feet of snow down our way and freezing temperatures for several days causing busted water lines, busted water meters. We've got approximately \$30,000 in repairs that need to be done in the Town of Oceana. The Finance chair is trying to help us out down there. The Senator from Raleigh and I are working with him on that. The areas of Arnett and Naomi in Raleigh County have been without water for almost 15 days. The citizens there, needless to say, are somewhat distraught with the situation there. We've been trying to get assistance.

Now this flooding is going on today. We've got roads that are blocked. They are filled with water. We just got a report a little bit ago that we've got a road collapsed and washed out in Raleigh County, Slab Fork. Businesses are closing early. Courthouses are closing early. Everybody knows what that means. We've all dealt with flooding in West Virginia in the past. If we don't get a miracle, we're going to be in a dire situation in southern West Virginia over the next few days.

I want to thank the Governor for doing a proclamation yesterday, a declaration for a state of preparedness. He did that yesterday. I appreciate his efforts for that, but I'm afraid that if something doesn't change, we're going to need a state of emergency and we're going to need a lot of money to deal with this situation. I just want to bring that to light to the Senate and the people across West Virginia. We'll do

what we always do—clean up afterwards. But I hate the situation we're in.

Thank you all for the support. I know you're going to give West Virginia. It's not just southern West Virginia with this high water. There's high water in other places. So, I would also ask you to pray that the situation improves so that we don't have all these headaches and loss of property and, hopefully, no loss of life.

Thank you, Mr. President.

Relating to regulation and control of elections

(Adoption of amendment offered by Senators Trump and Kessler to Eng. Com. Sub. for Senate Bill No. 541)

REMARKS OF
**HONORABLE
MICHAEL J. ROMANO**

Wednesday, March 4, 2015

SENATOR ROMANO: Thank you.

You know, being in the profession that I am, I know that compromise means you walk away sometimes when no party is real happy. I think this is one of those times. I'm not real happy with this bill.

It started out with unlimited contributions to candidates and to caucuses and to everybody. It was unlimited. Then it came down to a \$25,000 limit and some other staggered limits. Now we're at the federal limit. I can live with that. I don't like very well what we did with the state caucuses and state parties with contributions of \$10,000 and coordination of \$20,000, but I can live with that. I do like the disclosures that we have in there for independent

expenditures, because I think that's what we have to stop. That bill does take a giant step in that direction.

I promised I would support it and I do support it. I think it's a good compromise bill. I hope the leadership will communicate to the House that, if they gut this bill in any way, I personally cannot support it, but I recommend we pass the bill now.

Relating to regulation and control of elections

(Passage of Eng. Com. Sub. for Senate Bill No. 541)

REMARKS OF
**HONORABLE
CHARLES S. TRUMP IV**

Wednesday, March 4, 2015

SENATOR TRUMP: Thank you, Mr. President.

I'll not go through the provisions again, the strike and insert amendment that we just adopted is now the bill. So, what we have before us is a bill that I would echo the remarks of the gentleman from Harrison. I think it's a reasoned measure.

For me personally, I felt from the beginning that it was going to be important on this issue, like every issue, but in particular this issue, that we craft a measure that could be supported by both sides of the political spectrum in this chamber. The reason for that is simply this—others mentioned it during our committee deliberations: There is too much apathy many times among the electorate, there is too much distrust and too little confidence many times by the people in their elected leaders.

It's unfortunate. As I look around this room—and I'm talking about both sides of the aisle that divides us here—I see 34 people who are working hard every day to make West Virginia better for their constituents. I see 34 senators in whom I believe the public can and should have great confidence and trust.

A concern I had going into this was that if we reported a bill that was passed along a straight party line vote or something like that, it would be tainted. It would have an appearance of illegitimacy or imbalance or unfairness that would undermine public confidence in this institution which I revere. I revere this institution of our government and the House of Delegates—those who are called to legislative service. I know from watching the members of this body how deeply the members care about making West Virginia better, by making better lives possible for the citizens we all represent.

So, I'm delighted in the knowledge that we were able to craft something, while as the gentleman from Harrison said, "It's not perfect." We're not in the business of producing perfection here. There are no perfect pieces of legislation that work their way through the chambers. But a great piece of legislation, in my mind, represents reasoned compromise and will instill, I hope, public confidence in our electoral processes and in the people who are elected as a result thereof.

I would be remiss if I did not mention the Minority Leader in particular, the Senator from the Seventeenth, Kanawha County in particular, the Senator from Harrison, other members of the Judiciary committee, both parties, who worked very hard on this measure, the Majority Leader and staff counsel both for the Judiciary committee and Mr. Baker for the Minority. Everyone worked very hard in crafting this.

So, Mr. President, happily, happily, I urge passage of this bill.

**Relating to regulation and
control of elections**

*(Passage of Eng. Com. Sub.
for Senate Bill No. 541)*

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Wednesday, March 4, 2015

SENATOR KESSLER: Thank you, Mr. President.

In case anybody didn't know, when that first bill was introduced, Senate Bill No. 541, it wasn't a bill that I supported very warmly. In fact, I held the bill in great disdain. The bill, as introduced, as I mentioned in my remarks a few days ago, permitted unlimited contributions, corporate contributions, what I perceive to be nothing more than a sale of our seats in the Legislature and other public offices. I actually went so far as to say it was a public office auction bill. We were going to have all this money infused into our elections and election cycles without any disclosure of where the money was coming from.

You know, I have been serving in the Senate now 18 years. I, like everybody in here, holds our duties and our offices in great and high regard. We were sent here by the people that we represent back in our communities. We're entrusted by them to do what's right. There's no more sacred duty in my view under our Constitution and our democracy than the duty to vote. Truthfully, to vote. There's no more sacred day that we have in any calendar day in my

view than Election Day. Elections are about the people sending their representatives to public office to represent them to do what's best for them and their communities. I know all of us try to do that. We've been sworn to do that. We hold that oath in the depths of our heart. But, you know, over the past few years, during the election cycle, I've seen a complete change of how elections have been run.

It started out "And for the Sake of the Kids". We found out it really wasn't for the sake of the kids. It wasn't anything about kids. It was about power. It was about money. It was about getting somebody elected. In this last election cycle we've seen West Virginia for Justice attacking folks on your side. We've seen West Virginians for Prosperity attacking folks on our side. We've seen CALA ads that attack people. No one knows who they are.

I've heard the Senator from Berkeley say to pull back that veil like in *The Wizard of Oz*. Like Toto, pull back that veil and tell us who that great and powerful Oz is, Mr. President. Because when the veil is pulled back there, he says "Don't pay attention to that man behind the curtain" because it was disclosed who he was. And he lost his power when the people knew that he was an imposter.

We've seen, over the last several election cycles, more and more money put into the system by folks who won't identify themselves. You can't trace it. Mother always told me, "Just don't say anything behind someone's back you're not willing to say to their face." But our elections have turned into exactly that. Everybody says everybody's no good. From both sides. They don't do anything good and they won't tell you who they are.

So, this amended bill, Mr. President, continues the tradition of banning corporate contributions and permits reasonable increases, modest increases which mirror the

federal levels are which most importantly in my view results in first-dollar disclosure of every penny in. When I file for office, I've got to file a report that says I sold a cookie at a bake sale for ten cents and I raised \$20 doing it. I've got to report it. But the other groups can come out and attack you and not have to report it. They will now be playing on the exact same field that we are so that the people of this state can make their judgments by being given additional accurate information as to who's participating sometimes in high and significant levels with their funding support of either issues or candidates so that the people out there can draw the inferences from accurate information to make the decision when they go back on that most sacred day, on Election Day, to cast their vote. So, for that, Mr. President, and that reason alone, by having the full and complete disclosure, this bill has let sunshine into the election process and will, hopefully, restore public confidence by giving and sending a message that if you're going to participate in elections in this state, the people have a right to know who's spending the money to support the candidates to get them elected.

That has been something I have been advocating for for years ever since "And for the Sake of the Kids". We changed the law down here. It's been taken to federal court; it gets thrown out. You do it again; it gets thrown out. But *Citizens United* did, in fact, uphold the ability to disclose the source of the money. We can't make them quit spending; they can spend as much as they want, but what we can do is require full disclosure.

This bill, Mr. President, does exactly that. That's why I can support this bill. I think it provides the people of this state accurate information so that they can send their representatives to whatever office it may be based on accurate information and not by the smear campaigns that we've seen so predominately during our elections in the last several cycles.

Thank you, Mr. President.

Honoring Nancy Stuart Tonkin

(Adoption of Senate Resolution No. 51)

REMARKS OF
**HONORABLE
DANIEL J. HALL**

Monday, March 9, 2015

SENATOR D. HALL: Thank you, Mr. President.

Today, I rise in support of this resolution and to honor a fine lady that many of us have known for several years. Nancy Tonkin has worked inside the Capitol and throughout Charleston and the Kanawha Valley doing many wonderful things in support of many wonderful groups. Today, a few of us are going to make a few remarks about Nancy.

I got to meet her, I guess, seven years ago when I came to the House. Obviously, she was lobbying for an issue at the time. She was a brilliant woman, a true professional in advocating for her issues. We never became close personal friends but I respected her professionalism. I like to consider her as a friend of mine, because I know she has always told me the truth in whatever we were working on. She is just a respected lady in this building.

I'm proud to be a sponsor of this resolution. I urge its support.

Honoring Nancy Stuart Tonkin

(Adoption of Senate Resolution No. 51)

REMARKS OF
**HONORABLE
RON STOLLINGS**

Monday, March 9, 2015

SENATOR STOLLINGS: Thank you, Mr. President.

I also rise in support of the resolution.

Nancy is a very successful advocate, because she has passion. She has leadership skills. She knows how to build coalitions. She thinks strategically. Therefore, many of the issues that she was for such as rural health, children, women have benefitted from that—so has the State of West Virginia. She's been up here a long time—longer than I thought she'd been up here. You don't even look that old, Nancy. She has, again, honesty, integrity and is a shining example of what everyone that we listen to should have. She has mentored many, many people.

Again, I support the resolution.

Honoring Nancy Stuart Tonkin

(Adoption of Senate Resolution No. 51)

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Monday, March 9, 2015

SENATOR KESSLER: Thank you, Mr. President.

I, too, rise in support of the resolution.

I've been here probably the third longest of anybody so I've had occasion to have lots of opportunities to work with, for or

against Nancy. But I can tell you: She's always been a true lady. She's been a true professional. Regardless of whether I was for, against or with her, she always treated me the same—that was with respect. I think we all owe her a debt of gratitude. She has served her constituents, her groups and the people of this state well through her service in this chamber and across the well.

Thank you, Nancy, for your service.

Honoring Nancy Stuart Tonkin

(Adoption of Senate Resolution No. 51)

REMARKS OF
**HONORABLE
RYAN J. FERNS**

Monday, March 9, 2015

SENATOR FERNS: Thank you, Mr. President.

I also rise in support of this resolution.

I was elected to the House of Delegates four years ago. As you know and many of the people here know, I'm a physical therapist in my day job. At that time Nancy was the Executive Director for the Physical Therapy Association here in West Virginia. As a new delegate, some of my first experiences on the Health committee were with physical therapy-related issues. As a result, Nancy really kind of taught me the ropes, taught me the right way to do things. You know, always be honest with those that you work with and treat everybody with respect. It's been a great experience getting to know her and we've become friends over the years. I really appreciate everything she's done for me personally as well as for all of her clients and various health care organizations around the state.

Thank you, Nancy, for all you've done for me and for the State of West Virginia.

REMARKS OF
**HONORABLE
JEFFREY V. KESSLER**

Monday, March 9, 2015

SENATOR KESSLER: Thank you, Mr. President.

I stand and rise here today in this chamber with a very heavy heart. The Senator from Jackson announced prior to our commencement of the morning session there was a terrible tragedy that occurred back in my home district in Marshall County at the former McElroy Mine, now the Marshall County Coal Mine in Cameron at the Loudenville Portal area of Marshall County.

When I first got that message at about ten o'clock when I got a text from former Delegate, now Commissioner, Scott Varner advising me of the terrible sequence of events and the fact that, initially, there were reports that several men were trapped and several were injured. I live in that community. I grew up in that community. I know many miners that work in that mine. Some of them play with my children. I know their families. They're T-ball coaches with me. I go to church with them and I see them on a regular basis. I couldn't help but sit here on pins and needles and texting my wife wondering if our friends were safe. Then I got the word that, in fact, they were.

While I breathed a selfish sigh of relief, that's a message that did not get to be relayed to every family in my community. One individual was tragically killed, pinned in the roof fall. I don't know all the effects and all the facts. Also two were seriously

injured, one, I think, was flown to Ruby and one sent to Wheeling Hospital.

It's a constant reminder of the fact that under even the best of conditions and circumstances coal mining is a dangerous and difficult job and occupation. I pray and always know that we will, Mr. President, try to always be vigilant in this body in matters particularly to address the health and safety of our miners and all the workers in this state.

I ask, on behalf of all of you, to keep not only those who we know are working in those dangerous occupations throughout the state in our thoughts and prayers daily, but particularly those unfortunate families that had to get the most awful call that any person can ever receive. Please, let's keep them in our prayers today and throughout the remaining days of this session. Pray for the recovery of those who have been injured and certainly for the soul of the dearly departed.

Thank you, Mr. President.

**Recognizing Major General
James A. Hoyer**

(Adoption of Senate Resolution No. 53)

REMARKS OF
**HONORABLE
ROMAN W. PREZIOSO, JR.**

Tuesday, March 10, 2015

SENATOR PREZIOSO: Thank you, Mr. President.

Today we recognize the Youth Leadership Association's Youth in Government Program created in 1958 by the late Governor Cecil Underwood. This

year it will celebrate its 58th anniversary with the Youth in Government Student Legislature and Supreme Court. These events will be held in these respective chambers on April 24-26.

I am honored, Mr. President, to serve as the Chair of this outstanding group of young individuals. These student officers of the Youth Leadership Association's Youth in Government Program represent hundreds of young West Virginians preparing for lifelong citizenship and taking volunteer actions today to build better futures for everyone across this State of West Virginia.

Evident today is, by one of our very own, Delegate Saira Blair, daughter of the Senior Senator from the Fifteenth, a very talented and determined young lady. Saira is the youngest legislator in West Virginia history and also the youngest legislator to serve in the United States of America right now. Her political ambition, she said, was solidified when she participated in the Youth in Government event in Charleston as a junior from Hedgesville High School. "After this weekend in watching the students who were my age create such incredible legislation, I decided that we didn't have to wait until we were 40, 50, 60 to get involved."

The Youth Leadership Association's Youth in Government Program that established the Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award, to annually recognize a person whose life and values reflect those of the late former Speaker of the House Lewis McManus. This year's nomination demonstrates a lifelong commitment to helping others, hard work, education, responsible citizenship and building futures for all—especially our youth. He has befriended all of us in this chamber and I hold this individual in the most highest esteem. He works tirelessly to make the West Virginia National Guard the best in the nation.

I have witnessed first hand his command of his agency's Mountaineer Challenge Academy which focuses on training and mentoring at-risk youth in a tough environment. It has also given 3,000 cadets the opportunity to become contributing members of society through a 22-week residential and a one-year post-residential follow-up quasi-military program of lifestyle changes, respect, teamwork, readiness, physical, personnel, equipment and real property resources.

Ladies and gentlemen, this year's winner of the 2015 Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award is Major General James A. Hoyer, the Adjutant General of the West Virginia Joint Forces Headquarters.

Please welcome Major General Hoyer and representatives of the Youth Leadership Association and the Youth in Government Committee.

**Urging Congress propose
balanced budget amendment**

*(Adoption of motion to refer Senate
Concurrent Resolution No. 13
to the Committee on the Judiciary)*

REMARKS OF
**HONORABLE
MICHAEL A. WOELFEL**

Tuesday, March 10, 2015

SENATOR WOELFEL: Thank you, Mr. President.

I speak in favor of the motion. It's very important that we all know that we are asking Congress to convene a constitutional convention pursuant to Article V of our United States Constitution.

I intend to offer an amendment either it's been introduced or will be before this body today if this motion fails. If the motion passes, I will offer it in the committee. Corporate entities are not people and do not have First Amendment free speech rights thereby reversing a portion of the *Citizens United v. Federal Election Commission* holding. I won't seek to amend Senate Concurrent Resolution No. 13 to include language like that, because it's time for us to turn off the spigot, the tsunami of dark money.

It's time to cut off Sheldon Adelman and, on the other hand, George Soros. It's time to cut off the Koch brothers and that washed-up comedian Bill Maher. Cut them all off. These people give the money, millions of dollars, and then they do a Claude Rains—they disappear. That's Chevy Chase for the young people.

So, what I'm saying to you is this: We're all in favor of a balanced budget, but this dark money—if it hasn't been used to lie against you and spread lies about you in the last election, guess what? It's coming at you in 2016. The dark money. The unaccountability. The lies.

So, please if we're going to adopt this resolution, if we're going to tell Congress that we want a formal convening of a constitutional convention, let's get on the agenda the question of the dark money.

Thank you.

REMARKS OF
**HONORABLE
RONALD F. MILLER**

Tuesday, March 10, 2015

SENATOR MILLER: Thank you, Mr. President.

I want to make mention that I have missed the last couple days, and I have not been ill. I had a new grandson—first one, first one in our family.

He was born a toddler, 10 pounds, 11 ounces and 22 1/2 inches long. So, it's a long, long three days that we have spent. His name is Emerson Steven Franklin Miller. And the Franklin part, for my friends on this side, is from my son, myself, my dad and Franklin D. Roosevelt.

Thank you very much.

REMARKS OF
**HONORABLE
COREY PALUMBO**

Wednesday, March 11, 2015

SENATOR PALUMBO: Thank you, Mr. President.

I just want to call the members' attention to a good announcement that was made yesterday by the Division of Motor Vehicles' Commissioner. We've had an 18 percent reduction in traffic fatalities over the last year.

I think that's been largely attributable to the work that the Legislature's done in a couple different measures. One, and none of these have been necessarily uncontentious issues, but primary seat belt offense and, two, outlawing driving while texting and talking on your cell phone. I know that hasn't been wildly popular out there—particularly not in my house. My wife's not a big fan of that, but such is life.

But I tell you that those have made real differences in our numbers. We've gone down 18 percent to 271 fatalities last year. That's a tremendous, tremendous improvement that we've made. So far

this year we're on track for the first couple months to be even lower than that.

I just want everyone to know that you may not have a constituent come up to you and tell you: We appreciate you passing those bills that saved my life—and maybe in many cases they may not even know that happened—but the work that we've done here has improved highway safety.

REMARKS OF
**HONORABLE
MIKE HALL**

Thursday, March 12, 2015

SENATOR M. HALL: My granddaughter today was declared a citizen of the United States in Pittsburgh at two o'clock. She is 15 years old. So, it's a great day for us. I have pictures. I didn't want the time to pass before pointing that out. It's been a long journey, but she's now a United States citizen.

REMARKS OF
**HONORABLE
ROBERT D. BEACH**

Friday, March 13, 2015

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I just want to stand up this afternoon here before we break and just share with you the passing of a friend of ours, a dear friend of our legislative family. That includes not just elected officials but those who are employed here and the ones who work the hallways who are familiar faces within our offices.

That would be the passing of Beth Thomasson. Many of us have worked with Beth over the years on different issues. Most recently she worked with the Homeowners Association and the Building Trades Association on different issues. Beth passed away this week. She was known by her grandchildren as Mimi. Just a sweet lady. A very tenacious lady in getting her work done here around the Capitol. She's been with us for a long time. Her service is later today. I would ask you to stand for a moment of silence as we respect her life here in this chamber.

Thank you.

**REMARKS OF
HONORABLE
MICHAEL A. WOELFEL**

Saturday, March 14, 2015

SENATOR WOELFEL: I just want to let everybody know that the girls championships are over and Morgantown Mohigans girls won the AAA State Championship; but, more importantly, Huntington St. Joseph Fighting Irish girls won their seventh—that's right—seventh straight A State Championship.

Thank you.

**REMARKS OF
HONORABLE
MITCH CARMICHAEL**

Sunday, March 15, 2015

SENATOR CARMICHAEL: Thank you, Mr. President.

I just want to take one brief second to thank you for your leadership during this

incredible session that we just completed and to express my deep love and appreciation for every member in this body and how we all worked together to further the cause of West Virginians without regard much to partisan political persuasions. I feel like we became such a great team.

To my good friend, the Senator from Marshall, and so many as I look across the aisle, it is a real honor and pleasure to work with you to move the state forward. I want to take this brief moment to thank each and every member for all your hard work and to you, Mr. President, for your leadership and commitment to moving the state forward.

To all the staff that have put so many long hours and tireless hours, to the people at the front here that have just done incredible work and along the sides and our lawyers and our assistants. I know I say I'm going to be brief, and I will be. There is no way to express how deeply appreciative we are of all your work and your efforts and the time you put in to help each one of us make this state a better place. For that, we are eternally thankful. We look forward to working with you in future endeavors.

Thank you so much. Thank you.

**REMARKS OF
HONORABLE
JEFFREY V. KESSLER**

Sunday, March 15, 2015

SENATOR KESSLER: Thank you, Mr. President.

I would be remiss if I didn't as well point out the staff that assisted the minority party throughout this session. Lynette and John and Lindsay and Brooke.

But most importantly and more particularly, I should add somebody who I think did a yeoman's job for our party and our caucus throughout the entire session. Somebody who, although he was the sole attorney on our staff, worked rings around this Capitol as you know. He helped us immensely in all the legislation that we were able to follow, address and approve as we tried to move through this session.

So, my hat's off to Kevin Baker. I call him the "Lawyer of the Session, Lawyer of the Year – Kevin Baker".

REMARKS OF
HONORABLE
GREGORY L. BOSO

Sunday, March 15, 2015

SENATOR BOSO: Thank you, Mr. President.

On behalf of the Clerk of the Senate, I would like to extend his appreciation and ours to his staff who sits before us every day having to endure our jokes and our funniness but also endure all that we go through. But there's been times they've been here until 3 and 4 o'clock in the morning. They're here early in the morning. They greet us. They take care of us. They make sure all the paperwork is where it needs to be when it needs to be there.

We just want to say thank you.

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HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol * indicates Committee Substitutes.)

SENATE BILLS PASSED LEGISLATURE

3. By Sen. Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President) - **Relating to real property possessor's liability for trespasser harm** (original same as H. B. No. 2003) - Passed 1/29/15 - To Governor 2/4/15 - Approved by Governor 2/9/15 - Chapter 3, Acts, Regular Session, 2015
- *6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Passed 2/23/15; Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate reconsidered action 3/6/15 - Senate amended, repassed to meet objections of Governor 3/6/15 - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate concurred in House amendment and repassed bill 3/10/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 168, Acts, Regular Session, 2015
- *7. By Sen. Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams - **Requiring CPR and care for conscious choking instruction in public schools** (original same as H. B. No. 2007 - similar to H. B. No. 2443) - Passed 2/12/15; Effective July 1, 2015 - To Governor 2/19/15 - Approved by Governor 2/24/15 - Chapter 75, Acts, Regular Session, 2015
- *12. By Sen. Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President) - **Relating to payment of separated employee's outstanding wages** (original same as H. B. No. 2012 - similar to S. B. No. 102) - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 152, Acts, Regular Session, 2015
- *13. By Sen. Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President) - **Reinstating open and obvious doctrine for premises liability** (original same as H. B. No. 2013) - Passed 2/18/15; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15 - Chapter 4, Acts, Regular Session, 2015

- *19. By Sen. Plymale - **Specifying minimum early childhood education program instruction days** - Passed 3/13/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15

- *30. By Sen. D. Hall, Trump, Blair, Williams and Karnes - **Permitting shared animal ownership agreement to consume raw milk** (original same as H. B. No. 2448) - Passed 3/12/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15

- *37. By Sen. Palumbo - **Creating Revised Uniform Arbitration Act** - Passed 3/14/15; Effective July 1, 2015 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 8, Acts, Regular Session, 2015

- *60. By Sen. Williams and Sypolt - **Regulating food handlers** - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/27/15 - Chapter 121, Acts, Regular Session, 2015

- *88. By Sen. Stollings and Plymale - **Creating WV Clearance for Access: Registry and Employment Screening Act** (original similar to H. B. No. 2613) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 119, Acts, Regular Session, 2015

- 89. By Sen. Laird and Miller - **Relating to compensation for certain public officials** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 214, Acts, Regular Session, 2015

- 106. By Sen. Carmichael - **Excepting professional engineer member from sanitary board when project engineer is under contract** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 215, Acts, Regular Session, 2015

- *140. By Sen. Snyder, Romano and Facemire - **Amending State Administrative Procedures Act** (original same as H. B. No. 2445) - Passed 3/13/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 9, Acts, Regular Session, 2015

- *142. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rules** - Passed 3/14/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 155, Acts, Regular Session, 2015

- *170. By Sen. Snyder - **Authorizing Bureau of Commerce promulgate legislative rules** - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 163, Acts, Regular Session, 2015

- *175. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Passed 2/28/15; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/11/15 - Chapter 157, Acts, Regular Session, 2015
- *182. By Sen. Snyder - **Authorizing Department of Military Affairs and Public Safety promulgate legislative rules** - Passed 3/13/15; Effective from passage - To Governor 3/23/15 - Approved by Governor 4/3/15 - Chapter 158, Acts, Regular Session, 2015
- *187. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Passed 2/28/15; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 159, Acts, Regular Session, 2015
- *192. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Passed 3/14/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 160, Acts, Regular Session, 2015
195. By Sen. Snyder - **Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs** - Passed 3/14/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 161, Acts, Regular Session, 2015
- *199. By Sen. Snyder - **Authorizing miscellaneous agencies and boards promulgate legislative rules** - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 162, Acts, Regular Session, 2015
- *234. By Sen. Trump, M. Hall, Blair and Plymale - **Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 196, Acts, Regular Session, 2015
- *237. By Sen. D. Hall, Romano, Snyder, Facemire and Williams - **Creating Captive Cervid Farming Act** (original similar to H. B. No. 2033) - Passed 2/13/15; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/25/15 - Chapter 43, Acts, Regular Session, 2015
238. By Sen. D. Hall, Nohe and Stollings - **Limiting certain county board of education liability arising from unorganized recreation** (original same as H. B. No. 2441) - Passed 2/25/15 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 97, Acts, Regular Session, 2015
- *242. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating criminal penalties for certain automated telephone calls during state of**

- emergency or preparedness** (original same as H. B. No. 2117) - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 195, Acts, Regular Session, 2015
- *243. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to school nutrition standards during state of emergency or preparedness** (original same as H. B. No. 2118) - Passed 3/13/15; Effective from passage - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 194, Acts, Regular Session, 2015
- *248. By Sen. Williams - **Requiring certain insurance and owner information be provided following car accident** - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 238, Acts, Regular Session, 2015
- *249. By Sen. Trump, Blair, Ferns, M. Hall and Walters - **Prohibiting straight party voting in general election** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 104, Acts, Regular Session, 2015
250. By Sen. Trump, Blair, Carmichael, M. Hall, Leonhardt, Miller, Snyder, Unger, Williams and Plymale - **Relating to Conservation Agency financial assistance applications from district supervisors** (original same as S. B. No. 121) - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 61, Acts, Regular Session, 2015
- *255. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain boards, councils, committees, panels, task forces and commissions** (original same as H. B. No. 2177) - Passed 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 53, Acts, Regular Session, 2015
- *261. By Sen. D. Hall, Miller, Snyder, Beach and Facemire - **Clarifying definition of "owner" of dam** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 83, Acts, Regular Session, 2015
262. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR** (original same as H. B. No. 2210) - Passed 2/18/15 - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 48, Acts, Regular Session, 2015
267. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning** (original same as H. B. No. 2209) - Passed 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 54, Acts, Regular Session, 2015

- *273. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations** (original same as H. B. No. 2385) - Passed 3/14/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 13, Acts, Regular Session, 2015
- *274. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to TANF program sanctions** (original same as H. B. No. 2382) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 138, Acts, Regular Session, 2015
- *277. By Sen. Miller, D. Hall, Laird, Williams and Kirkendoll - **Requiring issuance of certificate of birth resulting in stillbirth** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 241, Acts, Regular Session, 2015
- *280. By Sen. Cole (Mr. President), Boley, Ferns, Mullins, Nohe, Sypolt, Prezioso, Facemire, D. Hall, Williams, Kessler, Palumbo and Beach - **Allowing well work permit transfers** - Passed 1/28/15; Effective from passage - To Governor 2/2/15 - Approved by Governor 2/4/15 - Chapter 110, Acts, Regular Session, 2015
283. By Sen. Nohe, Gaunch and Plymale - **Relating to state banking institutions** (original same as H. B. No. 2379) - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 39, Acts, Regular Session, 2015
- *284. By Sen. Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso and D. Hall - **Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/3/15 - Chapter 79, Acts, Regular Session, 2015
- *286. By Sen. Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes - **Relating to compulsory immunizations of students; exemptions** (original same as H. B. No. 2556) - Passed 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/18/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 123, Acts, Regular Session, 2015
- *287. By Sen. Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair - **Providing posthumous high school diplomas** (original same as H. B. No. 2156 - similar to H. B. No. 2516) - Passed 3/13/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in

- Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 94, Acts, Regular Session, 2015
292. By Sen. Nohe and Gaunch - **Relating to licenses for business of currency exchange, transportation or transmission** (original same as H. B. No. 2241) - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 82, Acts, Regular Session, 2015
294. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain unnecessary, inactive or redundant councils, committees and boards** (original same as H. B. No. 2469) - Passed 3/3/15 - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 40, Acts, Regular Session, 2015
295. By Sen. Ferns and Trump - **Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions** (original same as H. B. No. 2589) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 137, Acts, Regular Session, 2015
298. By Sen. Gaunch and Trump - **Clarifying funds within Public Employees Retirement Fund** (original same as H. B. No. 2504) - Passed 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 206, Acts, Regular Session, 2015
299. By Sen. Gaunch and Trump - **Clarifying start date of State Police duty-related and nonduty related disability payments** (original same as H. B. No. 2506) - Passed 2/23/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 212, Acts, Regular Session, 2015
302. By Sen. Gaunch and Trump - **Relating to state retirement plans** (original same as H. B. No. 2560) - Passed 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 208, Acts, Regular Session, 2015
304. By Sen. Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder and Stollings - **Relating to farmers markets** (original same as H. B. No. 2467) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 114, Acts, Regular Session, 2015
310. By Sen. Sypolt, Williams and Nohe - **Exempting nonprofit public utility companies from B&O tax** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 231, Acts, Regular Session, 2015

312. By Sen. Nohe, Boley, Leonhardt, Palumbo and D. Hall - **Relating to disqualification of general election nominees for failure to file campaign finance statements** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 106, Acts, Regular Session, 2015
- *315. By Sen. Mullins - **Relating to civil actions filed under Consumer Protection Act** - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 64, Acts, Regular Session, 2015
- *316. By Sen. D. Hall, Leonhardt, Trump, Stollings, Plymale, Kirkendoll and Nohe - **Exempting new veteran-owned business from certain fees paid to Secretary of State** (original similar to H. B. No. 2676) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 240, Acts, Regular Session, 2015
318. By Sen. Trump, Karnes, Carmichael and Blair - **Relating to payment of wages by employers** - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/26/15 - Chapter 153, Acts, Regular Session, 2015
322. By Sen. Nohe, Boley, Palumbo, Leonhardt and Trump - **Eliminating mandatory electronic recount of ballots in recounts** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 105, Acts, Regular Session, 2015
- *323. By Sen. Blair - **Relating to Municipal Home Rule Pilot Program** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 176, Acts, Regular Session, 2015
332. By Sen. M. Hall - **Relating to administrative fees for Tax Division, Department of Revenue** (original same as H. B. No. 2538) - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 230, Acts, Regular Session, 2015
- *335. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Access to Opioid Antagonists Act** (original same as H. B. No. 2543) - Passed 2/12/15 - To Governor 2/19/15 - Vetoed by Governor 2/24/15 - Senate reconsidered action 2/26/15 - Senate amended and repassed 1 2/26/15 - House concurred in Senate amendment 2/26/15 - Repassed House to meet the objections of the Governor 2/26/15 - To Governor 3/3/15 3/3/15 - Approved by Governor 3/9/15 3/9/15 - Chapter 127, Acts, Regular Session, 2015 4/15/15
- *336. By Sen. Ferns and Takubo - **Eliminating Health Care Authority's power to apply certain penalties to future rate applications** - Passed 3/11/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 126, Acts, Regular Session, 2015

- *342. By Sen. Gaunch, Trump and Plymale - **Clarifying scope, application and requirements for error corrections by CPRB** (original same as H. B. No. 2521) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 207, Acts, Regular Session, 2015
- *344. By Sen. Trump, Carmichael and Blair - **Relating to duty to mitigate damages in employment claims** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 6, Acts, Regular Session, 2015
- *347. By Sen. Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns - **Creating Firearms Act of 2015** - Passed 3/13/15 - To Governor 3/18/15 - Vetoed by Governor 3/20/15
- *351. By Sen. Ferns - **Relating to charitable organization contribution levels requiring independent audit reports** (original same as H. B. No. 2716) - Passed 3/6/15 - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 44, Acts, Regular Session, 2015
- *352. By Sen. Walters - **Expanding scope of cooperative associations to goods and services including recycling** (original similar to H. B. No. 2603) - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 68, Acts, Regular Session, 2015
- *357. By Sen. Mullins, Blair, Boley, Boso, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Carmichael, Kirkendoll, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Williams - **Creating Coal Jobs and Safety Act of 2015** (original similar to H. B. No. 2566) - Passed 3/3/15 - To Governor 3/6/15 - Approved by Governor 3/12/15 - Chapter 52, Acts, Regular Session, 2015
360. By Sen. Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire - **Repealing code sections relating to book indexes and claims reports required by court clerks** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 57, Acts, Regular Session, 2015
- *361. By Sen. Blair - **Eliminating prevailing hourly wage requirement for construction of public improvements** (original similar to H. B. No. 2206 and S. B. No. 245) - Passed 3/4/15; Effect April 13, 2015 - To Governor 3/6/15 - Approved by Governor 3/12/15 - Chapter 183, Acts, Regular Session, 2015
363. By Sen. Cole (Mr. President) - **Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 50, Acts, Regular Session, 2015

- *366. By Sen. Ferns, Stollings, Walters and D. Hall - **Creating Patient Protection and Transparency Act** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 182, Acts, Regular Session, 2015
370. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees** (original same as H. B. No. 2565) - Passed 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/26/15 - Chapter 81, Acts, Regular Session, 2015
- *373. By Sen. Nohe, Gaunch, D. Hall, Karnes and Blair - **Allowing wireless communication image serve as proof of motor vehicle insurance** - Passed 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/18/15 - Chapter 175, Acts, Regular Session, 2015
- *374. By Sen. Trump and D. Hall - **Permitting in absentia parole hearings in certain instances** (original same as H. B. No. 2703) - Passed 3/6/15; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 184, Acts, Regular Session, 2015
- *375. By Sen. Trump - **Specifying who receives parole hearing notices via regular or certified mail** (original same as H. B. No. 2721) - Passed 3/6/15; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 185, Acts, Regular Session, 2015
- *378. By Sen. Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch - **Relicensing electricians without retesting under certain circumstances** - Passed 2/20/15; Effective from passage - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 108, Acts, Regular Session, 2015
382. By Sen. M. Hall and Walters - **Declaring claims against state** - Passed 2/28/15; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 51, Acts, Regular Session, 2015
389. By Sen. Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization) - **Relating to Board of Registration for Professional Engineers license renewals and reinstatements** - Passed 2/19/15; Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action 2/28/15 - Senate amended and repassed 2/28/15 - House concurred in Senate amendment 3/2/15 - Repassed House to meet the objections of the Governor 3/2/15; Effective from passage - To Governor 3/9/15 - Vetoed by Governor 3/11/15 - Senate reconsidered action 3/12/15 - Senate amended, repassed

to meet objections of Governor 3/12/15 - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 191, Acts, Regular Session, 2015

- *390. By Sen. Trump - **Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects** (original same as H. B. No. 2743) - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 198, Acts, Regular Session, 2015

- *393. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reforming juvenile justice system** (original same as H. B. No. 2641) - Passed 3/14/15; Effective May 17, 2015 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 150, Acts, Regular Session, 2015

- 398. By Sen. Ferns, D. Hall and Stollings - **Extending expiration date for health care provider tax on eligible acute care hospitals** (original same as H. B. No. 2614) - Passed 2/27/15; Effective July 1, 2015 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Chapter 236, Acts, Regular Session, 2015

- 403. By Sen. Walters and Nohe - **Increasing period during which recorded and refiled motor vehicle liens are valid** (original same as H. B. No. 2621 and H. B. No. 2673) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 166, Acts, Regular Session, 2015

- *407. By Sen. Plymale - **Implementing state safety oversight program** - Passed 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 223, Acts, Regular Session, 2015

- *409. By Sen. Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams - **Establishing Fair and Open Competition in Governmental Construction Act** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 116, Acts, Regular Session, 2015

- *411. By Sen. Takubo, Carmichael, Ferns, Gaunch and Mullins - **Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 36, Acts, Regular Session, 2015

- 412. By Sen. Blair - **Relating to Real Estate Commission complaint filings** (original same as H. B. No. 2732) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 200, Acts, Regular Session, 2015

415. By Sen. Trump (Originating in Senate Judiciary) - **Relating to circuit judges** - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 73, Acts, Regular Session, 2015
418. By Sen. Nohe and Gaunch - **Relating to trustee real estate sale under deed of trust** (original same as H. B. No. 2655) - Passed 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 167, Acts, Regular Session, 2015
- *421. By Sen. Trump, Carmichael, Blair and Gaunch - **Relating to punitive damages in civil actions** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 5, Acts, Regular Session, 2015
- *423. By Sen. M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams and Stollings - **Amending Aboveground Storage Tank Act** (original same as H. B. No. 2574) - Passed 3/14/15 - To Governor 3/19/15 - Approved by Governor 3/27/15 - Chapter 1, Acts, Regular Session, 2015
425. By Sen. Plymale, M. Hall, Prezioso, Leonhardt, Walters, Williams, Carmichael, Laird, Kessler, Stollings, Miller and D. Hall - **Relating to investments by MU, WVU and WVSOM** (original same as H. B. No. 2815) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 148, Acts, Regular Session, 2015
- *430. By Sen. Trump - **Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions** - Passed 3/13/15; Effective from passage - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 89, Acts, Regular Session, 2015
- *435. By Sen. Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters - **Creating WV Sheriffs' Bureau of Professional Standards** - Passed 3/4/15 - To Governor 3/9/15 - Vetoed by Governor 3/13/15 - Senate reconsidered action 3/13/15 - Senate amended, repassed to meet objections of Governor 3/13/15 - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 219, Acts, Regular Session, 2015
- *436. By Sen. Nohe - **Relating to State Athletic Commission** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 221, Acts, Regular Session, 2015

- *439. By Sen. Prezioso, Carmichael, Gaunch, D. Hall, Kessler, Leonhardt, Walters, Williams and Plymale - **Relating to higher education personnel** (original same as H. B. No. 2935) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 135, Acts, Regular Session, 2015
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA funds** - Passed 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/31/15
447. By Sen. Karnes, Boley, Gaunch and Leonhardt - **Allowing issuance of diploma by public, private or home school administrator** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 99, Acts, Regular Session, 2015
- *453. By Sen. Woelfel, Blair, Ferns, Gaunch, M. Hall, Leonhardt, Mullins, Nohe, Plymale, Prezioso, Snyder, Takubo, Trump, Walters, Williams and Karnes - **Relating to motor vehicle dealers, distributors, wholesalers and manufacturers** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/3/15 - Chapter 172, Acts, Regular Session, 2015
454. By Sen. Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings - **Criminalizing trademark counterfeiting** (original same as H. B. No. 2779 and S. B. No. 406) - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 201, Acts, Regular Session, 2015
- *455. By Sen. Prezioso, Carmichael, D. Hall, Kessler, Leonhardt, Plymale, Walters, Williams, Palumbo and Stollings - **Relating to public higher education procurement and payment of expenses** (original same as S. B. No. 392 - similar to H. B. No. 2973) - Passed 3/14/15 - To Governor 3/17/15 - Approved by Governor 3/18/15 - Chapter 134, Acts, Regular Session, 2015
463. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund** (original same as H. B. No. 2771) - Passed 3/3/15; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 26, Acts, Regular Session, 2015
466. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Commerce** (original same as H. B. No. 2691, H. B. No. 2768 and S. B. No. 440) - Passed 3/3/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 27, Acts, Regular Session, 2015

467. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee** (original same as H. B. No. 2767) - Passed 3/3/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 28, Acts, Regular Session, 2015
469. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection** (original same as H. B. No. 2765) - Passed 3/3/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 29, Acts, Regular Session, 2015
471. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS** (original same as H. B. No. 2763) - Passed 3/3/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 30, Acts, Regular Session, 2015
472. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund** (original same as H. B. No. 2762) - Passed 3/6/15; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 31, Acts, Regular Session, 2015
473. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DMAPS, WV State Police** (original same as H. B. No. 2761) - Passed 3/2/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 32, Acts, Regular Session, 2015
475. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund** (original same as H. B. No. 2759) - Passed 3/6/15; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 33, Acts, Regular Session, 2015
476. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund** (original same as H. B. No. 2758) - Passed 3/2/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 34, Acts, Regular Session, 2015

477. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH** (original same as H. B. No. 2757 and S. B. No. 441) - Passed 3/4/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 35, Acts, Regular Session, 2015
479. By Sen. Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary) - **Adding additional family court judges** (original similar to H. B. No. 2108 and S. B. No. 70) - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 74, Acts, Regular Session, 2015
481. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' investment** - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 210, Acts, Regular Session, 2015
483. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' trustees** - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 209, Acts, Regular Session, 2015
- *486. By Sen. Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters - **Authorizing special license plates for Civil Air Patrol vehicles** (original same as H. B. No. 2753) - Passed 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/27/15 - Chapter 171, Acts, Regular Session, 2015
- *488. By Sen. Williams, Prezioso and Stollings - **Creating Broadband Enhancement Council** - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/26/15 - Chapter 41, Acts, Regular Session, 2015
489. By Sen. Carmichael - **Imposing statute of limitations on civil actions derived from surveying of real property** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 2, Acts, Regular Session, 2015
502. By Sen. Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings - **Relating to eligibility for certain reclamation or remediation tax credit** (original same as H. B. No. 2816) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 226, Acts, Regular Session, 2015
507. By Sen. Trump and Plymale - **Relating to monitoring inmates' electronic communications** (original same as H. B. No. 2964) - Passed 3/6/15; Effective from

- passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 69, Acts, Regular Session, 2015
508. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Hatfield-McCoy Regional Recreation Authority** (original same as H. B. No. 2835) - Passed 3/2/15 - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 117, Acts, Regular Session, 2015
510. By Sen. Ferns - **Amending Uniform Interstate Family Support Act** (original same as H. B. No. 2834) - Passed 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/31/15 - Chapter 239, Acts, Regular Session, 2015
514. By Sen. Gaunch and Plymale - **Relating to investments of local policemen's and firemen's pension and relief funds** - Passed 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 142, Acts, Regular Session, 2015
515. By Sen. Gaunch and Plymale - **Relating to Municipal Pensions Oversight Board fund investments** - Passed 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 177, Acts, Regular Session, 2015
518. By Sen. Blair, Carmichael, Snyder, Trump and Unger - **Permitting county and municipal economic development authorities invest certain funds** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 70, Acts, Regular Session, 2015
- *523. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Alcohol and Drug Overdose Prevention and Clemency Act** (original same as H. B. No. 2631) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 128, Acts, Regular Session, 2015
- *529. By Sen. Gaunch and Carmichael - **Relating to PERS, SPRS and TRS benefits and costs** - Passed 3/14/15; Effective from passage - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 4/3/15 - Chapter 204, Acts, Regular Session, 2015
532. By Sen. Trump, Woelfel, Plymale, Stollings, Takubo, Prezioso, Carmichael, Ferns and Beach - **Relating to civil liability immunity for clinical practice plans and medical and dental school personnel** - Passed 3/12/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 165, Acts, Regular Session, 2015

- *542. By Sen. D. Hall, Carmichael, M. Hall, Gaunch, Trump, Blair and Nohe - **Clarifying provisions of Consumer Credit and Protection Act relating to debt collection** (original same as H. B. No. 2891) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 63, Acts, Regular Session, 2015
545. By Sen. Nohe, Walters, Palumbo and Gaunch - **Removing certain prior bank overdraft approval by director or executive officer** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 38, Acts, Regular Session, 2015
549. By Sen. M. Hall, Blair, Kessler, Unger and D. Hall - **Establishing classifications and salary schedules for State Police forensic lab civilian employees** - Passed 3/14/15 - To Governor 3/19/15 - Vetoed by Governor 4/2/15
559. By Sen. M. Hall and Ferns - **Relating to social work provisional licensing** (original same as H. B. No. 2948) - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 220, Acts, Regular Session, 2015
574. By Sen. Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll and Williams (Originating in Senate Judiciary) - **Relating to liquor sales by distilleries and mini-distilleries** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 14, Acts, Regular Session, 2015
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Relating to internet protocol-enabled service and voice over internet protocol-enabled service** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 4/2/15 - Chapter 197, Acts, Regular Session, 2015
577. By Sen. D. Hall, Boley, Karnes, Laird, Plymale, Romano, Stollings, Takubo and Sypolt (Originating in Senate Education) - **Allowing higher education governing boards invest certain funds with nonprofit foundations** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 149, Acts, Regular Session, 2015
578. By Sen. Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams - **Relating to occupational disease claims** - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 244, Acts, Regular Session, 2015

581. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Relating to courtesy patrol program** - Passed 3/13/15; Effective July 1, 2015 - To Governor 3/19/15 - Approved by Governor 3/26/15 - Chapter 72, Acts, Regular Session, 2015
582. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to Herbert Henderson Office of Minority Affairs** - Passed 3/14/15; Effective from passage - To Governor 3/27/15 - Vetoed by Governor 3/31/15
583. By Sen. M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Increasing tax rate on providers of certain nursing facility services** - Passed 3/13/15; Effective July 1, 2015 - To Governor 3/23/15 - Approved by Governor 3/26/15 - Chapter 235, Acts, Regular Session, 2015
584. By Sen. M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation** - Passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/3/15

SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Sen. Cole, M. Hall and Kessler - **Authorizing payment of supplies, services, printing and other expenses** - Adopted 1/15/15
3. By Sen. Palumbo, Blair and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road"** - Adopted 3/12/15
10. By Sen. Trump, Kessler, Unger, Nohe, D. Hall and Prezioso - **Designating September each year as US Constitution Month** - Adopted 3/14/15
12. By Sen. Cole (Mr. President), Carmichael and Kessler - **Adopting Joint Rules of Senate and House of Delegates** - Adopted 1/27/15
- *14. By Sen. Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost - **Requesting DOH erect signs in Marion County designated "Home of Francis**

- H. Pierpont, Father of West Virginia and Governor of Restored Virginia”** - Adopted 3/4/15
- *18. By Sen. Kessler, Leonhardt, Yost, Plymale and Beach - **Requesting DOH name bridge in Wetzel County “U. S. Army COL William L. Glover Memorial Bridge”** - Adopted 3/10/15
- *19. By Sen. Maynard, Plymale, Kirkendoll and Stollings - **Requesting DOH name stretch of road in Wayne County “Darrell W. Sanders Memorial Highway”** - Adopted 3/10/15
- *20. By Sen. Maynard, Plymale, D. Hall and Stollings - **Requesting DOH name stretch of road in McDowell County “U. S. Army 1SG Joe C. Alderman Memorial Road”** - Adopted 3/12/15
22. By Sen. Stollings and Plymale - **Requesting DOH name portion of U. S. Rt. 119 in Boone County “U. S. Army SGT Mark Andrew Messer Memorial Road”** - Adopted 3/12/15
23. By Sen. Maynard, Plymale and Stollings - **Requesting DOH name bridge in McDowell County “U. S. Army SFC Anthony Barton Memorial Bridge”** - Adopted 3/12/15
25. By Sen. Prezioso, D. Hall, Plymale, Williams and Stollings - **Requesting DOH name bridge in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and “U. S. Army SSG Benjamin T. Portaro Memorial Bridge”** - Adopted 3/12/15
29. By Sen. Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall - **Requesting DOH name bridge in Kanawha County “Rosie the Riveter Memorial Bridge”** - Adopted 3/12/15
31. By Sen. Cole (Mr. President) - **Authorizing meeting of Joint Select Committee on Tax Reform** - Adopted 3/10/15
33. By Sen. Carmichael, M. Hall, Trump, Walters, Blair, Kessler, Laird, Miller, Unger, Facemire and Yost - **Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program** - Adopted 3/14/15
- *34. By Sen. Woelfel, Miller, Laird, Unger and Stollings - **Requesting DOH name bridge in Greenbrier County “U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge”** - Adopted 3/12/15

- *35. By Sen. Stollings and Unger - **Requesting DOH name bridge in McDowell County “U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony ‘Tony’ Gero Memorial Bridge”** - Adopted 3/12/15
- *36. By Sen. Maynard - **Requesting DOH name bridge in McDowell County “Homer Hopkins Bridge”** - Adopted 3/14/15
- 37. By Sen. Nohe, Gaunch, Prezioso and Ferns (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study pharmaceutical benefits management industry** - Adopted 3/14/15
- 41. By Sen. Blair, Trump and Stollings - **Requesting DOH name bridge in Berkeley County “W. C. Honaker and Clyde Spies Memorial Bridge”** - Adopted 3/12/15
- 42. By Sen. Laird, Miller, Carmichael and Stollings - **Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans Bridge”** - Adopted 3/12/15
- 43. By Sen. Boso and Stollings - **Requesting DOH name bridge in Nicholas County “U. S. Army SPC Richard Nesselrotte Bridge”** - Adopted 3/12/15
- 44. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County “U. S. Navy PO2 Robert Paul Laderach Memorial Bridge”** - Adopted 3/12/15
- 45. By Sen. Carmichael and Stollings - **Requesting DOH name bridge in Jackson County “James P. Spano, Jr., Memorial Bridge”** - Adopted 3/12/15
- 47. By Sen. Cole (Mr. President) and Kessler - **Amending Joint Rules of Senate and House relating to printing enrolled bills** - Adopted 3/10/15
- 50. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966** - Adopted 3/7/15
- 51. By Sen. Stollings and Kirkendoll - **Requesting DOH name bridge in Boone County “U. S. Army PFC Samuel C. Ball Memorial Bridge”** - Adopted 3/14/15
- 53. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County “U. S. Army PFC Samuel Reed Summerfield Memorial Bridge”** - Adopted 3/14/15

54. By Sen. Kirkendoll and Stollings - **Requesting DOH name stretch of road in Logan County “USMC LCpl Larry G. Williamson Memorial Highway”** - Adopted 3/14/15
55. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County “U. S. Army SP4 Terry Robert Albright Memorial Road”** - Adopted 3/14/15
56. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County “U. S. Army Colonel Anna M. Butcher Road”** - Adopted 3/14/15
59. By Sen. Plymale, Gaunch, Yost and Stollings - **Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab** - Adopted 3/14/15
60. By Sen. Kirkendoll and Stollings - **Requesting DOH name bridge in Logan County “U. S. Army SGT Bernard C. Maynard Memorial Bridge”** - Adopted 3/14/15
62. By Sen. M. Hall, Snyder, Prezioso, D. Hall and Stollings - **Requesting Joint Committee on Government and Finance study racing and gaming industries** - Adopted 3/14/15
63. Originating in Senate Rules - **Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment** - Adopted 3/14/15
66. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study highway and bridge revenue sources** - Adopted 3/14/15
68. By Sen. Palumbo and Stollings - **Requesting Joint Committee on Government and Finance study public library funding** - Adopted 3/14/15

HOUSE BILLS PASSED LEGISLATURE

- *2001. By Del. Gearheart, Nelson, J., Arvon, Ellington, Folk, White, B., Frich, Hill, Householder, Moffatt and Shott - **Repealing portions of the Alternative and Renewable Energy Portfolio Act** (original same as S. B. No. 1) - Passed 1/27/15; Effective from passage - To Governor 1/29/15 - Approved by Governor 2/3/15 - Chapter 55, Acts, Regular Session, 2015

- *2002. By Del. Wagner, Overington, Evans, A., Anderson, Waxman, Shott, Kelly, Nelson, E., Folk, Espinosa and Mr. Speaker (Mr. Armstead) - **Predicating actions for damages upon principles of comparative fault** (original same as S. B. No. 2 - similar to S. B. No. 103) - Passed 2/24/15 - To Governor 3/2/15 - Approved by Governor 3/5/15 - Chapter 59, Acts, Regular Session, 2015
- *2004. By Del. Nelson, J., Howell, Statler, Walters, Foster, Zatezalo, White, B., Moffatt, Stansbury, Gearheart and Butler - **Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act** (original same as S. B. No. 4) - Passed 2/19/15; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15 - Chapter 109, Acts, Regular Session, 2015
- *2005. By Del. Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt - **Relating to alternative programs for the education of teachers** (original same as S. B. No. 5) - Passed 3/14/15; Effective July 1, 2015 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 237, Acts, Regular Session, 2015
- *2008. By Del. Summers, Evans, D., Hamrick, Ashley, Ireland, Stansbury, Gearheart, Nelson, E., Howell, Blair and Kurcaba - **Auditing the Division of Highways** (original same as S. B. No. 8) - Passed 2/20/15; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 86, Acts, Regular Session, 2015
- *2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Passed 2/23/15 - To Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amended and repassed to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate reconsidered action 3/10/15 - Senate concurred in House amendment and repassed bill 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 103, Acts, Regular Session, 2015
- *2011. By Del. Hanshaw, Shott, Nelson, E., Rohrbach, Sobonya, Weld, Espinosa, Statler and Miller - **Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer** (original same as S. B. No. 11) - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 243, Acts, Regular Session, 2015
- *2016. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution** (original same

- as S. B. No. 233) - Passed 3/18/15; Effective from passage - To Governor 3/23/15
- Approved by Governor with deletions and reductions 3/23/15 - Chapter 15, Acts,
Regular Session, 2015
- *2025. By Del. Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld,
Statler, Kurcaba and Canterbury - **Prohibiting certain sex offenders from
loitering within one thousand feet of a school or child care facility** - Passed
2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 80, Acts,
Regular Session, 2015
- *2053. By Del. Shott - **Relating to the form of trust deeds** - Passed 3/10/15 - To
Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 84, Acts, Regular
Session, 2015
- *2098. By Del. Hamrick, Householder, Cooper, Arvon, Nelson, J., Howell, Waxman,
Ellington, Trecost, Blair and Kessinger - **Authorizing those health care
professionals to provide services to patients or residents of state-run veterans'
facilities without obtaining an authorization to practice** - Passed 3/13/15 - To
Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 187, Acts, Regular
Session, 2015
- *2099. By Del. Howell, Householder, Nelson, J., Statler, Walters, Arvon, Border, Folk,
Hamilton, Evans, A. and McGeehan - **Extending the time of meetings of local
levying bodies when meetings are delayed** - Passed 2/28/15 - To Governor 3/9/15
- Approved by Governor 3/11/15 - Chapter 164, Acts, Regular Session, 2015
2100. By Del. Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer -
Caregiver Advise, Record and Enable Act (original same as S. B. No. 244) -
Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter
124, Acts, Regular Session, 2015
2114. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] -
**Updating the meaning of federal adjusted gross income and certain other
terms used in the West Virginia Personal Income Tax Act** (original same as S.
B. No. 240) - Passed 2/17/15; Effective from passage - To Governor 2/25/15 -
Approved by Governor 2/25/15 - Chapter 233, Acts, Regular Session, 2015
2115. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] -
**Updating the meaning of the term "federal taxable income" and certain other
terms used in the West Virginia Corporation Net Income Tax Act** (original
same as S. B. No. 241) - Passed 2/17/15; Effective from passage - To Governor
2/25/15 - Approved by Governor 2/25/15 - Chapter 234, Acts, Regular Session,
2015

- *2128. By Del. Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich - **Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds** (original similar to S. B. No. 118) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 60, Acts, Regular Session, 2015
2138. By Del. Folk, Gearheart, Householder, Howell, Nelson, J., Ireland, Faircloth, Williams, Lynch, Shott and McGeehan - **Adding aircraft operations on private airstrips and farms to the definition of recreational purpose** - Passed 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15 - Chapter 37, Acts, Regular Session, 2015
- *2139. By Del. Perry, Pasdon, Phillips, L., Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethel, Romine and Longstreth - **Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 218, Acts, Regular Session, 2015
2140. By Del. Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams - **Building governance and leadership capacity of county board during period of state intervention** - Passed 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 95, Acts, Regular Session, 2015
- *2148. By Del. Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger - **Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 174, Acts, Regular Session, 2015
- *2157. By Del. Lane - **Relating to absentee ballot fraud** - Passed 3/3/15 - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 107, Acts, Regular Session, 2015
- *2160. By Del. Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and Nelson, E. - **WV Schools for the Deaf and Blind eligible for School Building Authority funding** (original same as S. B. No. 252) - Passed 3/14/15; Effective from passage - To Governor 3/18/15 - Vetoed by Governor 4/1/15
2161. By Del. Fleischauer, Pasdon, Storch, Guthrie, Border, Phillips, L., Moore, Hamilton, Sobonya, Miller and Manchin - **Adopting the Uniform Act on**

- Prevention of and Remedies for Human Trafficking** - Passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/1/15
- *2187. By Del. Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle - **Encouraging public officials to display the national motto on all public property and public buildings** - Passed 3/12/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
2200. By Del. Shott, Lane, McCuskey, Manchin and Fleischauer - **Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare** (original same as S. B. No. 253) - Passed 2/16/15; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/19/15 - Chapter 46, Acts, Regular Session, 2015
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Passed 2/16/15; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amended and repassed to meet the objections of the Governor 2/26/15 - Senate concurred in House amendment and repassed bill 2/28/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/12/15 - Chapter 180, Acts, Regular Session, 2015
2212. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund** (original same as S. B. No. 264) - Passed 2/25/15; Effective from passage - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 140, Acts, Regular Session, 2015
2213. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** (original same as S. B. No. 265) - Passed 3/11/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 139, Acts, Regular Session, 2015
- *2217. By Del. Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, Phillips, R., Shott, Smith, R. and Sobonya - **Relating to qualifications of the Commissioner of Labor** (original similar to S. B. No. 279) - Passed 2/10/15 - To Governor 2/13/15 - Approved by Governor 2/18/15 - Chapter 151, Acts, Regular Session, 2015
2224. By Del. Howell, Manchin, Rowan, Storch, Canterbury, Stansbury, Zatezalo, Butler, Evans, D., Ambler and Cooper - **Providing that historical reenactors are not**

- violating the provision prohibiting unlawful military organizations** - Passed 3/13/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 170, Acts, Regular Session, 2015
- *2227. By Del. Phillips, L., Eldridge, Gearheart, Moffatt, Nelson, J., White, H., Guthrie, Rowe, Marcum, Perdue and Hornbuckle - **Relating to the National Coal Heritage Area Authority** (original same as S. B. No. 282) - Passed 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15 - Chapter 179, Acts, Regular Session, 2015
- *2233. By Del. Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker (Mr. Armstead), Storch, White, H., Phillips, R., Ireland, Hanshaw and Nelson, E. - **Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 154, Acts, Regular Session, 2015
- *2234. By Del. Ashley, Shott, Lane, Nelson, E., Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe - **Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage** - Passed 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 87, Acts, Regular Session, 2015
- *2240. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson - **Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense** (original similar to S. B. No. 396) - Passed 3/14/15 - To Governor 3/20/15 - Vetoed by Governor 4/1/15
- *2266. By Del. Shott, Ellington and Gearheart - **Relating to the publication requirements of the administration of estates** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 113, Acts, Regular Session, 2015
2272. By Del. Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers - **Relating to the authority of the Board of Pharmacy** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 188, Acts, Regular Session, 2015
2274. By Del. Hanshaw, Hamilton, Evans, A. and Azinger - **Authorizing the Commissioner of Corrections to enter into mutual aid agreements** (original same as S. B. No. 309) - Passed 2/20/15 - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 178, Acts, Regular Session, 2015

- *2283. By Del. Sobonya - **Authorizing the Department of Environmental Protection to promulgate legislative rules** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 156, Acts, Regular Session, 2015
2370. By Del. Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa - **Increasing the powers of regional councils for governance of regional education service agencies** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 93, Acts, Regular Session, 2015
- *2377. By Del. Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell - **Authorizing State Board of Education to approve certain alternatives with respect to instructional time** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 92, Acts, Regular Session, 2015
- *2381. By Del. Ambler, Cooper, Evans, D., Perry, Duke, Rohrbach, Espinosa, Upson, Rowan and Romine - **Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools** - Passed 3/11/15; Effective July 1, 2015 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 102, Acts, Regular Session, 2015
- *2395. By Del. Westfall, Pasdon, White, B., Frich, O'Neal and Ashley - **Storm Scammer Consumer Protection Act** - Passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 4/1/15 - Chapter 65, Acts, Regular Session, 2015
- *2432. By Del. Ellington, Householder, Arvon, Howell and Stansbury - **Relating to the licensure requirements to practice pharmacist care** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 189, Acts, Regular Session, 2015
- *2457. By Del. Sobonya, Miller, Frich, Foster, Overington, Nelson, J., Ellington, Rohrbach and Walters - **Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles** - Passed 2/27/15 - To Governor 3/9/15 - Approved by Governor 3/14/15 - Chapter 193, Acts, Regular Session, 2015
2461. By Del. Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and Nelson, E. - **Relating to delinquency proceedings of insurers** (original same as S. B. No. 313) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 144, Acts, Regular Session, 2015
- *2462. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to certain deposits of tax proceeds** (original same as S. B. No. 303) -

Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 232, Acts, Regular Session, 2015

- *2478. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to public school finance** (original same as S. B. No. 288) - Passed 3/14/15; Effective July 1, 2015 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 100, Acts, Regular Session, 2015
2492. By Del. Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman - **Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission** - Passed 3/13/15 - To Governor 4/1/15 - Approved by Governor 4/2/15 - Chapter 56, Acts, Regular Session, 2015
- *2493. By Del. McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach - **Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 146, Acts, Regular Session, 2015
- *2496. By Del. Ellington, Howell, Householder, Sobonya, Fleischauer and Frich - **Adopting the Interstate Medical Licensure Compact** (original same as S. B. No. 330) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 186, Acts, Regular Session, 2015
- *2502. By Del. Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair - **Possessing deadly weapons on school buses or on the premises of educational facilities** - Passed 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 78, Acts, Regular Session, 2015
- *2505. By Del. Canterbury, Pethel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks - **Relating to retirement system participation and concurrent employment provisions** (original similar to S. B. No. 305) - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 205, Acts, Regular Session, 2015
- *2507. By Del. Canterbury, Pethel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks - **Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System** (original same as S. B. No. 301) - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 211, Acts, Regular Session, 2015

- *2515. By Del. Phillips, R., Nelson, J., Eldridge, White, H., Marcum, Reynolds, Phillips, L., Smith, R., Sobonya, Hill and Arvon - **Relating to elk restoration** - Passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 242, Acts, Regular Session, 2015
2523. By Del. Ashley, Westfall, Phillips, R., McCuskey and Nelson, E. - **Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019** (original similar to S. B. No. 381) - Passed 2/27/15 - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 222, Acts, Regular Session, 2015
- *2527. By Del. Pasdon, Marcum, Kessinger, Phillips, R., Upson and Phillips, L. - **Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”** (original similar to S. B. No. 387) - Passed 3/13/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 45, Acts, Regular Session, 2015
2535. By Del. Longstreth, Ferro, Caputo, Rowan, O’Neal, Ashley, Hamrick, Phillips, L., Fleischauer, Skinner and Smith, P. - **Relating generally to suicide prevention training, “Jamie’s Law”** (original similar to S. B. No. 359) - Passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 225, Acts, Regular Session, 2015
- *2536. By Del. Westfall, Walters, White, B., Ashley, Frich and Kurcaba - **Relating to travel insurance limited lines producers** (original similar to S. B. No. 365) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 145, Acts, Regular Session, 2015
- *2549. By Del. Lane, Nelson, E., Walters, Stansbury, White, B., Rowe, McCuskey, Guthrie, Byrd and Pushkin - **Relating to the preparation and publication of county financial statements** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 71, Acts, Regular Session, 2015
- *2550. By Del. Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, White, H., Campbell, Skinner, Rowe and Perry - **Increasing the number of unexcused absences of a student before action may be taken against the parent** (original similar to S. B. No. 256) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 98, Acts, Regular Session, 2015
- *2557. By Del. Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and White, H. - **Clarifying that an insured driver of a motor vehicle is covered by the driver’s auto insurance policy when renting or leasing a vehicle** (original similar to S. B. No. 394) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 143, Acts, Regular Session, 2015

- *2562. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to sales tax increment financing** - Passed 3/10/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 91, Acts, Regular Session, 2015
- *2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/15; Effective from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 - House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15; Effective from passage - Chapter 181, Acts, Regular Session, 2015
- *2571. By Del. Walters and Foster - **Creating a fund for pothole repair contributed to by private businesses or entities** - Passed 3/14/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
2576. By Del. Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, Smith, R. and Ferro - **Creating new code sections which separate the executive departments** - Passed 3/11/15 - To Governor 3/18/15 - Vetoed by Governor 4/1/15
- *2586. By Del. Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman - **Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 88, Acts, Regular Session, 2015
2595. By Del. McGeehan and Canterbury - **Relating to certificates of need for the development of health facilities in this state** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 118, Acts, Regular Session, 2015
2598. By Del. Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moye, Pasdon and Marcum - **Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 101, Acts, Regular Session, 2015
2606. By Del. Sponaugle and Shott - **Clarifying the potential sentence for disorderly conduct** - Passed 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 77, Acts, Regular Session, 2015

2607. By Del. Sponaugle and Shott - **Relating to the violation of interfering with emergency services communications and clarifying penalties** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 76, Acts, Regular Session, 2015 - Clerk's note: Enrolled bill not presented to Governor as passed by Legislature; bill is null and void
2608. By Del. Sponaugle and Shott - **Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 90, Acts, Regular Session, 2015
2625. By Del. Ashley and Ireland - **Continuing the current hazardous waste management fee** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 112, Acts, Regular Session, 2015
2626. By Del. Ashley, Ireland and Frich - **Relating to use of the Abandoned Land Reclamation Fund** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 111, Acts, Regular Session, 2015
2627. By Del. McCuskey, Phillips, R., Smith, R., Nelson, J., Stansbury, McGeehan, Eldridge, Arvon, White, H., Marcum and Butler - **Providing protection against property crimes committed against coal mines, utilities and other industrial facilities** - Passed 3/14/15 - To Governor 3/30/15 - Vetoed by Governor 4/1/15
2632. By Del. Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa - **Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements** - Passed 3/11/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 199, Acts, Regular Session, 2015
- *2636. By Del. Folk, Phillips, R., Faircloth, McGeehan, Nelson, J., Householder, Butler, Marcum, Frich, White, H. and Shott - **Exempting information contained in a concealed weapon permit application from the Freedom of Information Act** (original same as S. B. No. 275) - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 115, Acts, Regular Session, 2015
2645. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program** (original same as S. B. No. 408) - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 216, Acts, Regular Session, 2015

- *2648. By Del. Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach - **Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency** - Passed 3/11/15 - To Governor 3/16/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 129, Acts, Regular Session, 2015
- *2652. By Del. Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo - **Reducing the assessment paid by hospitals to the Health Care Authority** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 125, Acts, Regular Session, 2015
2657. By Del. Evans, A., Eldridge, Hamilton, Phillips, L., Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle - **Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 10, Acts, Regular Session, 2015
2658. By Del. Evans, A., Hamilton, Romine, Phillips, L., Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch - **Relating to the inspection and slaughter of nontraditional agriculture** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 12, Acts, Regular Session, 2015
- *2662. By Del. Stansbury, Ellington, Householder, Phillips, R., Byrd, Faircloth, Sponaugle, Weld, Moore, White, B. and Pushkin - **Eye Care Consumer Protection Law** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 190, Acts, Regular Session, 2015
2663. By Del. Ashley and Frich - **Creating the Rehabilitation Services Vending Program Fund** - Passed 3/13/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 202, Acts, Regular Session, 2015
2664. By Del. Sobonya, Butler, McCuskey, Stansbury, Nelson, E., Ihle, Householder, Ellington, Westfall, Marcum and Byrd - **Creating "Andrea and Willy's Law"; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs** - Passed 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor

- 3/30/15 - Approved by Governor 4/1/15 - Chapter 173, Acts, Regular Session, 2015
2669. By Del. Ellington, Householder, Pasdon and Campbell - **Relating to compulsory tuberculosis testing** (original same as S. B. No. 424) - Passed 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 122, Acts, Regular Session, 2015
- *2674. By Del. Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt - **Making home schooled students eligible for a PROMISE scholarship without taking the GED test** (original same as S. B. No. 448) - Passed 3/14/15; Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2702. By Del. Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa - **Redefining service personnel class titles of early childhood classroom assistant teacher** - Passed 3/9/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 217, Acts, Regular Session, 2015
2726. By Del. Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman - **Clarifying choice of laws issues in product's liability actions** - Passed 3/3/15; Effective July 1, 2015 - To Governor 4/1/15 - Approved by Governor 4/2/15 - Chapter 7, Acts, Regular Session, 2015
2733. By Del. Ellington and Householder - **Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 67, Acts, Regular Session, 2015
- *2755. By Del. Boggs, Hartman, Evans, D., Perry, Ashley, Pasdon, Pethtel, Duke and Williams - **Relating to service and professional employee positions at jointly established schools** - Passed 3/9/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 96, Acts, Regular Session, 2015
2760. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund** (original same as S. B. No. 474) - Passed 3/6/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 16, Acts, Regular Session, 2015
2764. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the State Department of Education - School Building Authority** (original same as S. B. No. 470) - Passed 3/6/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 17, Acts, Regular Session, 2015

- *2766. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources** (original same as S. B. No. 468) - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 18, Acts, Regular Session, 2015
- *2769. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies** (original same as S. B. No. 465) - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 19, Acts, Regular Session, 2015
2770. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services** (original same as S. B. No. 464) - Passed 3/6/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 20, Acts, Regular Session, 2015
- *2772. By Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund** (original same as S. B. No. 462) - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor with reductions 3/20/15 - Chapter 21, Acts, Regular Session, 2015
2776. By Del. Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources) - **Relating to prescribing hydrocodone combination drugs for a duration of no more than three days** - Passed 3/9/15 - To Governor 3/16/15 - Vetoed by Governor 4/2/15
- *2778. By Del. Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethtel and Ferro - **State Infrastructure Fund Program** (original similar to S. B. No. 379) - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 213, Acts, Regular Session, 2015
2780. By Del. Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich - **Enhancing the ability of campus police officers at public colleges to perform their duties** (original similar to S. B. No. 426) - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 130, Acts, Regular Session, 2015

- *2790. By Del. Westfall, Waxman, Shott and Frich - **Relating to minimum responsibility limits of car insurance** - Passed 3/11/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 141, Acts, Regular Session, 2015
- *2793. By Del. Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly - **Relating to exemptions from mandatory school attendance** (original similar to S. B. No. 444) - Passed 3/14/15; Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15
2797. By Del. Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, Smith, P. and McCuskey - **Changing the term “mentally retarded” to “intellectually disabled;” and changing the term “handicapped” to “disabled”** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 169, Acts, Regular Session, 2015
- *2810. By Del. Guthrie, Pushkin, Byrd, Rowe, McCuskey, White, B., Stansbury and Walters - **Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 58, Acts, Regular Session, 2015
- *2811. By Del. Westfall, McCuskey and Frich - **Deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company** - Passed 3/13/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 147, Acts, Regular Session, 2015
- *2840. By Del. Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge - **Providing an alternative plan to make up lost days of instruction** - Passed 3/14/15; Effective July 1, 2015 - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2867. By Del. Perry and Williams - **Requiring recommendations for higher education course credit transfer** - Passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 3/31/15 - Chapter 131, Acts, Regular Session, 2015
2876. By Del. Nelson, E., Ashley, Boggs, Williams, Anderson, Evans, A., Walters, Canterbury, Hamilton, Phillips, L. and Pethtel - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 3/9/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 49, Acts, Regular Session, 2015
2877. By Del. Miller, Williams, Faircloth, Rowe, Hill, Stansbury, Espinosa and Westfall (Originating in House Small Business, Entrepreneurship and Economic Development) - **Relating to electronic filing of tax returns and electronic funds**

- transfers in payment of taxes** - Passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 228, Acts, Regular Session, 2015
- *2878. By Del. Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe, Williams and Upson (Originating in House Small Business, Entrepreneurship and Economic Development) - **Creating a one-stop electronic business portal in West Virginia** - Passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 42, Acts, Regular Session, 2015
2879. By Del. Walters, Frich, Azinger, Shott, Nelson, E., Deem, Waxman, White, B. and Ashley (Originating in House Banking and Insurance) - **Relating to certain limitations on amount of state funds on deposit in any depository** - Passed 3/5/15 - To Governor 3/9/15 - Approved by Governor 3/13/15 - Chapter 192, Acts, Regular Session, 2015
2880. By Del. Stansbury, Rohrbach, Householder, Phillips, R., Arvon, Howell, Moffatt, Shott, Ellington, Nelson, E. and Campbell (Originating in House Health and Human Resources) - **Creating an addiction treatment pilot program** - Passed 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/18/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 3/31/15 - Chapter 224, Acts, Regular Session, 2015
2884. By Del. Pasdon and Perry - **Modifying training and development requirement for certain members of certain higher education boards** - Passed 3/12/15 - To Governor 3/20/15 - Approved by Governor 3/27/15 - Chapter 132, Acts, Regular Session, 2015
2888. By Del. Evans, A., Hamilton, Folk, Lynch, Williams, Smith, R., Canterbury, Romine and Ambler (Originating in House Agriculture and Natural Resources) - **Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease** - Passed 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 11, Acts, Regular Session, 2015
2892. By Del. Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya - **Authorizing certain legislative rules regarding higher education** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 133, Acts, Regular Session, 2015
- *2902. By Del. Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, Nelson, E. and Ashley - **West Virginia ABLE Act** - Passed

- 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 85, Acts, Regular Session, 2015
2914. By Del. Hartman, Sponaugle, Campbell and Perry - **Providing for voluntary dissolution of resort area district** - Passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 203, Acts, Regular Session, 2015
2926. By Del. Folk, Ashley, Walters and Frich - **Relating to deferral charges in connection with a consumer credit sale or consumer loan** - Passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 62, Acts, Regular Session, 2015
2931. By Del. Ashley and Westfall - **Adding drugs to the classification of schedule I drugs** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/2/15 - Chapter 66, Acts, Regular Session, 2015
2933. By Del. Nelson, E., Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moye and Williams (Originating in House Finance) - **Making a supplementary appropriation to the Department of Administration, Public Defender Services** - Passed 3/6/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 22, Acts, Regular Session, 2015
- *2939. By Del. White, B. - **Relating to requirements for mandatory reporting of sexual offenses on school premises involving students** - Passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 47, Acts, Regular Session, 2015
- *2968. By Mr. Speaker (Mr. Armstead), Del. Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon - **Exempting from property tax certain properties in this state owned by nonprofit youth organizations** - Passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 227, Acts, Regular Session, 2015
2976. By Del. Pasdon, Perry, Rohrbach, Campbell and Ellington - **Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded** - Passed 3/12/15; Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 136, Acts, Regular Session, 2015
- *2999. By Del. Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich - **Relating to neonatal abstinence centers** - Passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 4/2/15 - Chapter 120, Acts, Regular Session, 2015

- *3006. By Del. Nelson, E., Ashley, Anderson, Boggs, Williams, White, H., Storch, Gearheart, Bates, Espinosa and O'Neal - **Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies** - Passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 229, Acts, Regular Session, 2015
3020. By Del. Nelson, E., Ashley, Anderson, Williams, Evans, A., Boggs, Hamilton, Phillips, L., Butler, Espinosa and O'Neal (Originating in House Finance) - **Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections** - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor 3/20/15 - Chapter 23, Acts, Regular Session, 2015
3021. By Del. Nelson, E., Ashley, Anderson, Williams, Boggs, Espinosa, O'Neal and Bates (Originating in House Finance) - **Making a supplementary appropriation to the Department of Health and Human Resources** - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor 3/20/15 - Chapter 24, Acts, Regular Session, 2015
3022. By Del. Ashley, Nelson, E., Williams, Canterbury, Hamilton, Pethel, Householder, Butler, Phillips, L., Espinosa and Westfall (Originating in House Finance) - **Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University** - Passed 3/14/15; Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 25, Acts, Regular Session, 2015

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/14/15
- *4. By Del. Phillips, R., Eldridge, Marcum and Moffatt - **The US Army PFC Clarence Allen Mooney Memorial Bridge** - Adopted 3/11/15
- *6. By Del. Smith, R. and Williams - **The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge** - Adopted 3/4/15
7. By Del. Arvon, Kessinger and Border - **The Kenneth A. Chapman, Sr. Memorial Bridge** - Adopted 3/14/15

- *9. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The U. S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge** - Adopted 3/11/15
- *19. By Del. Phillips, R., Marcum, Eldridge and Moffatt - **The U. S. Army SGT Bobby Ray Adkins Memorial Highway** - Adopted 3/11/15
- *20. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The Virginia & U. S. Army Major Woodrow Cook Memorial Road** - Adopted 3/4/15
- *21. By Del. Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, Evans, D., Summers, Pethtel, Blair, Hamrick and Pushkin - **The PFC James Elwood Wickline Memorial Bridge** - Adopted 3/14/15
- *24. By Mr. Speaker (Mr. Armstead) - **The US Army SP5 Johnnie Marvin Ayers Memorial Bridge** - Adopted 3/14/15
- *27. By Mr. Speaker (Mr. Armstead), Del. Walters, Evans, D. and Nelson, J. - **The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge** - Adopted 3/14/15
- *28. By Del. Hamilton - **The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.** - Adopted 3/11/15
- 30. By Del. Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethtel, Phillips, R., Reynolds, Rodighiero, Smith, P., Smith, R., Sponaugle, Stansbury, Westfall and White, H. - **The Baisden Family Memorial Bridge.** - Adopted 3/14/15
- 31. By Del. Rowan, Smith, R., Phillips, L., Phillips, R., White, H., Moye, Ambler, Cooper, Ireland, Hill and Marcum - **Declaring the Northern Red Salamander to be the official state amphibian.** - Adopted 3/12/15
- *32. By Mr. Speaker (Mr. Armstead) - **The Lipscomb Brothers Veterans Bridge** - Adopted 3/14/15
- *35. By Del. Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, Smith, P., Hartman, Evans, A., Campbell and Boggs - **The Historic Blue-Gray Highway.** - Adopted 3/11/15
- *39. By Del. Moore, Gearheart, Phillips, L. and White, H. - **The USMC LCpl Julius C. “Corky” Foster Memorial Bridge.** - Adopted 3/14/15

- *42. By Del. Rowe, Mr. Speaker (Mr. Armstead), Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, White, B., Upson and Shott - **The Boyhood Home of Booker T. Washington.** - Adopted 3/14/15
- *50. By Del. Marcum, McCuskey, Hicks, Perdue, Phillips, R., Rodighiero, Westfall, White, H., Gearheart and Reynolds - **Historic Dingess Tunnel, 100 Years Old, 1914.** - Adopted 3/14/15
74. By Del. McCuskey and Shott - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002** - Adopted 2/19/15
79. By Del. Pethel - **The U. S. Army PFC Junior David Starkey Memorial Bridge** - Adopted 3/14/15
82. By Del. Weld - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025** - Adopted 2/20/15
91. By Del. Nelson, J., Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethel, Phillips, L., Rodighiero, Rohrbach, Skinner, Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, White, H. and Williams - **Designating days for the display of the Honor and Remember Flag** - Adopted 3/11/15
- *98. By Del. McCuskey, Ashley and Gearheart - **Jack Furst Drive** - Adopted 3/14/15
105. By Del. Perry, Kessinger, Fast and Guthrie - **Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia** - Adopted 3/14/15
115. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement** - Adopted 3/14/15
118. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a** - Adopted 3/14/15

131. By Del. Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethtel, Romine, White, B. and Zatezalo (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state** - Adopted 3/14/15
139. By Del. Pasdon, Espinosa, Rodighiero, Statler, Trecost and Upson (Originating in House Education) - **Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state** - Adopted 3/14/15
143. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities** - Adopted 3/14/15
147. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands** - Adopted 3/14/15
149. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years** - Adopted 3/14/15
151. By Del. Westfall, Ashley, Campbell, Bates, Rodighiero, Smith, P., Espinosa, Butler, Phillips, L., Ferro and Ellington - **Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers** - Adopted 3/14/15

**SENATE BILLS VETOED BY GOVERNOR, AMENDED,
REPASSED LEGISLATURE, APPROVED BY
GOVERNOR**

- *6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Passed 2/23/15; Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate

reconsidered action 3/6/15 - Senate amended, repassed to meet objections of Governor 3/6/15 - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate concurred in House amendment and repassed bill 3/10/15; Effective from passage - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 168, Acts, Regular Session, 2015

- *286. By Sen. Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes - **Relating to compulsory immunizations of students; exemptions** (original same as H. B. No. 2556) - Passed 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/18/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 123, Acts, Regular Session, 2015
- *287. By Sen. Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair - **Providing posthumous high school diplomas** (original same as H. B. No. 2156 - similar to H. B. No. 2516) - Passed 3/13/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 94, Acts, Regular Session, 2015
- *335. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Access to Opioid Antagonists Act** (original same as H. B. No. 2543) - Passed 2/12/15 - To Governor 2/19/15 - Vetoed by Governor 2/24/15 - Senate reconsidered action 2/26/15 - Senate amended and repassed 1 2/26/15 - House concurred in Senate amendment 2/26/15 - Repassed House to meet the objections of the Governor 2/26/15 - To Governor 3/3/15 - Approved by Governor 3/9/15 - Chapter 127, Acts, Regular Session, 2015
389. By Sen. Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization) - **Relating to Board of Registration for Professional Engineers license renewals and reinstatements** - Passed 2/19/15; Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action 2/28/15 - Senate amended and repassed 2/28/15 - House concurred in Senate amendment 3/2/15 - Repassed House to meet the objections of the Governor 3/2/15; Effective from passage - To Governor 3/9/15 3/9/15 - Vetoed by Governor 3/11/15 - Senate reconsidered action 3/12/15 - Senate

amended, repassed to meet objections of Governor 3/12/15 - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 191, Acts, Regular Session, 2015

- *435. By Sen. Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters - **Creating WV Sheriffs' Bureau of Professional Standards** - Passed 3/4/15 - To Governor 3/9/15 - Vetoed by Governor 3/13/15 - Senate reconsidered action 3/13/15 - Senate amended, repassed to meet objections of Governor 3/13/15 - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 219, Acts, Regular Session, 2015
- *529. By Sen. Gaunch and Carmichael - **Relating to PERS, SPRS and TRS benefits and costs** - Passed 3/14/15; Effective from passage - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action 3/18/15 - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15; Effective from passage - To Governor 3/27/15 - Approved by Governor 4/3/15 - Chapter 204, Acts, Regular Session, 2015

SENATE BILLS VETOED BY GOVERNOR

- *19. By Sen. Plymale - **Specifying minimum early childhood education program instruction days** - Passed 3/13/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15
- *30. By Sen. D. Hall, Trump, Blair, Williams and Karnes - **Permitting shared animal ownership agreement to consume raw milk** (original same as H. B. No. 2448) - Passed 3/12/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15
- *347. By Sen. Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns - **Creating Firearms Act of 2015** - Passed 3/13/15 - To Governor 3/18/15 - Vetoed by Governor 3/20/15
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA funds** - Passed 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/31/15
549. By Sen. M. Hall, Blair, Kessler, Unger and D. Hall - **Establishing classifications and salary schedules for State Police forensic lab civilian employees** - Passed 3/14/15 - To Governor 3/19/15 - Vetoed by Governor 4/2/15

582. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to Herbert Henderson Office of Minority Affairs** - Passed 3/14/15; Effective from passage - To Governor 3/27/15 - Vetoed by Governor 3/31/15
584. By Sen. M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation** - Passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/3/15

HOUSE BILLS VETOED BY GOVERNOR, AMENDED, REPASSED LEGISLATURE, APPROVED BY GOVERNOR

- *2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Passed 2/23/15 - To Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amended and repassed to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate reconsidered action 3/10/15 - Senate concurred in House amendment and repassed bill 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 103, Acts, Regular Session, 2015
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Passed 2/16/15; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amended and repassed to meet the objections of the Governor 2/26/15 - Senate concurred in House amendment and repassed bill 2/28/15; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/12/15 - Chapter 180, Acts, Regular Session, 2015
- *2648. By Del. Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach - **Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency** - Passed 3/11/15 - To Governor 3/16/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 129, Acts, Regular Session, 2015

2664. By Del. Sobonya, Butler, McCuskey, Stansbury, Nelson, E., Ihle, Householder, Ellington, Westfall, Marcum and Byrd - **Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs** - Passed 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 173, Acts, Regular Session, 2015
2880. By Del. Stansbury, Rohrbach, Householder, Phillips, R., Arvon, Howell, Moffatt, Shott, Ellington, Nelson, E. and Campbell (Originating in House Health and Human Resources) - **Creating an addiction treatment pilot program** - Passed 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/18/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended 3/18/15 - Senate reconsidered action 3/18/15 - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 3/31/15 - Chapter 224, Acts, Regular Session, 2015

HOUSE BILLS VETOED BY GOVERNOR, OVERRIDDEN BY LEGISLATURE

- *2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moyer and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/15; Effective from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 - House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15; Effective from passage - Chapter 181, Acts, Regular Session, 2015

HOUSE BILLS VETOED BY GOVERNOR

- *2160. By Del. Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and Nelson, E. - **WV Schools for the Deaf and Blind eligible for School Building Authority funding** (original same as S. B. No. 252) - Passed 3/14/15; Effective from passage - To Governor 3/18/15 - Vetoed by Governor 4/1/15
2161. By Del. Fleischauer, Pasdon, Storch, Guthrie, Border, Phillips, L., Moore, Hamilton, Sobonya, Miller and Manchin - **Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking** - Passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/1/15

- *2187. By Del. Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle - **Encouraging public officials to display the national motto on all public property and public buildings** - Passed 3/12/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
- *2240. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson - **Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense** (original similar to S. B. No. 396) - Passed 3/14/15 - To Governor 3/20/15 - Vetoed by Governor 4/1/15
- *2571. By Del. Walters and Foster - **Creating a fund for pothole repair contributed to by private businesses or entities** - Passed 3/14/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
2576. By Del. Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, Smith, R. and Ferro - **Creating new code sections which separate the executive departments** - Passed 3/11/15 - To Governor 3/18/15 - Vetoed by Governor 4/1/15
2627. By Del. McCuskey, Phillips, R., Smith, R., Nelson, J., Stansbury, McGeehan, Eldridge, Arvon, White, H., Marcum and Butler - **Providing protection against property crimes committed against coal mines, utilities and other industrial facilities** - Passed 3/14/15 - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2674. By Del. Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt - **Making home schooled students eligible for a PROMISE scholarship without taking the GED test** (original same as S. B. No. 448) - Passed 3/14/15; Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15
2776. By Del. Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources) - **Relating to prescribing hydrocodone combination drugs for a duration of no more than three days** - Passed 3/9/15 - To Governor 3/16/15 - Vetoed by Governor 4/2/15
- *2793. By Del. Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly - **Relating to exemptions from mandatory school attendance** (original similar to S. B. No. 444) - Passed 3/14/15; Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2840. By Del. Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge - **Providing an alternative plan to make up lost days of instruction** - Passed 3/14/15; Effective July 1, 2015 - To Governor 3/30/15 - Vetoed by Governor 4/1/15

HOUSE BILLS DIED IN CONFERENCE

2646. By Del. Phillips, R., Nelson, J., Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and White, H. - **Legalizing and regulating the sale and use of fireworks** (original similar to S. B. No. 75) - To conference 3/14/15. House conferees: O'Neal, Cooper, Phillips, R.; Senate conferees: D. Hall, Leonhardt, Williams

ALL SENATE BILLS INTRODUCED

- *1. By Sen. Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo - **Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators** (original same as H. B. No. 2001 - similar to H. B. No. 2106, H. B. No. 2201 and H. B. No. 2409) - Introduced 1/14/15 - To Energy, Industry and Mining - Com. sub. reported 1/19/15 - Amended - Passed Senate with amended title 1/21/15 - To House 1/22/15 - To Energy then Judiciary
2. By Sen. Gaunch, Carmichael, Ferns, Karnes, Maynard, Mullins, Nohe, Sypolt, Trump, Blair and Cole (Mr. President) - **Predicating actions for damages upon comparative fault principles** (original same as H. B. No. 2002) - Introduced 1/14/15 - To Judiciary
3. By Sen. Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President) - **Relating to real property possessor's liability for trespasser harm** (original same as H. B. No. 2003) - Introduced 1/14/15 - To Judiciary - Passed Senate 1/21/15 - To House 1/22/15 - To Judiciary - Passed House 1/29/15 - To Governor 2/4/15 - Approved by Governor 2/9/15 - Chapter 3, Acts, Regular Session, 2015
- *4. By Sen. Mullins, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Sypolt, Blair, Kirkendoll, Stollings and Cole (Mr. President) - **Relating to development of state plan under Clean Air Act** (original same as H. B. No. 2004) - Introduced 1/14/15 - To Energy, Industry and Mining - Com. sub. reported 1/28/15 - Referred to Judiciary 1/28/15
5. By Sen. Nohe, Karnes, Sypolt, Trump, Walters, Blair, Plymale, Cole (Mr. President) and Takubo - **Creating teacher corps program** (original same as H. B. No. 2005) - Introduced 1/14/15 - To Education

- *6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/28/15 - Passed Senate 2/2/15 - Effective from passage - To House 2/3/15 - To Judiciary - Amended - Passed House 2/17/15 - Title amended - Effective from passage - Senate amended House amendment and passed 2/19/15 - Effective from passage - Senate requests return of bill from House - Senate reconsidered effective date and passage - Senate amended House amendment and passed 2/20/15 - Effective from passage - House concurred in Senate amendment and passed 2/23/15 - Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/6/15 - Effective from passage - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended - Effective from passage - Senate concurred in House amendment and repassed bill 3/10/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 168, Acts, Regular Session, 2015
- *7. By Sen. Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams - **Requiring CPR and care for conscious choking instruction in public schools** (original same as H. B. No. 2007 - similar to H. B. No. 2443) - Introduced 1/14/15 - To Education - Com. sub. reported 1/28/15 - Passed Senate 2/2/15 - Effective July 1, 2015 - To House 2/3/15 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 2/11/15 - Title amended - Effective July 1, 2015 - Senate concurred in House amendments and passed bill 2/12/15 - Effective July 1, 2015 - To Governor 2/19/15 - Approved by Governor 2/24/15 - Chapter 75, Acts, Regular Session, 2015
- *8. By Sen. Blair, Boley, Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President) - **Providing for DOH performance and efficiency audit** (original same as H. B. No. 2008) - Introduced 1/14/15 - To Government Organization - Com. sub. reported 1/23/15 - Passed Senate 1/28/15 - To House 1/29/15 - To Finance
9. By Sen. Stollings, Boley, Ferns, Gaunch, D. Hall, Karnes, Mullins, Nohe, Sypolt, Walters, Snyder, Trump, Blair, Williams, Kirkendoll, Kessler, Facemire, Palumbo, Cole (Mr. President) and Takubo - **Allowing law enforcement and emergency service personnel possess opioid antagonists** (original same as H. B. No. 2009 - similar to H. B. No. 2044 and S. B. No. 231) - Introduced 1/14/15 - To Health and Human Resources

10. By Sen. Trump, Boley, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Mullins, Nohe, Sypolt, Blair and Cole (Mr. President) - **Requiring nonpartisan election of judges and magistrates** (original same as H. B. No. 2010) - Introduced 1/14/15 - To Judiciary
11. By Sen. Gaunch, M. Hall, Karnes, Blair, Sypolt and Cole (Mr. President) - **Relating to workers' compensation disbursements when injury is self inflicted or intentional; permitting recovery in private suit** (original same as H. B. No. 2011) - Introduced 1/14/15 - To Judiciary
- *12. By Sen. Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President) - **Relating to payment of separated employee's outstanding wages** (original same as H. B. No. 2012 - similar to S. B. No. 102) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/20/15 - Passed Senate 1/23/15 - To House 1/26/15 - To Industry and Labor then Finance - To House Finance - Amended - Passed House 3/13/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 152, Acts, Regular Session, 2015
- *13. By Sen. Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President) - **Reinstating open and obvious doctrine for premises liability** (original same as H. B. No. 2013) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/22/15 - Passed Senate 1/27/15 - To House 1/28/15 - To Judiciary - Amended - Passed House 2/4/15 - Title amended - Senate refused to concur in House amendment 2/5/15 - House refused to recede and requested conference 2/9/15 - To conference 2/10/15 - Senate adopted conference report and passed bill 2/17/15 - Effective from passage - House adopted conference report and passed bill 2/18/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15 - Chapter 4, Acts, Regular Session, 2015
- *14. By Sen. Sypolt, Walters, Blair, Cole (Mr. President) and Takubo - **Creating Public Charter Schools Act of 2015** (original same as H. B. No. 2014) - Introduced 1/14/15 - To Education - Com. sub. reported 2/18/15 - Referred to Finance 2/18/15 - Amended - Passed Senate with amended title 3/2/15 - To House 3/3/15 - To Education - To House Finance - On 3rd reading, House Calendar 3/14/15
15. By Sen. Blair, Boley, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President) - **Requiring Legislative Auditor conduct performance reviews and audits for all spending units** (original same as H. B. No. 2015) - Introduced 1/14/15 - To Government Organization
16. By Sen. Stollings, Facemire and Romano - **Relating to specialty drugs** - Introduced 1/14/15 - To Health and Human Resources then Judiciary

- *17. By Sen. Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano - **Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle** - Introduced 1/14/15 - To Natural Resources then Government Organization - Com. sub. reported 2/26/15 - Committee reference dispensed - Passed Senate 3/1/15 - To House 3/2/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/9/15
18. By Sen. Stollings, Laird, Plymale, Kirkendoll and Kessler - **Creating Overdose Prevention Act** (original similar to H. B. No. 2045 and S. B. No. 18) - Introduced 1/14/15 - To Health and Human Resources then Judiciary - To Judiciary 2/18/15
- *19. By Sen. Plymale - **Specifying minimum early childhood education program instruction days** - Introduced 1/14/15 - To Education then Finance - Com. sub. reported 2/6/15 - Committee reference dispensed - Amended - Passed Senate 2/12/15 - To House 2/13/15 - To Education - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15
20. By Sen. Stollings - **Allowing public health agencies to bill patients for STD and HIV testing** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
21. By Sen. Beach, Blair and Leonhardt - **Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives** (original similar to H. B. No. 2450) - Introduced 1/14/15 - To Health and Human Resources then Government Organization
22. By Sen. Beach - **Relating to Board of Examiners for Registered Professional Nurses membership** - Introduced 1/14/15 - To Government Organization then Finance
23. By Sen. Blair - **Requiring licensure of bartenders by ABCC** - Introduced 1/14/15 - To Government Organization then Finance
24. By Sen. Blair, Gaunch and Sypolt - **Prohibiting public officials and employees from using public funds for self promotion** - Introduced 1/14/15 - To Judiciary - Recommitted to Judiciary on 3rd reading 2/25/15
25. By Sen. Boley, Blair and Stollings - **Relating to implementation of Common Core standards and assessments** - Introduced 1/14/15 - To Education then Finance
26. By Sen. D. Hall and Karnes - **Discontinuing moratorium on commercial rafting licenses for portion of New River** - Introduced 1/14/15 - To Natural Resources

- *27. By Sen. D. Hall - **Relating to county solid waste disposal fees; exemption** - Introduced 1/14/15 - To Judiciary then Finance - Com. sub. reported 3/1/15 - To Finance 3/1/15
28. By Sen. D. Hall - **Requiring health insurance coverage for certain nonnarcotic pain relief systems** - Introduced 1/14/15 - To Health and Human Resources then Finance
29. By Sen. D. Hall - **Allowing county employee to run for vacant office without resigning** (original same as H. B. No. 2229) - Introduced 1/14/15 - To Judiciary
- *30. By Sen. D. Hall, Trump, Blair, Williams and Karnes - **Permitting shared animal ownership agreement to consume raw milk** (original same as H. B. No. 2448) - Introduced 1/14/15 - To Agriculture and Rural Development then Health and Human Resources - Com. sub. reported 2/10/15 - To Health and Human Resources 2/10/15 - Com. sub. for com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Health and Human Resources - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15 - Senate reconsidered passage of bill - Senate amended House amendment and passed 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/23/15 - Vetoed by Governor 4/1/15
31. By Sen. D. Hall - **Relating to bailpiece surety** - Introduced 1/14/15 - To Judiciary
32. By Sen. D. Hall - **Requiring certain percentage of insurance claims be performed by resident adjuster** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
33. By Sen. D. Hall - **Decreasing teacher-pupil ratios; increasing certain classroom aides' pay** - Introduced 1/14/15 - To Education then Finance
34. By Sen. Nohe, Sypolt and Karnes - **Exempting certain precious metals sales from consumers' sales tax** - Introduced 1/14/15 - To Finance
35. By Sen. Leonhardt and Karnes - **Permitting carrying of concealed weapons without license** (original same as H. B. No. 2145) - Introduced 1/14/15 - To Government Organization then Judiciary
36. By Sen. Palumbo, Laird and Facemire - **Correcting code reference regarding certain court personnel completing handgun safety requirements before carrying concealed handgun** - Introduced 1/14/15 - To Judiciary

- *37. By Sen. Palumbo - **Creating Revised Uniform Arbitration Act** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/5/15 - Amended - Passed Senate 2/10/15 - Effective July 1, 2015 - To House 2/11/15 - To Judiciary - Amended - Passed House 3/10/15 - Effective July 1, 2015 - Senate refused to concur in House amendment 3/11/15 - House refused to recede and requested conference 3/13/15 - To conference 3/14/15 - Senate adopted conference report and passed bill 3/14/15 - Effective July 1, 2015 - House adopted conference report and passed bill 3/14/15 - Effective July 1, 2015 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 8, Acts, Regular Session, 2015
38. By Sen. Palumbo - **Relating to apportionment of damages in tortious conduct actions** - Introduced 1/14/15 - To Judiciary
39. By Sen. Beach - **Relating to closure and sale of Clements State Tree Nursery** - Introduced 1/14/15 - To Natural Resources then Finance
40. By Sen. Beach and D. Hall - **Clarifying circumstances when person may possess certain firearms during outdoor recreational activities** (original similar to H. B. No. 2178) - Introduced 1/14/15 - To Natural Resources then Judiciary
41. By Sen. Beach - **Repealing article authorizing roadside memorial markers** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary
- *42. By Sen. Beach and Williams - **Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.** (original similar to H. B. No. 2804, H. B. No. 2944 and S. B. No. 492) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/16/15 - Passed Senate 2/19/15 - Effective from passage - To House 2/20/15 - To Judiciary then Finance
- *43. By Sen. Palumbo - **Limiting tolling of statute of limitations for third-party complaints** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/21/15 - Passed Senate 1/26/15 - To House 1/27/15 - To Judiciary
44. By Sen. Yost - **Lowering threshold for low bidder's duty to submit subcontractors on government contracts** - Introduced 1/14/15 - To Labor then Government Organization
45. By Sen. Yost, Facemire and Romano - **Allowing transfer of interest in real property when certain co-owner pays all taxes** - Introduced 1/14/15 - To Judiciary
46. By Sen. Yost - **Allowing temporary reassignment of injured or ill school service personnel** - Introduced 1/14/15 - To Education then Judiciary

47. By Sen. Yost, Snyder, D. Hall, Laird, Facemire and Romano - **Providing National Guard and reserve members campground rental discount in state parks** - Introduced 1/14/15 - To Natural Resources then Finance
48. By Sen. Yost, Facemire and Romano - **Modifying health care guidelines for reasonable, necessary medical treatment for injured workers** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
49. By Sen. Yost - **Providing liberal weighing of evidence in workers' compensation claims** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
50. By Sen. Yost, Facemire and Romano - **Relating to workers' compensation benefits for firefighters; other provisions** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
51. By Sen. Yost - **Relating to workers' compensation benefits for occupational pneumoconiosis** - Introduced 1/14/15 - To Banking and Insurance then Judiciary then Finance
52. By Sen. Yost - **Providing state employee uniforms be manufactured in United States** - Introduced 1/14/15 - To Labor then Finance
53. By Sen. Yost, D. Hall, Miller and Nohe - **Exempting military, National Guard and reserve income from state income taxes** (original similar to S. B. No. 85) - Introduced 1/14/15 - To Military then Finance
54. By Sen. Yost - **Requiring certification of state bridge paint applicators** - Introduced 1/14/15 - To Labor then Government Organization
55. By Sen. Yost - **Creating Keep Jobs in WV Act** - Introduced 1/14/15 - To Government Organization then Finance - To Government Organization
56. By Sen. Yost - **Declaring remedial component of workers' compensation laws receive liberal construction** - Introduced 1/14/15 - To Banking and Insurance then Judiciary then Finance
57. By Sen. Yost - **Relating to classification and criteria for disability benefits** - Introduced 1/14/15 - To Health and Human Resources then Judiciary then Finance
58. By Sen. Yost - **Relating to delivery of workers' compensation medical benefits to injured workers** - Introduced 1/14/15 - To Banking and Insurance then Judiciary then Finance

59. By Sen. Yost and Miller - **Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/21/15
- *60. By Sen. Williams and Sypolt - **Regulating food handlers** - Introduced 1/14/15 - To Health and Human Resources then Government Organization - Com. sub. reported 1/30/15 - To Government Organization 1/30/15 - Com. sub. for com. sub. reported 2/6/15 - Passed Senate 2/11/15 - To House 2/12/15 - To Health and Human Resources then Government Organization - To House Government Organization - Amended - Passed House 3/14/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/27/15 - Chapter 121, Acts, Regular Session, 2015
61. By Sen. Walters - **Creating Water Sustainability Institute** - Introduced 1/14/15 - To Natural Resources then Finance
62. By Sen. Unger and Miller - **Requiring Department of Education provide professional development opportunities for dyslexia** - Introduced 1/14/15 - To Education then Finance
63. By Sen. Stollings and Kirkendoll - **Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/14/15 - To Judiciary then Finance - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance 3/10/15
64. By Sen. Stollings, Plymale and Kirkendoll - **Providing exemption from moratorium on skilled nursing beds for specialty skilled nursing beds** - Introduced 1/14/15 - To Health and Human Resources
65. By Sen. M. Hall and Karnes - **Authorizing additional circuit court judge** - Introduced 1/14/15 - To Judiciary then Finance
66. By Sen. Stollings - **Revising fees for manufacturer, distributor, dispenser and researcher of controlled substances** - Introduced 1/14/15 - To Health and Human Resources then Finance - To Finance 1/30/15
67. By Sen. Stollings - **Establishing child support insurance match program** - Introduced 1/14/15 - To Banking and Insurance then Finance
68. By Sen. Unger, Laird, Miller and Kirkendoll - **Creating Healthy Children and Healthy Communities Act** - Introduced 1/14/15 - To Health and Human Resources then Finance

69. By Sen. Unger, Laird, Miller and Kirkendoll - **Requiring public school screening for dyslexia** - Introduced 1/14/15 - To Education then Finance
70. By Sen. Williams and Sypolt - **Authorizing additional family court judge** (original similar to H. B. No. 2108 and S. B. No. 479) - Introduced 1/14/15 - To Judiciary then Finance
71. By Sen. Williams, Beach, Laird and Miller - **Requiring filing fee for write-in candidate for public office** - Introduced 1/14/15 - To Judiciary
72. By Sen. Yost - **Establishing additional circumstances requiring miner certification suspension or revocation for substance abuse violations** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary
73. By Sen. Yost - **Establishing cook-meal ratios for full-day and half-day school cooks** - Introduced 1/14/15 - To Education then Finance
74. By Sen. Yost - **Requiring employee be paid workers' compensation maximum temporary total disability benefits for lost time without penalty** - Introduced 1/14/15 - To Banking and Insurance then Judiciary then Finance
- *75. By Sen. Yost, D. Hall, Miller, Facemire and Romano - **Legalizing and regulating sale and use of fireworks; establishing WV Veterans Program Fund** - Introduced 1/14/15 - To Military then Finance - Com. sub. reported 2/5/15 - Referred to Judiciary then Finance 2/5/15
76. By Sen. Yost - **Creating Equal Pay Coordinator within Division of Personnel** - Introduced 1/14/15 - To Labor then Government Organization then Finance
77. By Sen. Yost - **Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel** (original similar to S. B. No. 79) - Introduced 1/14/15 - To Natural Resources then Finance
78. By Sen. Yost - **Relating to compilation and availability of birth parents' nonidentifying social and medical histories prior to adoption** - Introduced 1/14/15 - To Judiciary
79. By Sen. Yost - **Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel** (original similar to S. B. No. 77) - Introduced 1/14/15 - To Natural Resources then Finance
80. By Sen. Yost - **Creating State Labor Relations Act** - Introduced 1/14/15 - To Labor then Judiciary

81. By Sen. Plymale and Beach - **Increasing penalty for illegally transporting certain controlled substances into state** (original similar to H. B. No. 2136) - Introduced 1/14/15 - To Judiciary
82. By Sen. Plymale and D. Hall - **Requiring SSAC promulgate rules allowing college preparatory team membership** - Introduced 1/14/15 - To Education then Judiciary
83. By Sen. Stollings - **Relating to funeral service and embalmer licenses** - Introduced 1/14/15 - To Government Organization then Judiciary
84. By Sen. Stollings and Plymale - **Redefining “third-party administrator” to include pharmacy benefits managers** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
- *85. By Sen. Yost, Beach, D. Hall, Laird, Facemire and Romano - **Increasing tax exemption for military, National Guard and reserve retirement income** (original similar to S. B. No. 53) - Introduced 1/14/15 - To Military then Finance - Com. sub. reported 2/12/15 - To Finance 2/12/15
86. By Sen. Unger and Beach - **Regulating equine boarding facilities** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
87. By Sen. Plymale - **Relating to standards for conversion and retrofits of alternative-fuel motor vehicles** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/4/15
- *88. By Sen. Stollings and Plymale - **Creating WV Clearance for Access: Registry and Employment Screening Act** (original similar to H. B. No. 2613) - Introduced 1/14/15 - To Health and Human Resources then Finance - Com. sub. reported 1/30/15 - To Finance 1/30/15 - Com. sub. for com. sub. reported 2/20/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Judiciary - Amended - Passed House 3/14/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 119, Acts, Regular Session, 2015
89. By Sen. Laird and Miller - **Relating to compensation for certain public officials** - Introduced 1/14/15 - To Finance - Passed Senate 2/24/15 - To House 2/24/15 - To Finance - Amended - Passed House 3/10/15 - Title amended - Senate concurred in House amendments and passed bill 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 214, Acts, Regular Session, 2015

90. By Sen. Laird, Snyder, D. Hall, Unger, Facemire and Romano - **Promoting development of corporate sponsorships for state parks and recreational areas** - Introduced 1/14/15 - To Natural Resources then Finance
91. By Sen. Laird, Miller, Stollings, Facemire and Romano - **Creating amnesty program for certain drivers with suspended licenses** - Introduced 1/14/15 - To Transportation and Infrastructure then Finance
- *92. By Sen. Laird, Snyder, D. Hall, Sypolt, Plymale, Unger and Miller - **Providing salary increase for natural resources police officers** (original same as H. B. No. 2071 - similar to H. B. No. 2072) - Introduced 1/14/15 - To Natural Resources then Finance - Com. sub. reported 2/17/15 - To Finance 2/17/15
93. By Sen. Laird, Beach, D. Hall, Unger, Miller, Stollings, Facemire and Romano - **Increasing grandparents' rights in custodial or decision-making authority and visitation matters** - Introduced 1/14/15 - To Judiciary
- *94. By Sen. Laird, Miller, Stollings, Facemire and Romano - **Establishing driver's license restoration program** - Introduced 1/14/15 - To Judiciary then Finance - Com. sub. reported 1/30/15 - To Finance 1/30/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Roads and Transportation then Judiciary
95. By Sen. Laird, Beach, Stollings, Facemire, Romano and Nohe - **Creating tax exemption for cost of spaying and neutering dogs and cats** - Introduced 1/14/15 - To Finance
96. By Sen. Laird - **Relating to selection of state agency administrative hearing examiners** - Introduced 1/14/15 - To Government Organization then Judiciary
97. By Sen. Laird - **Relating to air-ambulance fees paid by PEIA** - Introduced 1/14/15 - To Banking and Insurance then Finance
98. By Sen. Carmichael - **Creating Tax Revenue Act of 2015** - Introduced 1/14/15 - To Finance
99. By Sen. Carmichael, D. Hall and Blair - **Relating to mandatory drug testing of legislators and certain recipients of federal and state funds** (original similar to H. B. No. 2012) - Introduced 1/14/15 - To Health and Human Resources then Judiciary
100. By Sen. Carmichael, Blair and Mullins - **Establishing prevailing hourly rates for construction of public improvements** - Introduced 1/14/15 - To Judiciary

101. By Sen. Carmichael and Gaunch - **Limiting punitive damages awarded in personal injury or wrongful death actions** - Introduced 1/14/15 - To Judiciary
102. By Sen. Carmichael - **Extending period that terminated employees' wages must be paid** (original similar to H. B. No. 2012 and S. B. No. 12) - Introduced 1/14/15 - To Judiciary
103. By Sen. Carmichael and Mullins - **Establishing comparative fault standard** (original similar to H. B. No. 2002 and S. B. No. 2) - Introduced 1/14/15 - To Judiciary
104. By Sen. Carmichael - **Increasing threshold of defendant's liability to qualify for several liability in tortious actions** - Introduced 1/14/15 - To Judiciary
105. By Sen. Carmichael and Karnes - **Disqualifying unemployment benefits for time not worked because of strike** - Introduced 1/14/15 - To Labor then Judiciary
106. By Sen. Carmichael - **Excepting professional engineer member from sanitary board when project engineer is under contract** - Introduced 1/14/15 - To Government Organization then Judiciary - Committee reference dispensed - Passed Senate 2/2/15 - Effective from passage - To House 2/3/15 - To Political Subdivisions then Government Organization - To House Government Organization - Passed House 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 215, Acts, Regular Session, 2015
107. By Sen. Carmichael - **Relating to disclaimer of warranties for used motor vehicles** (original same as H. B. No. 2853) - Introduced 1/14/15 - To Judiciary
108. By Sen. Carmichael - **Creating loser-pays civil justice system** - Introduced 1/14/15 - To Judiciary
- *109. By Sen. Blair and Leonhardt - **Relating to local indoor smoking prohibitions** - Introduced 1/14/15 - To Military then Judiciary - To Military 1/14/15 - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 2/20/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary
110. By Sen. D. Hall - **Relating to purchase, possession, sale and use of fireworks** - Introduced 1/14/15 - To Judiciary then Finance
111. By Sen. Plymale - **Redistributing portion of net racetrack video lottery terminal income dedicated to Development Office Promotion Fund** - Introduced 1/14/15 - To Finance

112. By Sen. Laird - **Requiring legislative rule establishing level for higher education capital project spending project approval** - Introduced 1/14/15 - To Education then Finance
113. By Sen. Laird - **Permitting counties impose property levy for public library funding** (original similar to H. B. No. 2541) - Introduced 1/14/15 - To Judiciary
114. By Sen. Laird, D. Hall and Miller - **Requiring municipal police officers wear armor vest** - Introduced 1/14/15 - To Government Organization then Judiciary - To Judiciary 1/28/15
115. By Sen. Miller, Snyder and D. Hall - **Increasing annual salary of Division of Corrections employees** - Introduced 1/14/15 - To Finance
116. By Sen. Miller, Facemire and Romano - **Relating to solar renewable energy credits** - Introduced 1/14/15 - To Energy, Industry and Mining then Finance
117. By Sen. Miller, Palumbo, Beach, Plymale and Unger - **Creating felony offense of DUI causing serious bodily injury** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary
118. By Sen. Beach, D. Hall, Williams, Facemire and Romano - **Permitting certain loaded firearms in motor vehicles on Capitol Complex grounds** (original similar to H. B. No. 2128) - Introduced 1/14/15 - To Judiciary
119. By Sen. Yost - **Relating to meeting and conference rights for police or fire departments** (original similar to H. B. No. 2070) - Introduced 1/14/15 - To Labor then Judiciary
120. By Sen. Stollings - **Recodifying laws relating to DHHR and Bureau for Medical Services** - Introduced 1/14/15 - To Health and Human Resources then Government Organization
121. By Sen. Snyder, Miller, Williams, Facemire and Romano - **Relating to Conservation Agency financial assistance applications from district supervisors** (original same as S. B. No. 250) - Introduced 1/14/15 - To Natural Resources then Government Organization
122. By Sen. Snyder, Facemire and Romano - **Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding** - Introduced 1/14/15 - To Military then Government Organization - To Government Organization 2/12/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Veterans' Affairs and Homeland Security then Government Organization

- *123. By Sen. Snyder, Blair and Romano - **Exempting gasoline, diesel fuel and blended fuel from unfair trade practices** (original same as H. B. No. 2601) - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/11/15 - To Judiciary 2/11/15
124. By Sen. Snyder - **Redistributing and dedicating excise tax on real property transfers to regional jails** (original similar to H. B. No. 2473) - Introduced 1/14/15 - To Finance
125. By Sen. Kessler, Beach and Snyder - **Prohibiting discrimination based on age or sexual orientation** (original similar to H. B. No. 2534) - Introduced 1/14/15 - To Labor then Judiciary
126. By Sen. Beach - **Relating to practice of psychology** - Introduced 1/14/15 - To Health and Human Resources then Government Organization
127. By Sen. Carmichael - **Creating tax refund checkoff program for Cedar Lakes Foundation** - Introduced 1/14/15 - To Finance
128. By Sen. Yost - **Revising definition of "obscene matter"** - Introduced 1/14/15 - To Judiciary
129. By Sen. Carmichael, Gaunch, Blair, Leonhardt, Karnes and Mullins - **Establishing Intermediate Court of Appeals** (original similar to S. B. No. 306) - Introduced 1/14/15 - To Judiciary then Finance
130. By Sen. Miller and Beach - **Reinstating residential solar energy tax credit** - Introduced 1/14/15 - To Energy, Industry and Mining then Finance
131. By Sen. Miller, Snyder, Romano and Facemire - **Increasing compensation for public defenders in child abuse and neglect proceedings** - Introduced 1/14/15 - To Judiciary then Finance
132. By Sen. Miller and Beach - **Reducing school nurse staffing ratio** - Introduced 1/14/15 - To Health and Human Resources then Finance
133. By Sen. Miller, Romano and Facemire - **Establishing Fund for Civil Legal Services for Low-Income Persons** - Introduced 1/14/15 - To Finance
134. By Sen. M. Hall - **Creating Civil Justice Reform Act of 2015** - Introduced 1/14/15 - To Judiciary then Finance
135. By Sen. Miller and Williams - **Creating Creative Communities Development Act** - Introduced 1/14/15 - To Government Organization then Finance

136. By Sen. Plymale and Beach - **Limiting certain public parks and recreation liability** - Introduced 1/14/15 - To Judiciary
137. By Sen. Plymale - **Exempting HEPC and CCTCS and member institutions from WVOASIS** - Introduced 1/14/15 - To Education then Finance
- *138. By Sen. Williams, Beach, Snyder, D. Hall and Sypolt - **Relating to posting of property to prohibit hunting or trespassing** - Introduced 1/14/15 - To Natural Resources then Judiciary - Com. sub. reported 1/22/15 - To Judiciary 1/22/15
139. By Sen. Palumbo, Kessler and Beach - **Creating misdemeanor offense of impersonating Commission on Special Investigations representative** - Introduced 1/14/15 - To Judiciary
- *140. By Sen. Snyder, Romano and Facemire - **Amending State Administrative Procedures Act** (original same as H. B. No. 2445) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage - Senate requests House to concur in changed effective date 3/13/15 - House concurred in Senate effective date 3/14/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 9, Acts, Regular Session, 2015
141. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary
- *142. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rules** - Introduced 1/14/15 - To Finance then Judiciary - To Judiciary 2/6/15 - Com. sub. reported 2/11/15 - Passed Senate 2/16/15 - Effective from passage - To House 2/17/15 - To Judiciary - Amended - Passed House 3/13/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 155, Acts, Regular Session, 2015
143. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rule relating to operation plan for State Agency for Surplus Property** - Introduced 1/14/15 - To Finance then Judiciary
144. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors** - Introduced 1/14/15 - To Pensions then Judiciary

145. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to Deputy Sheriffs Retirement System** - Introduced 1/14/15 - To Pensions then Judiciary
146. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to defining terms used in hunting and trapping rules** - Introduced 1/14/15 - To Natural Resources then Judiciary
147. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to hunting, trapping and fishing license and stamp fees** - Introduced 1/14/15 - To Natural Resources then Finance then Judiciary - To Finance 2/2/15
148. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to general hunting** - Introduced 1/14/15 - To Natural Resources then Judiciary
149. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to lifetime hunting, trapping and fishing licenses** - Introduced 1/14/15 - To Natural Resources then Judiciary
150. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to wildlife damage control agents** - Introduced 1/14/15 - To Natural Resources then Judiciary
151. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to special boating** - Introduced 1/14/15 - To Natural Resources then Judiciary
152. By Sen. Snyder - **Authorizing DNR promulgate legislative rule relating to commercial whitewater outfitters** - Introduced 1/14/15 - To Natural Resources then Judiciary
153. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Amusement Attractions Safety Act** - Introduced 1/14/15 - To Labor then Judiciary
154. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to child labor** - Introduced 1/14/15 - To Labor then Judiciary
155. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to supervision of plumbing work** - Introduced 1/14/15 - To Labor then Judiciary
156. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to verification of legal employment status** - Introduced 1/14/15 - To Labor then Judiciary

157. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to regulation of heating, venting and cooling work** - Introduced 1/14/15 - To Labor then Finance then Judiciary - To Finance 1/21/15
158. By Sen. Snyder - **Authorizing Division of Labor promulgate legislative rule relating to weights and measures calibration fees** - Introduced 1/14/15 - To Labor then Finance then Judiciary - To Finance 1/21/15
159. By Sen. Snyder - **Authorizing Division of Forestry promulgate legislative rule relating to ginseng** - Introduced 1/14/15 - To Natural Resources then Judiciary
160. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to Stream Partners Program grants** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15
161. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to hazardous waste management system** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15
162. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
163. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
164. 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 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
165. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to waste management** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 2/12/15
166. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to WV/NPDES rule for coal mining facilities** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
167. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 2/19/15

168. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
169. By Sen. Snyder - **Authorizing DEP promulgate legislative rule relating to requirements for operating permits** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15
- *170. By Sen. Snyder - **Authorizing Bureau of Commerce promulgate legislative rules** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - House rejected 3/12/15 - Laid over until 3/13/15 - Amended on 3rd reading - Passed House 3/13/15 - Effective from passage - Senate refused to concur in House amendment 3/13/15 - Senate requests return of bill from House - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 163, Acts, Regular Session, 2015
171. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure** - Introduced 1/14/15 - To Health and Human Resources then Finance then Judiciary - To Finance 1/16/15
172. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to Fatality and Mortality Review Team** - Introduced 1/14/15 - To Health and Human Resources then Finance then Judiciary - To Finance 1/16/15
173. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to medication administration and performance of health maintenance tasks by approved medication assistive personnel** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
174. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to nurse aid abuse and neglect registry** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
- *175. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Introduced 1/14/15 - To Health and Human Resources then Judiciary - To Judiciary 1/16/15 - Com. sub. reported 1/29/15 - Passed Senate 2/3/15 - Effective from passage - To House 2/4/15 - To Health and Human Resources then Government Organization - To House Judiciary - Laid over until 2/25/15 - Amended - Passed House 2/27/15 - Effective from passage - Senate concurred in House amendments and passed bill 2/28/15 - Effective from passage - To Governor 3/5/15 - Approved by Governor 3/11/15 - Chapter 157, Acts, Regular Session, 2015

176. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to nursing home licensure** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
177. By Sen. Snyder - **Authorizing DHHR promulgate legislative rule relating to statewide trauma/emergency care system** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
178. By Sen. Snyder - **Authorizing Family Protection Services Board promulgate legislative rule relating to domestic violence program licensure standards** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
179. By Sen. Snyder - **Authorizing Family Protection Services Board promulgate legislative rule relating to Monitored Parenting and Exchange Program certification** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
180. By Sen. Snyder - **Authorizing Family Protection Services Board promulgate legislative rule relating to board operation** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
181. By Sen. Snyder - **Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure for correctional institutions** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
- *182. By Sen. Snyder - **Authorizing Department of Military Affairs and Public Safety promulgate legislative rules** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage - To Governor 3/23/15 - Approved by Governor 4/3/15 - Chapter 158, Acts, Regular Session, 2015
183. By Sen. Snyder - **Authorizing Office of Technology promulgate legislative rule relating to sanitization, retirement and disposition of equipment** - Introduced 1/14/15 - To Government Organization then Judiciary
184. By Sen. Snyder - **Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards** - Introduced 1/14/15 - To Government Organization then Judiciary

185. By Sen. Snyder - **Authorizing State Fire Marshal promulgate legislative rule relating to fire protection work supervision** - Introduced 1/14/15 - To Government Organization then Judiciary
186. By Sen. Snyder - **Authorizing Tax Department promulgate legislative rule relating to appointment of special assessors** - Introduced 1/14/15 - To Finance then Judiciary
- *187. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Introduced 1/14/15 - To Government Organization then Judiciary - To Judiciary 1/22/15 - Com. sub. reported 2/4/15 - Passed Senate 2/9/15 - Effective from passage - To House 2/10/15 - To Judiciary - Amended - Passed House 2/27/15 - Effective from passage - Senate concurred in House amendments and passed bill 2/28/15 - Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 159, Acts, Regular Session, 2015
188. By Sen. Snyder - **Authorizing Insurance Commissioner promulgate legislative rule relating to using mortality tables to determine reserve liabilities for annuities** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
189. By Sen. Snyder - **Authorizing Insurance Commissioner promulgate legislative rule relating to annuity disclosure** - Introduced 1/14/15 - To Banking and Insurance then Judiciary
190. By Sen. Snyder - **Authorizing ABCC promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures** - Introduced 1/14/15 - To Judiciary
191. By Sen. Snyder - **Authorizing ABCC promulgate legislative rule relating to private club licensing** - Introduced 1/14/15 - To Judiciary
- *192. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/28/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage - Senate refused to concur in House amendment 3/13/15 - House refused to recede and requested conference 3/14/15 - To conference 3/14/15 - Senate adopted conference report and passed bill 3/14/15 - Effective from passage - House adopted conference report and passed bill 3/14/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 160, Acts, Regular Session, 2015

193. By Sen. Snyder - **Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures** - Introduced 1/14/15 - To Judiciary
194. By Sen. Snyder - **Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards** - Introduced 1/14/15 - To Judiciary
195. By Sen. Snyder - **Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Judiciary - Amended - Passed House 3/14/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 161, Acts, Regular Session, 2015
196. By Sen. Snyder - **Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to registration and renewal of appraisal management companies** - Introduced 1/14/15 - To Government Organization then Judiciary
197. By Sen. Snyder - **Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; physician assistants** - Introduced 1/14/15 - To Government Organization then Judiciary
198. By Sen. Snyder - **Authorizing Enterprise Resource Planning Board promulgate legislative rule relating to user fee** - Introduced 1/14/15 - To Government Organization then Judiciary
- *199. By Sen. Snyder - **Authorizing miscellaneous agencies and boards promulgate legislative rules** - Introduced 1/14/15 - To Government Organization then Judiciary - To Judiciary 1/30/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 162, Acts, Regular Session, 2015
200. By Sen. Snyder - **Authorizing Board of Physical Therapy promulgate legislative rule relating to fees for physical therapists and physical therapist assistants** - Introduced 1/14/15 - To Government Organization then Judiciary

201. By Sen. Snyder - **Authorizing Board of Osteopathy promulgate legislative rule relating to board fees** - Introduced 1/14/15 - To Government Organization then Judiciary
202. By Sen. Snyder - **Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants** - Introduced 1/14/15 - To Government Organization then Judiciary
203. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to immunizations administered by pharmacists** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
204. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to pharmacy technician registration** - Introduced 1/14/15 - To Government Organization then Judiciary
205. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
206. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies** - Introduced 1/14/15 - To Government Organization then Judiciary
207. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to board** - Introduced 1/14/15 - To Government Organization then Finance then Judiciary - To Finance 1/23/15
208. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to dental recovery networks** - Introduced 1/14/15 - To Government Organization then Finance then Judiciary - To Finance 1/23/15
209. By Sen. Snyder - **Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations and dental practice ownership** - Introduced 1/14/15 - To Government Organization then Judiciary
210. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to frozen desserts and imitation frozen desserts** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary

211. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to animal disease control** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
212. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to auctioneers** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
213. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to Pesticide Control Act of 1990 fee structure** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
214. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to Plant Pest Act** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
215. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to meat and poultry inspection** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
216. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to Spay Neuter Assistance Program** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
217. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to livestock care standards** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
218. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to equine rescue facilities** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
219. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to Rural Rehabilitation Loan Program** - Introduced 1/14/15 - To Agriculture and Rural Development then Finance then Judiciary - To Finance 1/27/15
220. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to aquaculture importation** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
221. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to industrial hemp** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary

222. By Sen. Snyder - **Authorizing Agriculture Commissioner promulgate legislative rule relating to dangerous wild animals** - Introduced 1/14/15 - To Agriculture and Rural Development then Judiciary
223. By Sen. Snyder - **Authorizing Board of Pharmacy promulgate legislative rule relating to licensure and practice of pharmacy** - Introduced 1/14/15 - To Government Organization then Judiciary
224. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to election recount procedures** - Introduced 1/14/15 - To Judiciary
225. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to electronic notarization standards and guidelines** - Introduced 1/14/15 - To Judiciary
226. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to notaries public** - Introduced 1/14/15 - To Judiciary
227. By Sen. Snyder - **Authorizing Secretary of State promulgate legislative rule relating to schedule of fees for notaries public** - Introduced 1/14/15 - To Judiciary
228. By Sen. Snyder - **Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure** - Introduced 1/14/15 - To Health and Human Resources then Judiciary
229. By Sen. Snyder - **Authorizing CPRB promulgate legislative rule relating to service credit for accrued and unused sick and annual leave** - Introduced 1/14/15 - To Pensions then Judiciary
230. By Sen. Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Unger - **Creating Overdose Prevention Act** (original same as H. B. No. 2045 - similar to S. B. No. 18) - Introduced 1/14/15 - To Health and Human Resources then Judiciary
231. By Sen. Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall, Snyder, Gaunch, Blair and Williams - **Allowing certain law-enforcement and public safety personnel to possess and administer opioid antagonist** (original same as H. B. No. 2044 - similar to H. B. No. 2009 and S. B. No. 9) - Introduced 1/14/15 - To Health and Human Resources

232. By Sen. Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Sypolt - **Providing for expedited partner therapy** (original same as H. B. No. 2046) - Introduced 1/14/15 - To Health and Human Resources then Judiciary
- *233. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Budget Bill** (original same as H. B. No. 2016) - Introduced 1/14/15 - Com. sub. reported 3/11/15 - Recommitted to Finance on 3rd reading 3/13/15
- *234. By Sen. Trump, M. Hall, Blair and Plymale - **Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions** - Introduced 1/15/15 - To Government Organization then Finance - Com. sub. reported 2/19/15 - To Finance 2/19/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - Amended - Passed House 3/14/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 196, Acts, Regular Session, 2015
235. By Sen. Kessler, M. Hall, Prezioso, Plymale, Williams, Beach, Stollings and Kirkendoll - **Creating Hatfield-McCoy Regional Recreation Authority Fund** (original same as H. B. No. 2097) - Introduced 1/15/15 - To Natural Resources then Finance
236. By Sen. Karnes, Blair, Boley, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Takubo, Trump, Walters and D. Hall - **Limiting health insurance coverage for elective abortions to supplemental policies** (original similar to H. B. No. 2440) - Introduced 1/15/15 - To Banking and Insurance then Judiciary
- *237. By Sen. D. Hall, Romano, Snyder, Facemire and Williams - **Creating Captive Cervid Farming Act** (original similar to H. B. No. 2033) - Introduced 1/16/15 - To Agriculture and Rural Development then Finance - Com. sub. reported 1/27/15 - Committee reference dispensed - Passed Senate 1/30/15 - Effective from passage - To House 2/2/15 - To Finance - Amended - Passed House 2/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 2/13/15 - Effective from passage - To Governor 2/19/15 - Approved by Governor 2/25/15 - Chapter 43, Acts, Regular Session, 2015
238. By Sen. D. Hall, Nohe and Stollings - **Limiting certain county board of education liability arising from unorganized recreation** (original same as H. B. No. 2441) - Introduced 1/16/15 - To Education then Judiciary - To Judiciary 2/4/15 - Passed Senate with amended title 2/11/15 - To House 2/12/15 - To Judiciary - Passed House 2/25/15 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 97, Acts, Regular Session, 2015

239. By Sen. Kirkendoll, Blair, Snyder, Williams and Beach - **Eliminating certain boards, councils, task forces, commissions and committees** (original similar to H. B. No. 2177 and S. B. No. 255) - Introduced 1/16/15 - To Government Organization
240. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating terms in Personal Income Tax Act** (original same as H. B. No. 2114) - Introduced 1/16/15 - To Finance
241. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating terms in Corporation Net Income Tax Act** (original same as H. B. No. 2115) - Introduced 1/16/15 - To Finance
- *242. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness** (original same as H. B. No. 2117) - Introduced 1/16/15 - To Judiciary - Com. sub. reported 2/6/15 - Passed Senate 2/11/15 - To House 2/12/15 - To Judiciary - Passed House 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 195, Acts, Regular Session, 2015
- *243. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to school nutrition standards during state of emergency or preparedness** (original same as H. B. No. 2118) - Introduced 1/16/15 - To Education then Judiciary - Com. sub. reported 1/30/15 - To Judiciary 1/30/15 - Com. sub. for com. sub. reported 2/9/15 - Passed Senate 2/12/15 - Effective from passage - To House 2/13/15 - To Education - Amended - Passed House 3/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 194, Acts, Regular Session, 2015
244. By Sen. Carmichael, Miller, Nohe and Plymale - **Creating Caregiver Advise, Record and Enable Act** (original same as H. B. No. 2100) - Introduced 1/16/15 - To Health and Human Resources then Judiciary
245. By Sen. Trump, Blair and Walters - **Repealing requirement for prevailing wage payment for public improvement construction** (original same as H. B. No. 2206 - similar to S. B. No. 361) - Introduced 1/16/15 - To Labor then Judiciary
246. By Sen. Trump, Blair, Leonhardt and Williams - **Establishing grandfather exemption requiring certain School for Deaf and Blind child care workers hold associate's degree** - Introduced 1/16/15 - To Education
247. By Sen. Trump, Blair, Walters and Nohe - **Repealing Dangerous Wild Animals Act** - Introduced 1/16/15 - To Agriculture and Rural Development then Judiciary

- *248. By Sen. Williams - **Requiring certain insurance and owner information be provided following car accident** - Introduced 1/16/15 - To Banking and Insurance then Judiciary - Com. sub. reported 2/3/15 - To Judiciary 2/3/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Banking and Insurance then Judiciary - To House Judiciary - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 238, Acts, Regular Session, 2015
- *249. By Sen. Trump, Blair, Ferns, M. Hall and Walters - **Prohibiting straight party voting in general election** - Introduced 1/16/15 - To Judiciary - Com. sub. reported 1/29/15 - Passed Senate 2/3/15 - To House 2/4/15 - To Judiciary - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 104, Acts, Regular Session, 2015
250. By Sen. Trump, Blair, Carmichael, M. Hall, Leonhardt, Miller, Snyder, Unger, Williams and Plymale - **Relating to Conservation Agency financial assistance applications from district supervisors** (original same as S. B. No. 121) - Introduced 1/16/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Passed Senate 2/6/15 - Effective from passage - To House 2/9/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended on 3rd reading - Passed House 3/14/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor 3/24/15 - Chapter 61, Acts, Regular Session, 2015
251. By Sen. Mullins, Karnes, Leonhardt and Gaunch - **Modifying private cause of action for deliberate intention workers' compensation claims** - Introduced 1/16/15 - To Judiciary
252. By Sen. Trump, Blair, Williams, Facemire, D. Hall and Leonhardt - **Making Schools for Deaf and Blind eligible for School Building Authority funding** (original same as H. B. No. 2160) - Introduced 1/19/15 - To Education then Finance
- *253. By Sen. Trump, Blair, D. Hall, Stollings, Laird, Kirkendoll, Snyder, Plymale and Leonhardt - **Recodifying chapter relating to child welfare and juvenile disposition** (original same as H. B. No. 2200) - Introduced 1/19/15 - To Health and Human Resources then Judiciary - Com. sub. reported 1/28/15 - To Judiciary 1/28/15
- *254. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act** (original

same as H. B. No. 2525) - Introduced 1/19/15 - To Pensions then Finance - Com. sub. reported 2/26/15 - To Finance 2/26/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance

- *255. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain boards, councils, committees, panels, task forces and commissions** (original same as H. B. No. 2177) - Introduced 1/19/15 - To Government Organization then Judiciary - Com. sub. reported 1/30/15 - To Judiciary 1/30/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Government Organization - Passed House 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 53, Acts, Regular Session, 2015
- *256. By Sen. Walters and Nohe - **Increasing number of student unexcused absences before taking action against parent** (original same as H. B. No. 2550) - Introduced 1/20/15 - To Education then Judiciary - Com. sub. reported 2/13/15 - To Judiciary 2/13/15
257. By Sen. Plymale, Stollings and Kirkendoll - **Relating to improving middle grades education** - Introduced 1/20/15 - To Education then Judiciary
- *258. By Sen. Beach, Williams, Prezioso and Kessler - **Creating Letting Our Counties Act Locally Act** - Introduced 1/20/15 - To Transportation and Infrastructure then Finance - Com. sub. reported 1/28/15 - To Finance 1/28/15
- *259. By Sen. Beach, Snyder and Williams - **Relating to examination, licensing and endorsement requirements for autocycles** - Introduced 1/20/15 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 1/28/15 - To Judiciary 1/28/15
260. By Sen. Yost and Kessler - **Providing purchases of state materials, supplies, equipment, etc., be made in US** - Introduced 1/20/15 - To Labor then Finance
- *261. By Sen. D. Hall, Miller, Snyder, Beach and Facemire - **Clarifying definition of "owner" of dam** - Introduced 1/20/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Com. sub. reported 2/3/15 - Passed Senate 2/6/15 - To House 2/9/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 83, Acts, Regular Session, 2015
262. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR** (original same as H. B. No. 2210) -

- Introduced 1/20/15 - To Health and Human Resources then Judiciary - To Judiciary 1/28/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Government Organization - Passed House 2/18/15 - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 48, Acts, Regular Session, 2015
263. By Sen. Yost and Kessler - **Requiring court-appointed special advocate in all counties** (original same as H. B. No. 2989) - Introduced 1/20/15 - To Judiciary then Finance
264. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing severance tax proceeds dedicated to Infrastructure General Obligation Debt Service Fund** (original same as H. B. No. 2212) - Introduced 1/20/15 - To Finance
265. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing distribution of excess lottery proceeds to Infrastructure Fund; increasing funds available for grants** (original same as H. B. No. 2213) - Introduced 1/20/15 - To Finance
266. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating sales tax exemption on certain highway construction and maintenance materials** (original same as H. B. No. 2211) - Introduced 1/20/15 - To Transportation and Infrastructure then Finance - To Finance 1/28/15 - Removed from calendar by action of Committee on Rules on 2nd reading
267. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning** (original same as H. B. No. 2209) - Introduced 1/20/15 - To Health and Human Resources then Judiciary - To Judiciary 1/30/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Health and Human Resources - To House Judiciary - Passed House 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 54, Acts, Regular Session, 2015
268. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Terminating dedication of corporation net income tax proceeds to railroads** (original same as H. B. No. 2226) - Introduced 1/20/15 - To Transportation and Infrastructure then Finance - To Finance 1/28/15
269. By Sen. Yost, Kessler and Facemire - **Creating flood zone homestead property tax exemption** - Introduced 1/20/15 - To Natural Resources then Finance
270. By Sen. Stollings, Prezioso and Kirkendoll - **Amending criteria for pain management clinic designation** - Introduced 1/21/15 - To Health and Human Resources then Judiciary

271. By Sen. Karnes and Nohe - **Relating to aborted fetus care** - Introduced 1/21/15 - To Health and Human Resources then Judiciary
272. By Sen. Karnes - **Decreasing number of jurors on municipal jury** - Introduced 1/21/15 - To Government Organization then Judiciary
- *273. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations** (original same as H. B. No. 2385) - Introduced 1/21/15 - To Economic Development then Judiciary - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary - Amended - Passed House 3/13/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 13, Acts, Regular Session, 2015
- *274. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to TANF program sanctions** (original same as H. B. No. 2382) - Introduced 1/21/15 - To Health and Human Resources then Judiciary - To Judiciary 1/28/15 - Com. sub. reported 2/12/15 - Passed Senate 2/17/15 - To House 2/18/15 - To Judiciary - Passed House 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 138, Acts, Regular Session, 2015
275. By Sen. Trump, Kessler, Unger, Nohe, Boso, Blair, Prezioso, D. Hall, Beach and Romano - **Relating to confidentiality of concealed weapon permit applicants' information** (original same as H. B. No. 2636) - Introduced 1/21/15 - To Judiciary
276. By Sen. Karnes, Boley, Leonhardt, Maynard, Nohe, Plymale and D. Hall - **Terminating severance tax on timber** (original similar to H. B. No. 2268) - Introduced 1/21/15 - To Finance
- *277. By Sen. Miller, D. Hall, Laird, Williams and Kirkendoll - **Requiring issuance of certificate of birth resulting in stillbirth** - Introduced 1/21/15 - To Health and Human Resources then Judiciary - Com. sub. reported 2/4/15 - To Judiciary 2/4/15 - Com. sub. for com. sub. reported 2/13/15 - Passed Senate 2/18/15 - To House 2/18/15 - To Judiciary - Passed House 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 241, Acts, Regular Session, 2015
- *278. By Sen. Karnes - **Relating to lawful and unlawful methods of hunting** (original similar to H. B. No. 2420) - Introduced 1/21/15 - To Natural Resources then Judiciary - Com. sub. reported 2/17/15 - To Judiciary 2/17/15 - Com. sub. for com. sub. reported 2/25/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/3/15

- *279. By Sen. Walters, Blair, Gaunch, Boso, Karnes, Maynard and D. Hall - **Clarifying qualifications of Labor Commissioner** (original similar to H. B. No. 2217) - Introduced 1/21/15 - To Labor then Judiciary - Com. sub. reported 1/27/15 - Recommitted to Judiciary on 3rd reading 2/6/15
- *280. By Sen. Cole (Mr. President), Boley, Ferns, Mullins, Nohe, Sypolt, Prezioso, Facemire, D. Hall, Williams, Kessler, Palumbo and Beach - **Allowing well work permit transfers** - Introduced 1/21/15 - To Judiciary - Com. sub. reported 1/23/15 - Constitutional rule suspended - Passed Senate 1/23/15 - Effective from passage - To House 1/26/15 - To Energy - Passed House 1/28/15 - Effective from passage - To Governor 2/2/15 - Approved by Governor 2/4/15 - Chapter 110, Acts, Regular Session, 2015
281. By Sen. Plymale - **Creating system of judicial sale of tax liens** - Introduced 1/21/15 - To Judiciary then Finance
282. By Sen. D. Hall and Stollings - **Relating to National Coal Heritage Area Authority** (original same as H. B. No. 2227) - Introduced 1/22/15 - To Government Organization then Judiciary
283. By Sen. Nohe, Gaunch and Plymale - **Relating to state banking institutions** (original same as H. B. No. 2379) - Introduced 1/22/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Passed Senate 2/24/15 - To House 2/24/15 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/10/15 - Title amended - Senate concurred in House title amendment 3/11/15 - Passed Senate 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 39, Acts, Regular Session, 2015
- *284. By Sen. Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso and D. Hall - **Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms** - Introduced 1/22/15 - To Judiciary - Com. sub. reported 1/30/15 - Amended - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Passed House 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/3/15 - Chapter 79, Acts, Regular Session, 2015
285. By Sen. Nohe, Gaunch and Plymale - **Relating to primary and subordinate mortgage loans** (original same as H. B. No. 2223) - Introduced 1/22/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Amended - Passed Senate 2/24/15 - Title amended - To House 2/24/15 - To Banking and Insurance then Judiciary
- *286. By Sen. Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes - **Relating to compulsory immunizations of students; exemptions**

(original same as H. B. No. 2556) - Introduced 1/23/15 - To Health and Human Resources then Judiciary - Com. sub. reported 2/13/15 - Committee reference dispensed - Passed Senate 2/18/15 - To House 2/18/15 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/14/15 - Title amended - Senate refused to concur in House amendment 3/14/15 - House receded and passed 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/18/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 123, Acts, Regular Session, 2015

- *287. By Sen. Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair - **Providing posthumous high school diplomas** (original same as H. B. No. 2156 - similar to H. B. No. 2516) - Introduced 1/23/15 - To Education - Com. sub. reported 2/4/15 - Passed Senate 2/9/15 - To House 2/10/15 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/18/15 - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 94, Acts, Regular Session, 2015
288. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to public school financing** (original same as H. B. No. 2478) - Introduced 1/23/15 - To Education then Finance
- *289. By Sen. Takubo, Stollings, Carmichael, Ferns, Walters, Gaunch and Miller - **Relating to anti-cancer medications** - Introduced 1/23/15 - To Banking and Insurance then Judiciary - Com. sub. reported 2/24/15 - To Judiciary 2/24/15
290. By Sen. Williams, Beach, Blair, Kirkendoll, Stollings, Sypolt, Palumbo and Miller - **Relating to regulation of nonintoxicating beer brewers and retailers** - Introduced 1/23/15 - To Economic Development then Judiciary
- *291. By Sen. Ferns, D. Hall, Karnes and Leonhardt - **Clarifying power of Attorney General to contract for outside legal services** - Introduced 1/23/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary
292. By Sen. Nohe and Gaunch - **Relating to licenses for business of currency exchange, transportation or transmission** (original same as H. B. No. 2241) - Introduced 1/23/15 - To Banking and Insurance then Judiciary - To Judiciary

- 2/3/15 - Passed Senate 2/24/15 - To House 2/24/15 - To Banking and Insurance then Finance - 2nd reference dispensed - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 82, Acts, Regular Session, 2015
293. By Sen. Beach, Kessler and Miller - **Increasing fees for certain DMV services and documents** - Introduced 1/23/15 - To Transportation and Infrastructure then Finance
294. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain unnecessary, inactive or redundant councils, committees and boards** (original same as H. B. No. 2469) - Introduced 1/23/15 - To Government Organization then Judiciary - To Judiciary 2/6/15 - Passed Senate 2/19/15 - To House 2/19/15 - To Government Organization - Passed House 3/3/15 - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 40, Acts, Regular Session, 2015
295. By Sen. Ferns and Trump - **Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions** (original same as H. B. No. 2589) - Introduced 1/23/15 - To Health and Human Resources then Judiciary - To Judiciary 1/28/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Judiciary - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 137, Acts, Regular Session, 2015
296. By Sen. Walters and D. Hall - **Providing maximum licensed school psychologist-pupil ratio** - Introduced 1/23/15 - To Education then Finance
297. By Sen. Walters and Palumbo - **Relating to sale of nonintoxicating beer** - Introduced 1/23/15 - To Economic Development then Judiciary
298. By Sen. Gaunch and Trump - **Clarifying funds within Public Employees Retirement Fund** (original same as H. B. No. 2504) - Introduced 1/26/15 - To Pensions then Judiciary - To Judiciary 2/5/15 - Passed Senate 2/13/15 - To House 2/16/15 - To Finance - Passed House 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 206, Acts, Regular Session, 2015
299. By Sen. Gaunch and Trump - **Clarifying start date of State Police duty-related and nonduty related disability payments** (original same as H. B. No. 2506) - Introduced 1/26/15 - To Pensions then Judiciary - To Judiciary 2/5/15 - Amended - Passed Senate with amended title 2/13/15 - To House 2/16/15 - To Finance - Amended - Passed House 2/20/15 - Senate concurred in House amendments and passed bill 2/23/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 212, Acts, Regular Session, 2015

300. By Sen. Gaunch, Trump and Stollings - **Relating to military service credit for PERS members** (original similar to H. B. No. 2929 and S. B. No. 551) - Introduced 1/26/15 - To Pensions then Finance - To Finance 2/19/15
301. By Sen. Gaunch and Trump - **Modifying definition of “member” in Municipal Police and Firefighters Retirement System** (original same as H. B. No. 2507) - Introduced 1/26/15 - To Pensions then Finance - To Finance 2/5/15
302. By Sen. Gaunch and Trump - **Relating to state retirement plans** (original same as H. B. No. 2560) - Introduced 1/26/15 - To Pensions then Judiciary - To Judiciary 2/5/15 - Passed Senate 2/13/15 - To House 2/16/15 - To Finance - Passed House 2/20/15 - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 208, Acts, Regular Session, 2015
303. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing sales tax proceeds dedicated to School Major Improvement Fund and School Construction Fund** (original same as H. B. No. 2462) - Introduced 1/26/15 - To Education then Finance
304. By Sen. Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder and Stollings - **Relating to farmers markets** (original same as H. B. No. 2467) - Introduced 1/26/15 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/3/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Agriculture and Natural Resources then Finance - To House Finance - Amended - Passed House 3/13/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 114, Acts, Regular Session, 2015
305. By Sen. Gaunch and Trump - **Relating to state retirement system participation and concurrent employment provisions** (original same as H. B. No. 2505) - Introduced 1/26/15 - To Pensions then Finance - To Finance 2/19/15
306. By Sen. Ferns, Carmichael, D. Hall, Mullins and Blair - **Establishing Intermediate Court of Appeals** (original similar to S. B. No. 129) - Introduced 1/26/15 - To Judiciary then Finance
307. By Sen. Blair and Carmichael - **Creating Paycheck Protection Act** (original similar to S. B. No. 321) - Introduced 1/26/15 - To Labor then Judiciary
308. By Sen. Trump and Carmichael - **Changing minimum interest rate paid on judgments or decrees** - Introduced 1/26/15 - To Judiciary

309. By Sen. Trump, Laird, Walters and Nohe - **Authorizing Corrections Commissioner to enter into mutual aid agreements** (original same as H. B. No. 2274) - Introduced 1/26/15 - To Government Organization then Judiciary - To Judiciary 2/6/15
310. By Sen. Sypolt, Williams and Nohe - **Exempting nonprofit public utility companies from B&O tax** - Introduced 1/26/15 - To Finance - Amended - Passed Senate 3/3/15 - To House 3/4/15 - To Finance - Passed House 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 231, Acts, Regular Session, 2015
311. By Sen. Beach, Kessler, D. Hall and Prezioso - **Changing Coopers Rock State Forest to Coopers Rock State Park** - Introduced 1/26/15 - To Natural Resources then Judiciary
312. By Sen. Nohe, Boley, Leonhardt, Palumbo and D. Hall - **Relating to disqualification of general election nominees for failure to file campaign finance statements** - Introduced 1/26/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Amended - Passed House 3/13/15 - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 106, Acts, Regular Session, 2015
313. By Sen. Nohe, Blair, Carmichael, Gaunch, D. Hall, M. Hall, Laird, Palumbo and Stollings - **Relating to delinquency proceedings of insurers** (original same as H. B. No. 2461) - Introduced 1/26/15 - To Banking and Insurance then Judiciary - To Judiciary 2/10/15
314. By Sen. Nohe, Carmichael, Mullins and Blair - **Authorizing indemnity settlement in occupational pneumoconiosis claims** - Introduced 1/27/15 - To Banking and Insurance then Judiciary
- *315. By Sen. Mullins - **Relating to civil actions filed under Consumer Protection Act** - Introduced 1/27/15 - To Judiciary - Com. sub. reported 2/10/15 - Passed Senate 2/13/15 - To House 2/16/15 - To Judiciary - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/20/15 - Approved by Governor 4/2/15 - Chapter 64, Acts, Regular Session, 2015
- *316. By Sen. D. Hall, Leonhardt, Trump, Stollings, Plymale, Kirkendoll and Nohe - **Exempting new veteran-owned business from certain fees paid to Secretary of State** (original similar to H. B. No. 2676) - Introduced 1/27/15 - To Military then Finance - Com. sub. reported 2/5/15 - To Finance 2/5/15 - Passed Senate 2/20/15 - To House 2/20/15 - To Finance - Amended - Passed House 3/14/15 - Senate

concurrent in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 240, Acts, Regular Session, 2015

317. By Sen. Miller, Beach, Laird, Walters and Woelfel - **Relating to insurance coverage on state buildings and contents** - Introduced 1/27/15 - To Banking and Insurance then Judiciary
318. By Sen. Trump, Karnes, Carmichael and Blair - **Relating to payment of wages by employers** - Introduced 1/27/15 - To Judiciary - Amended on 3rd reading - Passed Senate 2/5/15 - To House 2/6/15 - To Judiciary - Passed House 3/14/15 - To Governor 3/20/15 - Approved by Governor 3/26/15 - Chapter 153, Acts, Regular Session, 2015
319. By Sen. D. Hall and Trump - **Relating to donation of Secretary of State overpayment fees** (original same as H. B. No. 2682) - Introduced 1/27/15 - To Finance
- *320. By Sen. D. Hall and Trump - **Standardizing notification process for revocation of certificates of authority** (original same as H. B. No. 2680) - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary
321. By Sen. Blair - **Creating Paycheck Protection Act** (original similar to S. B. No. 307) - Introduced 1/27/15 - To Labor then Judiciary
322. By Sen. Nohe, Boley, Palumbo, Leonhardt and Trump - **Eliminating mandatory electronic recount of ballots in recounts** - Introduced 1/27/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 105, Acts, Regular Session, 2015
- *323. By Sen. Blair - **Relating to Municipal Home Rule Pilot Program** - Introduced 1/27/15 - To Government Organization then Finance - Com. sub. reported 1/30/15 - Committee reference dispensed - Passed Senate 2/4/15 - To House 2/5/15 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/13/15 - House further considered bill - Title amended - Senate amended House amendment and passed 3/13/15 - Senate requests return of bill from House - Senate reconsidered passage of bill - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 176, Acts, Regular Session, 2015

324. By Sen. Blair, Trump, Laird, Kessler, D. Hall, Palumbo and Plymale - **Increasing number of participants in Home Rule Pilot Program** (original same as H. B. No. 2539) - Introduced 1/27/15 - To Government Organization then Finance
- *325. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Relating to filing of candidates' financial disclosure statements** - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - Amended on 3rd reading - Passed House 3/14/15 - Senate refused to concur in House amendment 3/14/15
326. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Eliminating campaign finance reporting by candidates for delegate to national convention** - Introduced 1/27/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary
327. By Sen. Williams and Sypolt - **Requiring public hearing prior to fee simple transfer of real property to or from DNR and Division of Forestry** - Introduced 1/27/15 - To Natural Resources then Judiciary
328. By Sen. Boley, Sypolt and D. Hall - **Repealing code section relating to notary public fees** - Introduced 1/27/15 - To Finance
- *329. By Sen. Walters, Leonhardt and Takubo - **Requiring real property seller satisfy unpaid charges to county and municipality** - Introduced 1/27/15 - To Government Organization then Finance - Com. sub. reported 2/20/15 - To Finance 2/20/15
- *330. By Sen. Ferns - **Adopting Interstate Medical Licensure Compact** (original same as H. B. No. 2496) - Introduced 1/27/15 - To Interstate Cooperation then Health and Human Resources - Com. sub. reported 2/19/15 - To Health and Human Resources 2/19/15
331. By Sen. Palumbo - **Relating to withdrawals and filling vacancies in candidacies** - Introduced 1/27/15 - To Judiciary
332. By Sen. M. Hall - **Relating to administrative fees for Tax Division, Department of Revenue** (original same as H. B. No. 2538) - Introduced 1/27/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Finance - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 230, Acts, Regular Session, 2015
333. By Sen. M. Hall - **Repealing code section removing county officials from office for misconduct or negligence** (original same as H. B. No. 2547) - Introduced 1/27/15 - To Judiciary

- *334. By Sen. Ferns - **Relating to practice of medicine and surgery or podiatry** (original same as H. B. No. 2497) - Introduced 1/27/15 - To Government Organization then Health and Human Resources - To Health and Human Resources 1/30/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- *335. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Access to Opioid Antagonists Act** (original same as H. B. No. 2543) - Introduced 1/27/15 - To Health and Human Resources - Com. sub. reported 1/28/15 - Passed Senate 2/2/15 - To House 2/3/15 - To Judiciary - Amended - Passed House 2/11/15 - Title amended - Senate concurred in House amendments and passed bill 2/12/15 - To Governor 2/19/15 - Vetoed by Governor 2/24/15 - Senate reconsidered action - Senate amended and repassed 2/26/15 - House concurred in Senate amendment 2/26/15 - Repassed House to meet the objections of the Governor 2/26/15 - To Governor 3/3/15 - Approved by Governor 3/9/15 - Chapter 127, Acts, Regular Session, 2015
- *336. By Sen. Ferns and Takubo - **Eliminating Health Care Authority's power to apply certain penalties to future rate applications** - Introduced 1/27/15 - To Government Organization then Judiciary - Com. sub. reported 2/25/15 - To Judiciary 2/25/15 - Com. sub. for com. sub. reported 2/27/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Government Organization - Passed House 3/11/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 126, Acts, Regular Session, 2015
337. By Sen. Carmichael, Blair, Boso, Sypolt and Trump - **Creating workplace freedom act** - Introduced 1/27/15 - To Judiciary
338. By Sen. Palumbo, Gaunch, Snyder, M. Hall, Williams, Blair, Unger, Trump and Stollings - **Relating to Film Industry Investment tax credit** (original same as H. B. No. 2773) - Introduced 1/27/15 - To Economic Development then Finance
- *339. By Sen. Carmichael, D. Hall and Nohe - **Eliminating certain funding sources for Workers Compensation Debt Reduction Fund** (original similar to H. B. No. 2394) - Introduced 1/27/15 - To Energy, Industry and Mining then Finance - Com. sub. reported 2/11/15 - To Finance 2/11/15
340. By Sen. Trump, Carmichael, Blair and Takubo - **Requiring voter provide photo ID** (original similar to H. B. No. 2092, H. B. No. 2365, H. B. No. 2477 and H. B. No. 2602) - Introduced 1/27/15 - To Judiciary then Finance
341. By Sen. D. Hall, Trump, Blair, Beach, Karnes, Sypolt, Williams and Woelfel (Originating in Senate Agriculture and Rural Development) - **Permitting**

Agriculture Commissioner approve and submit Livestock Care Standards Board rules - Introduced 1/27/15 - Passed Senate 1/30/15 - Effective from passage - To House 2/2/15 - To Agriculture and Natural Resources then Judiciary

- *342. By Sen. Gaunch, Trump and Plymale - **Clarifying scope, application and requirements for error corrections by CPRB** (original same as H. B. No. 2521) - Introduced 1/28/15 - To Pensions then Finance - Com. sub. reported 2/19/15 - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Finance - Passed House 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 207, Acts, Regular Session, 2015
- *343. By Sen. Blair, Snyder and Nohe - **Exempting chiropractors from continuing education requirement on mental health conditions common to veterans** - Introduced 1/28/15 - To Government Organization then Judiciary - Com. sub. reported 2/6/15 - To Judiciary 2/6/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Government Organization - Amended - Laid over until 3/4/15 - On 3rd reading, House Calendar 3/14/15
- *344. By Sen. Trump, Carmichael and Blair - **Relating to duty to mitigate damages in employment claims** - Introduced 1/28/15 - To Judiciary - Com. sub. reported 2/17/15 - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 6, Acts, Regular Session, 2015
345. By Sen. Sypolt, Blair, Ferns, D. Hall, M. Hall, Laird, Leonhardt, Mullins, Nohe, Trump and Williams - **Relating to jury selection strikes in felony cases** (original similar to H. B. No. 2480) - Introduced 1/28/15 - To Judiciary
- *346. By Sen. Ferns - **Creating Mental Health, Veterans and Service Members Court Act** - Introduced 1/28/15 - To Judiciary then Finance - Com. sub. reported 2/23/15 - To Finance 2/23/15
- *347. By Sen. Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns - **Creating Firearms Act of 2015** - Introduced 1/28/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/18/15 - Vetoed by Governor 3/20/15
- *348. By Sen. Blair, Carmichael and Karnes - **Creating pilot program for drug screening of cash assistance applicants** - Introduced 1/28/15 - To Health and Human Resources then Finance - Com. sub. reported 2/11/15 - To Finance 2/11/15

349. By Sen. Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Williams, Woelfel and Yost - **Relating to Tourism Promotion Fund** (original similar to H. B. No. 2686) - Introduced 1/28/15 - To Economic Development then Finance
350. By Sen. D. Hall, Beach, Blair, Facemire, Ferns, Gaunch, M. Hall, Kessler, Kirkendoll, Laird, Mullins, Plymale, Prezioso, Snyder, Stollings, Trump, Walters, Romano, Nohe, Williams and Leonhardt - **Establishing criminal penalties for assault or battery on utility workers** (original same as H. B. No. 2554) - Introduced 1/28/15 - To Judiciary - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- *351. By Sen. Ferns - **Relating to charitable organization contribution levels requiring independent audit reports** (original same as H. B. No. 2716) - Introduced 1/28/15 - To Judiciary - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Finance - Passed House 3/6/15 - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 44, Acts, Regular Session, 2015
- *352. By Sen. Walters - **Expanding scope of cooperative associations to goods and services including recycling** (original similar to H. B. No. 2603) - Introduced 1/28/15 - To Natural Resources then Judiciary - Com. sub. reported 2/19/15 - To Judiciary 2/19/15 - Com. sub. for com. sub. reported 3/1/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Government Organization - Laid over until 3/12/15 - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 68, Acts, Regular Session, 2015
- *353. By Sen. Walters and Nohe - **Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program** - Introduced 1/28/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/4/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/10/15
354. By Sen. Plymale and Stollings - **Creating Rehabilitation Services Vending Program Fund** - Introduced 1/28/15 - To Finance
355. By Sen. M. Hall - **Relating to quality control procedure for agency rules** (original same as H. B. No. 2591) - Introduced 1/29/15 - To Government Organization then Finance
356. By Sen. D. Hall, Yost and Gaunch - **Providing motorcycle helmet exemption for certain cyclists** - Introduced 1/29/15 - To Transportation and Infrastructure then Judiciary

- *357. By Sen. Mullins, Blair, Boley, Boso, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Carmichael, Kirkendoll, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Williams - **Creating Coal Jobs and Safety Act of 2015** (original similar to H. B. No. 2566) - Introduced 1/29/15 - To Judiciary - Com. sub. reported 2/5/15 - Amended - Passed Senate 2/10/15 - To House 2/11/15 - To Judiciary - Amended - Passed House 2/27/15 - Senate amended House amendment and passed 3/2/15 - House concurred in Senate amendment and passed 3/3/15 - To Governor 3/6/15 - Approved by Governor 3/12/15 - Chapter 52, Acts, Regular Session, 2015
358. By Sen. Leonhardt, Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Maynard, Miller, Mullins, Nohe, Romano, Snyder, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Plymale, Prezioso, Stollings and Kirkendoll - **Requiring court issue divorce certificate reflecting name change** - Introduced 1/29/15 - To Judiciary
359. By Sen. Unger, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, M. Hall, Snyder, Kirkendoll and Kessler - **Relating to suicide prevention awareness** (original same as H. B. No. 2535) - Introduced 1/29/15 - To Education then Finance
360. By Sen. Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire - **Repealing code sections relating to book indexes and claims reports required by court clerks** - Introduced 1/29/15 - To Judiciary - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - Passed House 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 57, Acts, Regular Session, 2015
- *361. By Sen. Blair - **Eliminating prevailing hourly wage requirement for construction of public improvements** (original similar to H. B. No. 2206 and S. B. No. 245) - Introduced 1/29/15 - To Government Organization - Com. sub. reported 2/5/15 2/5/15 - Amended - Passed Senate with amended title 2/12/15 - Effective from passage - To House 2/13/15 - To Government Organization - Amended - Passed House 2/28/15 - Title amended - Senate concurred in House amendments and passed bill 3/3/15 - Effective April 13, 2015 - Senate requests House to concur in changed effective date 3/3/15 - House concurred in Senate effective date 3/4/15 - Effective April 13, 2015 - To Governor 3/6/15 - Approved by Governor 3/12/15 - Chapter 183, Acts, Regular Session, 2015
362. By Sen. Boley, Blair, Karnes and Leonhardt - **Relating to public school curricular standards and assessments** - Introduced 1/29/15 - To Education then Judiciary

363. By Sen. Cole (Mr. President) - **Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims** - Introduced 1/29/15 - To Health and Human Resources then Judiciary - To Judiciary 2/18/15 - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 50, Acts, Regular Session, 2015
364. By Sen. M. Hall, Snyder, D. Hall, Plymale and Facemire - **Exempting State Police Forensic Laboratory from state purchasing guidelines** - Introduced 1/29/15 - To Finance - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- *365. By Sen. Nohe, Gaunch, D. Hall and Palumbo - **Relating to issuance of travel insurance entity producer licenses** (original similar to H. B. No. 2536) - Introduced 1/29/15 - To Banking and Insurance then Judiciary - Com. sub. reported 2/10/15 - To Judiciary 2/10/15
- *366. By Sen. Ferns, Stollings, Walters and D. Hall - **Creating Patient Protection and Transparency Act** - Introduced 1/29/15 - To Banking and Insurance then Finance - Com. sub. reported 2/24/15 - To Finance 2/24/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Health and Human Resources - Passed House 3/10/15 - House further considered bill - Title amended - Senate concurred in House title amendment 3/11/15 - Passed Senate 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 182, Acts, Regular Session, 2015
367. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Authorizing recalculation of base tax revenue amount for sales tax increment financing districts** (original same as H. B. No. 2532) - Introduced 1/29/15 - To Finance
- *368. By Sen. Nohe - **Relating to risk-based capital reporting for health organizations** (original same as H. B. No. 2728) - Introduced 1/29/15 - To Banking and Insurance then Judiciary - Com. sub. reported 2/10/15 - To Judiciary 2/10/15
369. By Sen. Karnes and Leonhardt - **Repealing code sections relating to mandatory state motor vehicle inspections** - Introduced 1/29/15 - To Transportation and Infrastructure then Judiciary
370. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees** (original same as H. B. No. 2565) - Introduced

1/30/15 - To Judiciary then Finance - To Finance 2/9/15 - Passed Senate with amended title 2/24/15 - To House 2/24/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/26/15 - Chapter 81, Acts, Regular Session, 2015

371. By Sen. Carmichael and Karnes - **Applying forum non conveniens doctrine when actions involve resident and nonresident plaintiffs** - Introduced 1/30/15 - To Judiciary
372. By Sen. Carmichael - **Providing for civil action mediation** - Introduced 1/30/15 - To Judiciary
- *373. By Sen. Nohe, Gaunch, D. Hall, Karnes and Blair - **Allowing wireless communication image serve as proof of motor vehicle insurance** - Introduced 1/30/15 - To Banking and Insurance then Judiciary - To Judiciary 2/10/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Senate reconsidered passage of bill - Passed Senate 2/25/15 - To House 2/25/15 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/18/15 - Chapter 175, Acts, Regular Session, 2015
- *374. By Sen. Trump and D. Hall - **Permitting in absentia parole hearings in certain instances** (original same as H. B. No. 2703) - Introduced 1/30/15 - To Judiciary - Com. sub. reported 2/3/15 - Passed Senate 2/6/15 - Effective from passage - To House 2/9/15 - To Judiciary - Passed House 3/6/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 184, Acts, Regular Session, 2015
- *375. By Sen. Trump - **Specifying who receives parole hearing notices via regular or certified mail** (original same as H. B. No. 2721) - Introduced 1/30/15 - To Judiciary - Com. sub. reported 2/3/15 - Passed Senate 2/6/15 - Effective from passage - To House 2/9/15 - To Judiciary - Passed House 3/6/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 185, Acts, Regular Session, 2015
376. By Sen. Trump - **Relating to administration of estates** - Introduced 1/30/15 - To Judiciary
- *377. By Sen. Boso and Gaunch - **Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary** - Introduced 1/30/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary

- *378. By Sen. Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch - **Relicensing electricians without retesting under certain circumstances** - Introduced 1/30/15 - To Government Organization - Com. sub. reported 2/11/15 - Passed Senate 2/16/15 - Effective from passage - To House 2/17/15 - To Government Organization - Passed House 2/20/15 - Effective from passage - To Governor 2/27/15 - Approved by Governor 3/3/15 - Chapter 108, Acts, Regular Session, 2015
- *379. By Sen. Walters, D. Hall, Beach and Miller - **Creating State Infrastructure Fund Program** (original similar to H. B. No. 2778) - Introduced 1/30/15 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/11/15 - To Finance 2/11/15
380. By Sen. Kessler, Stollings, Unger, Miller and Yost - **Relating to when Future Fund deposits are made** - Introduced 1/30/15 - To Finance
381. By Sen. M. Hall, Stollings, D. Hall, Nohe, Boso, Miller, Kessler and Prezioso - **Creating State Police 100th Anniversary Fund** (original same as H. B. No. 2523) - Introduced 1/30/15 - To Finance
382. By Sen. M. Hall and Walters - **Declaring claims against state** - Introduced 1/30/15 - To Finance - Passed Senate 2/17/15 - Effective from passage - To House 2/18/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15 - Chapter 51, Acts, Regular Session, 2015
383. By Sen. D. Hall, Ferns, Kirkendoll, Maynard, Mullins, Takubo and Stollings - **Permitting hunting or trapping on private lands on Sundays** (original same as H. B. No. 2751) - Introduced 2/2/15 - To Natural Resources
- *384. By Sen. D. Hall, Prezioso, Takubo, Stollings and Beach - **Permitting wine sales by specialty shop located in dry county, magisterial district or municipality** - Introduced 2/2/15 - To Government Organization - Com. sub. reported 2/17/15 - Amended - Passed Senate with amended title 2/20/15 - Effective from passage - To House 2/20/15 - To Small Business, Entrepreneurship and Economic Development then Government Organization
- *385. By Sen. D. Hall, Beach, Blair, Ferns, Karnes, Kessler, Kirkendoll, Mullins, Nohe, Sypolt, Trump, Walters, Williams and Stollings - **Regulating transportation network companies** (original same as H. B. No. 2736 and H. B. No. 2889) - Introduced 2/2/15 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 3/1/15 - Amended - Tabled by Senate 3/4/15

386. By Sen. Ferns, Stollings and D. Hall - **Excluding mobile x-ray services from health care provider tax** - Introduced 2/2/15 - To Health and Human Resources then Finance - To Finance 2/11/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Health and Human Resources then Finance - To House Finance 3/10/15
387. By Sen. Walters, Stollings and D. Hall - **Creating Task Force on Prevention of Sexual Abuse of Children** (original same as H. B. No. 2527) - Introduced 2/2/15 - To Judiciary
388. By Sen. Sypolt, Beach, Blair, M. Hall, Kessler, Leonhardt, Prezioso, Snyder, Trump, Unger, Williams, Stollings and Nohe - **Changing remittance procedure for sales and use taxes on homeowners' dues, fees and assessments** - Introduced 2/2/15 - To Finance
389. By Sen. Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization) - **Relating to Board of Registration for Professional Engineers license renewals and reinstatements** - Introduced 2/2/15 - Passed Senate 2/5/15 - Effective from passage - To House 2/6/15 - To Government Organization - Amended - Passed House 2/17/15 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/19/15 - Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action - Senate amended and repassed 2/28/15 - Effective from passage - House concurred in Senate amendment 3/2/15 - Repassed House to meet the objections of the Governor 3/2/15 - Effective from passage - To Governor 3/9/15 - Vetoed by Governor 3/11/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/12/15 - Effective from passage - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 191, Acts, Regular Session, 2015
- *390. By Sen. Trump - **Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects** (original same as H. B. No. 2743) - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary - Amended on 3rd reading - Passed House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 198, Acts, Regular Session, 2015
391. By Sen. Walters, Facemire, Kessler, Laird, Mullins, Nohe, Romano and Plymale - **Relating to unemployment compensation benefit eligibility for certain victims of domestic violence, sexual offenses or stalking** (original same as H. B. No.

- 2520) - Introduced 2/3/15 - To Government Organization then Judiciary - To Judiciary 2/18/15
392. By Sen. Plymale - **Relating to public higher education procurement and payment of expenses** (original same as S. B. No. 455 - similar to H. B. No. 2973) - Introduced 2/3/15 - To Education then Finance
- *393. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reforming juvenile justice system** (original same as H. B. No. 2641) - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - Effective May 17, 2015 - To House 2/27/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/13/15 - Effective May 17, 2015 - Senate amended House amendment and passed 3/14/15 - Effective May 17, 2015 - House concurred in Senate amendment and passed 3/14/15 - Effective May 17, 2015 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 150, Acts, Regular Session, 2015
394. By Sen. M. Hall, Carmichael, D. Hall, Miller and Plymale - **Relating to insurance coverage for rented or leased vehicles when driver has no coverage** (original same as H. B. No. 2557) - Introduced 2/3/15 - To Banking and Insurance then Judiciary
- *395. By Sen. Sypolt, Facemire, Gaunch, Prezioso, Stollings, Plymale, Palumbo and Williams - **Modifying definitions of “battery” and “domestic battery”** - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary
396. By Sen. Sypolt, Facemire, Gaunch, Prezioso, Stollings, D. Hall, Plymale, Karnes, Palumbo, Romano and Williams - **Providing felony offense of domestic violence or sexual offense by strangling** (original similar to H. B. No. 2240) - Introduced 2/3/15 - To Judiciary
397. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring powers and duties of Affordable Housing Trust Fund to Housing Development Fund** (original same as H. B. No. 2612) - Introduced 2/3/15 - To Government Organization then Finance
398. By Sen. Ferns, D. Hall and Stollings - **Extending expiration date for health care provider tax on eligible acute care hospitals** (original same as H. B. No. 2614) - Introduced 2/3/15 - To Health and Human Resources then Finance - To Finance 2/6/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective July 1, 2015 - To House 2/20/15 - To Finance - Amended - Passed House 2/26/15 - Effective July 1, 2015 - Senate concurred in House amendments and passed bill

2/27/15 - Effective July 1, 2015 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Chapter 236, Acts, Regular Session, 2015

399. By Sen. Ferns - **Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units** - Introduced 2/3/15 - To Health and Human Resources then Judiciary - To Judiciary 2/6/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/15
400. By Sen. Ferns - **Exempting certain employers from discriminating against tobacco users** - Introduced 2/3/15 - To Health and Human Resources then Judiciary
401. By Sen. Ferns - **Relating to living arrangements for children in foster care and children sixteen years or older** (original same as H. B. No. 2748) - Introduced 2/3/15 - To Health and Human Resources then Judiciary
402. By Sen. Blair - **Requiring personal income tax return include survey regarding use of tax dollars** - Introduced 2/3/15 - To Finance
403. By Sen. Walters and Nohe - **Increasing period during which recorded and refiled motor vehicle liens are valid** (original same as H. B. No. 2621 and H. B. No. 2673) - Introduced 2/3/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/18/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Judiciary - To House Judiciary - Passed House 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 166, Acts, Regular Session, 2015
- *404. By Sen. Walters - **Requiring routine audits of major information technology projects** - Introduced 2/3/15 - To Government Organization then Finance - Com. sub. reported 2/26/15 - On 2nd reading to Finance 2/26/15
405. By Sen. Walters - **Authorizing qualified entities access to Criminal Identification Bureau for certain purposes** - Introduced 2/3/15 - To Judiciary
406. By Sen. Plymale, Boso and Stollings - **Criminalizing trademark counterfeiting** (original same as H. B. No. 2779 and S. B. No. 454) - Introduced 2/4/15 - To Judiciary
- *407. By Sen. Plymale - **Implementing state safety oversight program** - Introduced 2/4/15 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/18/15 - To Finance 2/18/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Roads and Transportation then Finance - To House Finance - Passed House

3/13/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 223, Acts, Regular Session, 2015

- *408. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to Underwood-Smith Teacher Loan Assistance Program** (original same as H. B. No. 2645) - Introduced 2/4/15 - To Education then Finance - Com. sub. reported 2/28/15 - To Finance 2/28/15
- *409. By Sen. Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams - **Establishing Fair and Open Competition in Governmental Construction Act** - Introduced 2/4/15 - To Labor then Judiciary - Com. sub. reported 2/24/15 - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Passed House 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 116, Acts, Regular Session, 2015
410. By Sen. Stollings, Prezioso, Plymale, Woelfel, Williams, Unger, Takubo, Ferns, Gaunch, D. Hall, Beach, Carmichael, Kessler, Kirkendoll, Palumbo and Nohe - **Relating to liability insurance coverage for county board of education volunteers and student teachers** - Introduced 2/4/15 - To Judiciary then Finance
- *411. By Sen. Takubo, Carmichael, Ferns, Gaunch and Mullins - **Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act** - Introduced 2/4/15 - To Judiciary - Com. sub. reported 2/24/15 - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 36, Acts, Regular Session, 2015
412. By Sen. Blair - **Relating to Real Estate Commission complaint filings** (original same as H. B. No. 2732) - Introduced 2/4/15 - To Government Organization then Judiciary - To Judiciary 2/12/15 - Passed Senate 2/19/15 - To House 2/19/15 - To Government Organization then Judiciary - To House Judiciary - Passed House 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 200, Acts, Regular Session, 2015
- *413. By Sen. D. Hall - **Relating to commercial pesticide control licensing requirements** - Introduced 2/4/15 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 2/24/15 - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 3/3/15

414. By Sen. Plymale, Cole (Mr. President), Stollings and Woelfel - **Creating Local Development Superiority Act** - Introduced 2/4/15 - To Transportation and Infrastructure then Judiciary
415. By Sen. Trump (Originating in Senate Judiciary) - **Relating to circuit judges** - Introduced 2/4/15 - Referred to Finance 2/4/15 - Passed Senate 2/23/15 - To House 2/23/15 - To Judiciary then Finance - To House Finance - Passed House 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 73, Acts, Regular Session, 2015
- *416. By Sen. D. Hall, M. Hall, Prezioso, Boley, Woelfel, Plymale and Beach - **Relating to hotel occupancy tax** (original similar to H. B. No. 2851, H. B. No. 2893 and S. B. No. 512) - Introduced 2/5/15 - To Finance - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Political Subdivisions then Finance - To House Finance 3/6/15
417. By Sen. Snyder and Blair - **Removing certain tax discounts from motor fuel excise tax** - Introduced 2/5/15 - To Finance
418. By Sen. Nohe and Gaunch - **Relating to trustee real estate sale under deed of trust** (original same as H. B. No. 2655) - Introduced 2/5/15 - To Judiciary - Passed Senate 2/25/15 - To House 2/25/15 - To Judiciary - Passed House 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 167, Acts, Regular Session, 2015
419. By Sen. Nohe and Gaunch - **Providing insurance requirements for transportation network companies and drivers** - Introduced 2/5/15 - To Banking and Insurance then Judiciary
420. By Sen. Boley, Carmichael, Karnes, Kessler, Mullins, Plymale, Sypolt, Unger and Kirkendoll - **Relating to retirement benefits for certain employees in kindergarten programs** - Introduced 2/5/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
- *421. By Sen. Trump, Carmichael, Blair and Gaunch - **Relating to punitive damages in civil actions** - Introduced 2/5/15 - To Judiciary - Com. sub. reported 2/13/15 - Rejected by Senate 2/18/15 - Motion to reconsider rejection adopted - Amended on 3rd reading - Passed Senate with amended title 2/19/15 - To House 2/19/15 - To Judiciary - Amended - Passed House 3/9/15 - Senate concurred in House amendments and passed bill 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 5, Acts, Regular Session, 2015
422. By Sen. Plymale, D. Hall, Miller, Unger, Kessler and Stollings - **Raising minimum teacher salaries** - Introduced 2/5/15 - To Education then Finance

- *423. By Sen. M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams and Stollings - **Amending Aboveground Storage Tank Act** (original same as H. B. No. 2574) - Introduced 2/5/15 - To Judiciary - Com. sub. reported 2/25/15 - Amended - Passed Senate 2/28/15 - To House 3/2/15 - To Judiciary - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/19/15 - Approved by Governor 3/27/15 - Chapter 1, Acts, Regular Session, 2015
424. By Sen. Ferns and Stollings - **Eliminating compulsory tuberculosis testing for certain school children and school personnel** (original same as H. B. No. 2669) - Introduced 2/5/15 - To Health and Human Resources then Education - Recommended to Education on 2nd reading 2/24/15
425. By Sen. Plymale, M. Hall, Prezioso, Leonhardt, Walters, Williams, Carmichael, Laird, Kessler, Stollings, Miller and D. Hall - **Relating to investments by MU, WVU and WVSOM** (original same as H. B. No. 2815) - Introduced 2/6/15 - To Education - Passed Senate 2/20/15 - To House 2/20/15 - To Education then Finance - To House Finance - Passed House 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 148, Acts, Regular Session, 2015
426. By Sen. Plymale, Prezioso, Beach, Carmichael, D. Hall, Kessler, Walters and Williams - **Relating to campus police officers of state institutions of higher learning** (original similar to H. B. No. 2780) - Introduced 2/6/15 - To Education
427. By Sen. Unger, Yost, Boley, Nohe, Romano, Beach, Kirkendoll, Prezioso, Miller, Facemire, Kessler, Palumbo, D. Hall, Laird, Williams, Carmichael, Snyder, Stollings and Plymale - **Relating to State Police compensation** (original similar to H. B. No. 2899) - Introduced 2/6/15 - To Finance
428. By Sen. Stollings, Takubo and Kessler - **Relating to hydrocodone combination drug prescriptions** - Introduced 2/6/15 - To Health and Human Resources then Judiciary
429. By Sen. Trump, Williams, D. Hall, Stollings, Miller, Palumbo and Kessler - **Relating to one-day special charitable event license to sell nonintoxicating beer** (original same as H. B. No. 2684) - Introduced 2/6/15 - To Government Organization then Finance - Committee reference dispensed - Passed Senate 2/17/15 - Effective from passage - To House 2/18/15 - To Judiciary then Finance
- *430. By Sen. Trump - **Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions** - Introduced 2/6/15 - To Judiciary - Com. sub. reported 2/9/15 - Amended - Passed Senate 2/12/15 - Effective from passage - To House 2/13/15 - To Judiciary - Amended - Passed House 3/12/15 -

Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 89, Acts, Regular Session, 2015

431. By Sen. Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Williams, Woelfel, Yost and Palumbo - **Relating to graduated salary increases for teachers** - Introduced 2/6/15 - To Education then Finance
432. By Sen. Kessler, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Unger, Woelfel and Yost - **Relating to graduated salary increases for service personnel** - Introduced 2/6/15 - To Government Organization then Finance
433. By Sen. Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Woelfel and Yost - **Relating to graduated salary increases for state employees** - Introduced 2/6/15 - To Government Organization then Finance
434. By Sen. Carmichael, D. Hall, Kirkendoll and Stollings - **Relating to horse racing** (original similar to H. B. No. 2575) - Introduced 2/6/15 - To Finance - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance - Amended - Laid over until 3/14/15 - Amended on 3rd reading - Passed House 3/14/15 - Title amended - Senate refused to concur in House amendment 3/14/15
- *435. By Sen. Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters - **Creating WV Sheriffs' Bureau of Professional Standards** - Introduced 2/9/15 - To Government Organization then Judiciary - Com. sub. reported 2/18/15 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Government Organization - Amended - Passed House 3/3/15 - Senate concurred in House amendments and passed bill 3/4/15 - To Governor 3/9/15 - Vetoed by Governor 3/13/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/13/15 - House concurred in Senate amendment 3/14/15 - Repassed House to meet the objections of the Governor 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 219, Acts, Regular Session, 2015
- *436. By Sen. Nohe - **Relating to State Athletic Commission** - Introduced 2/9/15 - To Government Organization then Finance - Com. sub. reported 2/27/15 - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Government Organization - Amended - Passed House 3/10/15 - Title amended - Senate amended House amendment and passed 3/12/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 221, Acts, Regular Session, 2015

437. By Sen. Prezioso, Beach, Carmichael, D. Hall, Kessler, Walters, Williams and Plymale - **Increasing membership of PEIA Finance Board** (original similar to H. B. No. 2814) - Introduced 2/9/15 - To Government Organization then Finance
438. By Sen. Palumbo, Gaunch, Kessler, Miller, Sypolt, Plymale, Laird, Prezioso, Walters and Stollings - **Creating Sexual Assault Fund to End Rape Act** (original similar to hb 2821) - Introduced 2/9/15 - To Finance
- *439. By Sen. Prezioso, Carmichael, Gaunch, D. Hall, Kessler, Leonhardt, Walters, Williams and Plymale - **Relating to higher education personnel** (original same as H. B. No. 2935) - Introduced 2/9/15 - To Education then Finance - Com. sub. reported 2/27/15 - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Education then Finance - To House Finance - Amended - Passed House 3/14/15 - Title amended - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 135, Acts, Regular Session, 2015
440. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Commerce** (original same as S. B. No. 466) - Introduced 2/9/15 - To Finance
441. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH** (original same as H. B. No. 2692 and S. B. No. 477) - Introduced 2/9/15 - To Finance
442. By Sen. Carmichael - **Relating to interest on judgments and decrees** - Introduced 2/9/15 - To Judiciary
443. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHS** (original same as H. B. No. 2698 and S. B. No. 464) - Introduced 2/10/15 - To Finance
444. By Sen. Karnes, Boley, Gaunch and Leonhardt - **Relating to home schooling** (original similar to H. B. No. 2793) - Introduced 2/10/15 - To Education then Judiciary
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA funds** - Introduced 2/10/15 - To Finance - Passed Senate 2/24/15 - To House 2/24/15 - To Finance - Passed House 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/31/15

- *446. By Sen. Kessler, Beach and Stollings - **Increasing number of terminals authorized by limited video lottery retailer license** - Introduced 2/10/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary then Finance
447. By Sen. Karnes, Boley, Gaunch and Leonhardt - **Allowing issuance of diploma by public, private or home school administrator** - Introduced 2/10/15 - To Education then Judiciary - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Education - Passed House 3/14/15 - Title amended - Senate concurred in House title amendment 3/14/15 - Passed Senate 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 99, Acts, Regular Session, 2015
448. By Sen. Karnes, Boley, Gaunch, Leonhardt, Nohe and Boso - **Relating to PROMISE Scholarship Program** (original same as H. B. No. 2674) - Introduced 2/10/15 - To Education
449. By Sen. Laird, Kirkendoll, Beach, Stollings, Yost, Romano, Williams, Miller, Kessler, Facemire and Snyder - **Relating to salaries for Division of Corrections, RJCFA and Division of Juvenile Services employees** (original same as H. B. No. 2731) - Introduced 2/10/15 - To Finance
450. By Sen. Stollings, Facemire and Snyder - **Creating offense of sexual assault in fourth degree** - Introduced 2/10/15 - To Judiciary
451. By Sen. Carmichael, Leonhardt, Kessler, Nohe, Blair, Romano, Boso and Karnes - **Allowing certain National Guard firefighters to become Air National Guard civilian firefighters** - Introduced 2/10/15 - To Military then Finance
452. By Sen. M. Hall, Stollings and Boley - **Exempting RJCFA employees from classified service** - Introduced 2/10/15 - To Judiciary
- *453. By Sen. Woelfel, Blair, Ferns, Gaunch, M. Hall, Leonhardt, Mullins, Nohe, Plymale, Prezioso, Snyder, Takubo, Trump, Walters, Williams and Karnes - **Relating to motor vehicle dealers, distributors, wholesalers and manufacturers** - Introduced 2/10/15 - To Judiciary - Com. sub. reported 3/2/15 - Amended - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/3/15 - Chapter 172, Acts, Regular Session, 2015
454. By Sen. Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings - **Criminalizing trademark counterfeiting** (original same

as H. B. No. 2779 and S. B. No. 406) - Introduced 2/11/15 - To Judiciary - Passed Senate with amended title 2/28/15 - To House 3/2/15 - To Judiciary - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/18/15 - Chapter 201, Acts, Regular Session, 2015

- *455. By Sen. Prezioso, Carmichael, D. Hall, Kessler, Leonhardt, Plymale, Walters, Williams, Palumbo and Stollings - **Relating to public higher education procurement and payment of expenses** (original same as S. B. No. 392 - similar to H. B. No. 2973) - Introduced 2/11/15 - To Education then Finance - Com. sub. reported 2/17/15 - To Finance 2/17/15 - Com. sub. for com. sub. reported 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Education then Finance - To House Finance - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - Senate reconsidered passage of bill - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/17/15 - Approved by Governor 3/18/15 - Chapter 134, Acts, Regular Session, 2015

- *456. By Sen. Takubo, Gaunch and Stollings - **Relating to letters of merit in medical professional liability actions** - Introduced 2/11/15 - To Judiciary - Com. sub. reported 2/23/15 - Removed from calendar by action of Committee on Rules on 3rd reading

- 457. By Sen. Plymale, Walters and Nohe - **Relating to selection of school athletic coaches or other extracurricular activities coaches** - Introduced 2/11/15 - To Education - Passed Senate 3/2/15 - To House 3/3/15 - To Education

- 458. By Sen. Stollings and Kessler - **Relating to controlling methamphetamine** - Introduced 2/11/15 - To Health and Human Resources then Judiciary

- *459. By Sen. Walters, Kessler, Nohe, Williams, Palumbo, Boso and Stollings - **Relating to development of broadband middle mile infrastructure** - Introduced 2/12/15 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/18/15 - To Finance 2/18/15

- 460. By Sen. Ferns, D. Hall and Stollings - **Modifying requirements allowing child witnesses to testify by closed circuit television** (original similar to H. B. No. 2828) - Introduced 2/12/15 - To Judiciary

- 461. By Sen. Walters, D. Hall and Plymale - **Exempting railroad locomotive fuel from certain fuel excise taxes** - Introduced 2/12/15 - To Finance

- 462. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expiring funds to State Fund, General Revenue, from Auditor's Office, Purchasing**

- Card Administration Fund** (original same as H. B. No. 2772) - Introduced 2/12/15 - To Finance
463. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund** (original same as H. B. No. 2771) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/3/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/11/15 - Chapter 26, Acts, Regular Session, 2015
464. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, DHS** (original same as H. B. No. 2770 and S. B. No. 443) - Introduced 2/12/15 - To Finance
465. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expiring funds to State Fund, General Revenue, from various accounts** (original same as H. B. No. 2769) - Introduced 2/12/15 - To Finance
466. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Commerce** (original same as H. B. No. 2691, H. B. No. 2768 and S. B. No. 440) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/3/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 27, Acts, Regular Session, 2015
467. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee** (original same as H. B. No. 2767) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/3/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 28, Acts, Regular Session, 2015
468. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expiring funds to State Fund, General Revenue, from Joint Expenses and DHHR, DHS, TRIP Fund** (original same as H. B. No. 2766) - Introduced 2/12/15 - To Finance
469. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection** (original same as H. B. No. 2765) - Introduced 2/12/15

- To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15
- To Finance - Passed House 3/3/15 - Effective from passage - To Governor 3/9/15
- Approved by Governor 3/11/15 - Chapter 29, Acts, Regular Session, 2015
470. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of Lottery Net Profits to State Department of Education, School Building Authority, Debt Service Fund** (original same as H. B. No. 2764) - Introduced 2/12/15 - To Finance
471. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS** (original same as H. B. No. 2763) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/3/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 30, Acts, Regular Session, 2015
472. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund** (original same as H. B. No. 2762) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/26/15 - To Finance - Passed House 3/6/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 31, Acts, Regular Session, 2015
473. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DMAPS, WV State Police** (original same as H. B. No. 2761) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/2/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 32, Acts, Regular Session, 2015
474. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original same as H. B. No. 2760) - Introduced 2/12/15 - To Finance
475. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund** (original same as H. B. No. 2759) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/6/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 33, Acts, Regular Session, 2015

476. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund** (original same as H. B. No. 2758) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Passed House 3/2/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 34, Acts, Regular Session, 2015
477. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH** (original same as H. B. No. 2757 and S. B. No. 441) - Introduced 2/12/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Finance - Amended - Passed House 3/3/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/4/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 35, Acts, Regular Session, 2015
478. By Sen. Plymale, Stollings, Snyder, Romano, Williams and Kessler - **Generating and maintaining revenue for road construction and maintenance and infrastructure** - Introduced 2/12/15 - To Transportation and Infrastructure then Finance
479. By Sen. Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary) - **Adding additional family court judges** (original similar to H. B. No. 2108 and S. B. No. 70) - Introduced 2/12/15 - Referred to Finance 2/12/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary then Finance - To House Finance - Passed House 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 74, Acts, Regular Session, 2015
480. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt, Walters, Woelfel and Snyder - **Increasing tax exemption for PERS and TRS income** (original similar to H. B. No. 2113) - Introduced 2/13/15 - To Finance
481. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' investment** - Introduced 2/13/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 210, Acts, Regular Session, 2015

482. By Sen. Carmichael, Blair, D. Hall and Kirkendoll - **Relating to permits for stationary sources of air pollutants** - Introduced 2/13/15 - To Judiciary
483. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' trustees** - Introduced 2/13/15 - To Pensions - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Finance - Amended - Passed House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/31/15 - Chapter 209, Acts, Regular Session, 2015
484. By Sen. Carmichael - **Relating to procedure for removal of certain county, school district and municipal officers** (original similar to H. B. No. 2818) - Introduced 2/13/15 - To Government Organization then Judiciary - To Judiciary 2/20/15 - Passed Senate with amended title 2/25/15 - To House 2/25/15 - To Political Subdivisions then Judiciary
485. By Sen. Carmichael and Boso - **Providing county commissioners mechanism for elected officials' compensation increases** (original same as H. B. No. 2865) - Introduced 2/13/15 - To Government Organization
- *486. By Sen. Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters - **Authorizing special license plates for Civil Air Patrol vehicles** (original same as H. B. No. 2753) - Introduced 2/13/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Roads and Transportation then Judiciary - 2nd reference dispensed - Passed House 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/27/15 - Chapter 171, Acts, Regular Session, 2015
487. By Sen. D. Hall, Blair, Boley, Boso, Carmichael, Gaunch, M. Hall, Karnes, Kirkendoll, Leonhardt, Mullins, Nohe, Prezioso, Sypolt, Takubo and Trump - **Creating Freedom of Conscience Protection Act** (original same as H. B. No. 2830) - Introduced 2/13/15 - To Judiciary
- *488. By Sen. Williams, Prezioso and Stollings - **Creating Broadband Enhancement Council** - Introduced 2/13/15 - To Government Organization - Com. sub. reported 2/26/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Government Organization - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/26/15 - Chapter 41, Acts, Regular Session, 2015
489. By Sen. Carmichael - **Imposing statute of limitations on civil actions derived from surveying of real property** - Introduced 2/13/15 - To Judiciary - Passed

Senate with amended title 2/25/15 - To House 2/25/15 - To Judiciary - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 2, Acts, Regular Session, 2015

490. By Sen. Mullins, Gaunch, D. Hall, M. Hall, Kessler, Kirkendoll, Leonhardt, Prezioso, Stollings, Williams and Plymale - **Adding certain facilities and operations to protected parties relating to crimes against property** - Introduced 2/13/15 - To Natural Resources then Judiciary
491. By Sen. Kessler, Ferns, D. Hall, Kirkendoll, Leonhardt, Mullins and Prezioso - **Creating bid preference for certain limited video lottery current permit holders** (original same as H. B. No. 2809) - Introduced 2/16/15 - To Finance
492. By Sen. Beach, Williams, D. Hall, Miller, Stollings and Walters - **Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.** (original similar to H. B. No. 2804, H. B. No. 2944 and S. B. No. 42) - Introduced 2/16/15 - To Government Organization then Judiciary
493. By Sen. Carmichael, Ferns, Stollings, Takubo and Trump - **Relating to authority to waive incapacitated person's right to jury trial** (original same as H. B. No. 2781) - Introduced 2/16/15 - To Judiciary
494. By Sen. Takubo, Carmichael, Ferns, M. Hall, Maynard, Mullins, Nohe, Plymale, Prezioso, Stollings, Trump, Williams and Gaunch - **Relating to prescriptions for epinephrine auto-injectors** - Introduced 2/16/15 - To Health and Human Resources then Judiciary
495. By Sen. Leonhardt and Kessler - **Relating to County Local Powers Act** - Introduced 2/16/15 - To Transportation and Infrastructure then Finance
496. By Sen. D. Hall, Boso, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Mullins, Nohe, Takubo, Walters, Williams and Stollings - **Creating Statewide Interoperable Radio Network Act** (original same as H. B. No. 2871, H. B. No. 2952 - similar to H. B. No. 2785) - Introduced 2/16/15 - To Finance
497. By Sen. Stollings, Prezioso, Williams, Facemire, Gaunch, D. Hall, Laird and Snyder - **Permitting school nurses to possess and administer opioid antagonists** - Introduced 2/16/15 - To Health and Human Resources then Judiciary
498. By Sen. Sypolt, Boso, Carmichael, Kessler, Snyder, Prezioso and Facemire - **Clarifying tax map rules apply to paper and electronic documents** (original same as H. B. No. 2838) - Introduced 2/16/15 - To Government Organization - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - On 2nd reading, House Calendar 3/14/15

499. By Sen. Williams, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings and D. Hall - **Creating Tourist-Oriented Directional Signs Program** (original same as H. B. No. 2940) - Introduced 2/16/15 - To Transportation and Infrastructure then Government Organization - On 2nd reading to Government Organization 2/26/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Roads and Transportation then Finance
500. By Sen. Karnes, Blair, Boley, Boso, Gaunch, D. Hall, Kirkendoll, Leonhardt, Mullins, Nohe, Takubo and Walters - **Providing procedure for delegate selection to Article V Convention** (original similar to H. B. No. 2424) - Introduced 2/17/15 - To Judiciary
501. By Sen. Karnes, Blair, Boley, Boso, Gaunch, D. Hall, Leonhardt, Mullins, Nohe and Walters - **Requiring annual report by persons practicing midwifery** (original same as H. B. No. 2829) - Introduced 2/17/15 - To Health and Human Resources
502. By Sen. Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings - **Relating to eligibility for certain reclamation or remediation tax credit** (original same as H. B. No. 2816) - Introduced 2/17/15 - To Finance - Amended - Passed Senate with amended title 2/28/15 - To House 3/2/15 - Reference dispensed - Amended - Passed House 3/11/15 - Title amended - Senate concurred in House amendments and passed bill 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/24/15 - Chapter 226, Acts, Regular Session, 2015
503. By Sen. Kirkendoll, Beach, Facemire, D. Hall, Kessler, Laird, Stollings, Yost, Romano and Palumbo - **Permitting sheriff hire outside attorneys for tax collection assistance** (original similar to H. B. No. 2847) - Introduced 2/17/15 - To Government Organization then Judiciary - To Judiciary 2/24/15 - Amended - Passed Senate with amended title 2/28/15 - To House 3/2/15 - To Judiciary then Finance
504. By Sen. Kirkendoll - **Authorizing collection of additional local 911 fees** - Introduced 2/17/15 - To Transportation and Infrastructure then Government Organization
505. By Sen. D. Hall, Ferns and Mullins - **Creating Physicians Lien Act** - Introduced 2/17/15 - To Judiciary
506. By Sen. Carmichael - **Requiring licensing of athletic trainers** (original same as H. B. No. 2746) - Introduced 2/17/15 - To Government Organization

507. By Sen. Trump and Plymale - **Relating to monitoring inmates' electronic communications** (original same as H. B. No. 2964) - Introduced 2/17/15 - To Judiciary - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - Passed House 3/6/15 - Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 69, Acts, Regular Session, 2015
508. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Hatfield-McCoy Regional Recreation Authority** (original same as H. B. No. 2835) - Introduced 2/17/15 - To Natural Resources then Judiciary - To Judiciary 2/19/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - Reference dispensed - Laid over until 2/27/15 - Amended - Passed House 2/28/15 - Senate concurred in House amendments and passed bill 3/2/15 - To Governor 3/10/15 - Approved by Governor 3/13/15 - Chapter 117, Acts, Regular Session, 2015
509. By Sen. Trump - **Relating to waste by cotenant** - Introduced 2/17/15 - To Judiciary
510. By Sen. Ferns - **Amending Uniform Interstate Family Support Act** (original same as H. B. No. 2834) - Introduced 2/18/15 - To Interstate Cooperation then Judiciary - To Judiciary 2/23/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Judiciary - Passed House 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/31/15 - Chapter 239, Acts, Regular Session, 2015
511. By Sen. Boso and Stollings - **Relating to contractor or subcontractor's obligations regarding minimum prevailing wage rates on public improvement projects** - Introduced 2/18/15 - To Judiciary
512. By Sen. D. Hall - **Exempting complimentary hotel rooms from hotel occupancy tax** - Introduced 2/18/15 - To Finance
513. By Sen. D. Hall - **Establishing minimum standards for unconventional well sites** - Introduced 2/18/15 - To Energy, Industry and Mining then Judiciary
514. By Sen. Gaunch and Plymale - **Relating to investments of local policemen's and firemen's pension and relief funds** - Introduced 2/18/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/19/15 - Approved by Governor 3/24/15 - Chapter 142, Acts, Regular Session, 2015

515. By Sen. Gaunch and Plymale - **Relating to Municipal Pensions Oversight Board fund investments** - Introduced 2/19/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Political Subdivisions then Finance - To House Finance - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 177, Acts, Regular Session, 2015
- *516. By Sen. Leonhardt, Karnes and Blair - **Relating to practice of advance practice registered nurses** - Introduced 2/19/15 - To Health and Human Resources then Finance - Com. sub. reported 2/27/15 - To Finance 2/27/15
517. By Sen. D. Hall - **Exempting privilege of producing coalbed methane gas from severance tax** - Introduced 2/19/15 - To Finance
518. By Sen. Blair, Carmichael, Snyder, Trump and Unger - **Permitting county and municipal economic development authorities invest certain funds** - Introduced 2/19/15 - To Government Organization then Finance - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/12/15 - Title amended - Senate refused to concur in House amendment 3/13/15 - House refused to recede and requested conference 3/14/15 - To conference 3/14/15 - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 70, Acts, Regular Session, 2015
519. By Sen. Laird, Carmichael, Gaunch, Mullins, Palumbo, Prezioso, Stollings, Walters, Williams, Nohe, Snyder and Plymale - **Relating to Nonprofit Youth Organization Tax Exemption Support Amendment enabling legislation** (original similar to H. B. No. 3015) - Introduced 2/19/15 - To Finance
520. By Sen. Walters, Blair, Miller, Snyder and Woelfel - **Creating Local Energy Efficiency Partnership Act** (original same as H. B. No. 2945) - Introduced 2/19/15 - To Government Organization then Finance - To Finance 2/25/15
521. By Sen. Kessler - **Requiring employer provide group life insurance policy under certain circumstances** - Introduced 2/19/15 - To Banking and Insurance then Judiciary
522. By Sen. Laird, Miller and Kessler - **Increasing wholesale liquor prices for promotion of travel and tourism** (original same as H. B. No. 2915) - Introduced 2/19/15 - To Finance

- *523. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Alcohol and Drug Overdose Prevention and Clemency Act** (original same as H. B. No. 2631) - Introduced 2/19/15 - To Judiciary - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 128, Acts, Regular Session, 2015
524. By Sen. Prezioso, Sypolt and Blair - **Requiring higher education institutions award transfer credit** (original same as H. B. No. 2594) - Introduced 2/19/15 - To Education
525. By Sen. M. Hall - **Exempting services of individuals authorized to practice before IRS from consumers sales and service tax** - Introduced 2/19/15 - To Finance
526. By Sen. Kessler, Miller, Laird and Yost - **Relating to expungement of certain felony convictions** - Introduced 2/19/15 - To Judiciary
527. By Sen. Miller and D. Hall - **Eliminating certain qualification requirements of Commissioner of Agriculture** - Introduced 2/20/15 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/24/15
528. By Sen. Kessler, Beach, Laird, Miller, Snyder and Yost - **Creating Earned Sick Time Act** (original same as H. B. No. 2874) - Introduced 2/20/15 - To Labor then Judiciary then Finance
- *529. By Sen. Gaunch and Carmichael - **Relating to PERS, SPRS and TRS benefits and costs** - Introduced 2/20/15 - To Finance - Com. sub. reported 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance - Amended - Passed House 3/14/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - Senate further considered bill - Effective from passage - House concurred in Senate effective date 3/14/15 - Effective from passage - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/18/15 - Effective from passage - House concurred in Senate amendment 3/18/15 - Repassed House to meet the objections of the Governor 3/18/15 - Effective from passage - To Governor 3/27/15 - Approved by Governor 4/3/15 - Chapter 204, Acts, Regular Session, 2015
530. By Sen. Yost, Ferns, Kessler, Snyder and Romano - **Extending income tax exemption for retirees receiving pensions from certain defined pension plans** (original same as H. B. No. 3003) - Introduced 2/20/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance 3/6/15

531. By Sen. Kessler, Palumbo, Romano, Stollings and Unger - **Increasing cigarette tax to fund substance abuse and workforce development** - Introduced 2/20/15 - To Finance
532. By Sen. Trump, Woelfel, Plymale, Stollings, Takubo, Prezioso, Carmichael, Ferns and Beach - **Relating to civil liability immunity for clinical practice plans and medical and dental school personnel** - Introduced 2/20/15 - To Judiciary then Finance - To Finance 2/23/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/9/15 - Senate amended House amendment and passed 3/10/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/23/15 - Approved by Governor 3/24/15 - Chapter 165, Acts, Regular Session, 2015
533. By Sen. Laird, D. Hall, Trump, Boso and Romano - **Prohibiting visual obstruction of motor vehicle registration plates** - Introduced 2/20/15 - To Transportation and Infrastructure then Judiciary
534. By Sen. Takubo, Stollings, Kessler and Prezioso - **Increasing cigarette tax** (original similar to H. B. No. 2559) - Introduced 2/20/15 - To Finance
535. By Sen. Nohe and Boso - **Exempting certain community rehabilitation programs from taxes on sales of personal property and services** - Introduced 2/20/15 - To Finance
536. By Sen. Woelfel - **Expanding definition of "kidnapping"** (original similar to H. B. No. 2963) - Introduced 2/20/15 - To Judiciary
- *537. By Sen. D. Hall and Boso - **Changing mandatory school instructional time from days to minutes** - Introduced 2/20/15 - To Education - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Education - Amended - Passed House 3/14/15 - Effective from passage - House further considered bill - Title amended - House reconsidered effective date - Effective from passage - Senate refused to concur in House amendment 3/14/15
538. By Sen. Kirkendoll, Romano, Trump, Facemire and Snyder - **Relating to hearings before Office of Administrative Hearings** (original similar to H. B. No. 2850) - Introduced 2/20/15 - To Judiciary
539. By Sen. Carmichael, D. Hall, Nohe and Trump - **Relating to release of medical records in certain civil actions** (original same as H. B. No. 2795) - Introduced 2/20/15 - To Judiciary

540. By Sen. Plymale, Palumbo, Prezioso, Stollings, Unger, Facemire, D. Hall and Laird - **Creating Office of Early Childhood Collaboration** (original same as H. B. No. 2974) - Introduced 2/20/15 - To Government Organization then Finance
- *541. By Sen. Carmichael, Blair and D. Hall - **Relating to regulation and control of elections** - Introduced 2/23/15 - To Judiciary - Com. sub. reported 3/2/15 - Rereferred to Judiciary on 2nd reading 3/2/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - On 2nd reading, House Calendar 3/14/15
- *542. By Sen. D. Hall, Carmichael, M. Hall, Gaunch, Trump, Blair and Nohe - **Clarifying provisions of Consumer Credit and Protection Act relating to debt collection** (original same as H. B. No. 2891) - Introduced 2/23/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 63, Acts, Regular Session, 2015
543. By Sen. Trump - **Redistributing certain lottery revenues to State Excess Lottery Revenue Fund** - Introduced 2/23/15 - To Finance
544. By Sen. Sypolt, Stollings and D. Hall - **Establishing procedures for body mass index screening in schools** - Introduced 2/23/15 - To Education then Finance - To Finance 2/27/15
545. By Sen. Nohe, Walters, Palumbo and Gaunch - **Removing certain prior bank overdraft approval by director or executive officer** - Introduced 2/23/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Banking and Insurance then Finance - 2nd reference dispensed - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 38, Acts, Regular Session, 2015
546. By Sen. Carmichael, Kessler and D. Hall - **Creating Compassionate Use Act for Medical Cannabis** (original same as H. B. No. 2909) - Introduced 2/23/15 - To Health and Human Resources then Judiciary
547. By Sen. Stollings and D. Hall - **Creating WV Greyhound Racing Cessation Program** (original similar to H. B. No. 2650) - Introduced 2/23/15 - To Finance
- *548. By Sen. Blair, Karnes and Leonhardt - **Changing procedure for filling U. S. Senator vacancies** - Introduced 2/23/15 - To Judiciary - Com. sub. reported 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15

549. By Sen. M. Hall, Blair, Kessler, Unger and D. Hall - **Establishing classifications and salary schedules for State Police forensic lab civilian employees** - Introduced 2/23/15 - To Finance - Passed Senate 3/2/15 - To House 3/3/15 - To Finance - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/19/15 - Vetoed by Governor 4/2/15
550. By Sen. Kirkendoll, Kessler, Stollings and Unger - **Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation** (original same as H. B. No. 2970) - Introduced 2/23/15 - To Government Organization - Passed Senate 3/3/15 - To House 3/4/15 - To Political Subdivisions then Judiciary
551. By Sen. D. Hall, Kirkendoll, Leonhardt, Palumbo, Romano, Unger and Sypolt - **Relating to PERS military service credit** (original same as H. B. No. 2929 - similar to S. B. No. 300) - Introduced 2/23/15 - To Finance
552. By Sen. D. Hall - **Relating to Tourism Promotion Fund** - Introduced 2/23/15 - To Finance
553. By Sen. Sypolt, Blair, Karnes and Takubo - **Establishing English as official state language** (original same as H. B. No. 2573) - Introduced 2/23/15 - To Judiciary
554. By Sen. Walters - **Limiting broadband/Internet service termination fees** - Introduced 2/23/15 - To Finance
555. By Sen. Ferns, Blair and D. Hall - **Continuing Office of EMS as independent office within DMAPS** (original same as H. B. No. 2971) - Introduced 2/23/15 - To Government Organization
556. By Sen. M. Hall and Ferns - **Relating to provisional social worker license requirements** (original same as H. B. No. 2949) - Introduced 2/23/15 - To Government Organization
557. By Sen. D. Hall and Takubo - **Requiring licensing of athletic trainers** - Introduced 2/23/15 - To Health and Human Resources
558. By Sen. Trump, Blair and D. Hall - **Permitting scholarship awards by conservation districts** - Introduced 2/23/15 - To Finance
559. By Sen. M. Hall and Ferns - **Relating to social work provisional licensing** (original same as H. B. No. 2948) - Introduced 2/23/15 - To Government Organization - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To

- Government Organization - Amended - Passed House 3/6/15 - Title amended - Senate concurred in House amendments and passed bill 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 220, Acts, Regular Session, 2015
560. By Sen. Trump and D. Hall - **Establishing special revenue fund for use of certain Supreme Court advanced technology** (original same as hb 2833) - Introduced 2/23/15 - To Finance - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
561. By Sen. Laird and Kessler - **Establishing Economic Adjustment Evaluation Task Force** - Introduced 2/23/15 - To Finance
562. By Sen. Yost and Kessler - **Requiring DHHR review health care providers' rates** - Introduced 2/23/15 - To Health and Human Resources then Finance
563. By Sen. D. Hall - **Relating to racetrack video lottery and table games** - Introduced 2/23/15 - To Finance
564. By Sen. Trump and Nohe - **Authorizing Shallow Gas Well Review Board grant certain waivers** (original same as H. B. No. 2946) - Introduced 2/23/15 - To Energy, Industry and Mining then Judiciary
565. By Sen. Walters, D. Hall, Miller and Sypolt - **Relating to tax collections from certain political subdivision vendors** (original same as H. B. No. 2988) - Introduced 2/23/15 - To Finance
566. By Sen. Takubo - **Creating Hotel and Restaurant Renovation Tax Credit Act** (original same as H. B. No. 2917 and H. B. No. 3000) - Introduced 2/23/15 - To Finance
567. By Sen. Takubo, Leonhardt, Maynard, Nohe and Karnes - **Requiring legislative approval for Medicaid expansion** - Introduced 2/23/15 - To Health and Human Resources then Finance
568. By Sen. Takubo - **Transferring Medicaid Fraud Control Unit from DHHR to Attorney General** - Introduced 2/23/15 - To Health and Human Resources then Finance - To Finance 2/27/15
569. By Sen. Maynard, Karnes and Leonhardt - **Permitting bear hunting with outfitters** - Introduced 2/23/15 - To Natural Resources
570. By Sen. Walters - **Mandating dispatch of local services for emergency towing** - Introduced 2/23/15 - To Government Organization

571. By Sen. Maynard - **Requiring log call sheets for 911 calls** - Introduced 2/23/15
- To Government Organization
572. By Sen. Walters, Unger and Karnes - **Eliminating distribution of Tourism Promotion Funds for courtesy patrol program** (original similar to H. B. No. 2921) - Introduced 2/23/15 - To Finance
573. By Sen. Trump, Carmichael, Nohe, D. Hall, Palumbo and Gaunch (Originating in Senate Judiciary) - **Relating to number of magistrates seated in each county** - Introduced 2/23/15 - Referred to Finance 2/23/15
574. By Sen. Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll and Williams (Originating in Senate Judiciary) - **Relating to liquor sales by distilleries and mini-distilleries** - Introduced 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary - Passed House 3/10/15 - Title amended - Senate amended House amendment and passed 3/12/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 14, Acts, Regular Session, 2015
575. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Transferring private investigative and security services from Secretary of State to State Police** - Introduced 2/26/15 - Referred to Finance 2/26/15
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Relating to internet protocol-enabled service and voice over internet protocol-enabled service** - Introduced 2/26/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Government Organization - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 4/2/15 - Chapter 197, Acts, Regular Session, 2015
577. By Sen. D. Hall, Boley, Karnes, Laird, Plymale, Romano, Stollings, Takubo and Sypolt (Originating in Senate Education) - **Allowing higher education governing boards invest certain funds with nonprofit foundations** - Introduced 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance - Amended - Passed House 3/14/15 - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 149, Acts, Regular Session, 2015

578. By Sen. Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams - **Relating to occupational disease claims** - Introduced 2/27/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary - Passed House 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/24/15 - Chapter 244, Acts, Regular Session, 2015
579. By Sen. Trump, Carmichael, Ferns, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Clarifying restriction on limited video lottery location near business selling petroleum products** - Introduced 2/27/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Judiciary
580. By Sen. Trump, Carmichael, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to statute of limitations on health care injury claims for minors** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective from passage - To House 3/4/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage
581. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Relating to courtesy patrol program** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective July 1, 2015 - To House 3/4/15 - To Finance - Amended - Passed House 3/12/15 - Effective July 1, 2015 - Senate concurred in House amendments and passed bill 3/13/15 - Effective July 1, 2015 - To Governor 3/19/15 - Approved by Governor 3/26/15 - Chapter 72, Acts, Regular Session, 2015
582. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to Herbert Henderson Office of Minority Affairs** - Introduced 3/2/15 - Passed Senate 3/4/15 - Effective from passage - To House 3/5/15 - To Judiciary - Amended on 3rd reading - Passed House 3/14/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/27/15 - Vetoed by Governor 3/31/15
583. By Sen. M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Increasing tax rate on providers of certain nursing facility services** - Introduced 3/2/15 - Passed Senate 3/4/15 - Effective July 1, 2015 - To House 3/5/15 - To Finance - Amended - Passed House 3/12/15 - Title amended - Effective July 1, 2015 - Senate concurred in House amendments and passed bill 3/13/15 - Effective July 1, 2015 - To Governor 3/23/15 - Approved by Governor 3/26/15 - Chapter 235, Acts, Regular Session, 2015

584. By Sen. M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation** - Introduced 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Finance - Amended - Passed House 3/14/15 - Senate amended House amendment and passed 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/3/15
585. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to regulation of transportation network and taxicab companies** - Introduced 3/2/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - Postpone Indefinitely - On 2nd reading, House Calendar 3/14/15

ALL SENATE JOINT RESOLUTIONS OFFERED

1. By Sen. Boley - **Proposing constitutional amendment designated School Board Election Amendment** (original same as H. J. R. No. 14) - Introduced 1/14/15 - To Education then Judiciary
2. By Sen. Kessler, Williams, Laird and Miller - **Proposing constitutional amendment designated Future Fund Amendment** - Introduced 1/14/15 - To Judiciary then Finance
3. By Sen. Snyder and Miller - **Proposing constitutional amendment designated Homestead Exemption Calculation Amendment** - Introduced 1/14/15 - To Judiciary then Finance
4. By Sen. Trump, D. Hall, Plymale and Prezioso - **Proposing constitutional amendment designated Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment** (original similar to H. J. R. No. 6) - Introduced 2/3/15 - To Finance
5. By Sen. Boley, Gaunch, Leonhardt, Maynard and Nohe - **Proposing constitutional amendment designated School Board Membership Amendment** - Introduced 2/5/15 - To Judiciary
6. By Sen. Leonhardt, Kessler and Stollings - **Proposing constitutional amendment designated County Economic Development Amendment** - Introduced 2/16/15 - To Judiciary

ALL SENATE CONCURRENT RESOLUTIONS OFFERED

1. By Sen. Cole, M. Hall and Kessler - **Authorizing payment of supplies, services, printing and other expenses** - Introduced 1/14/15 - Committee reference dispensed - Adopted by Senate 1/14/15 - To House 1/15/15 - Reference dispensed - Adopted by House 1/15/15
2. By Sen. D. Hall and Stollings - **Requesting DOH name US Rt. 54/6 in Wyoming County “Virginia & U. S. Army Major Woodrow Cook Memorial Road”** - Introduced 1/14/15 - To Transportation and Infrastructure
3. By Sen. Palumbo, Blair and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County “U. S. Army Sgt. James Lawrence Taylor Memorial Road”** - Introduced 1/14/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
4. By Sen. Yost, Snyder, Romano and Gaunch - **Requesting Joint Committee on Government and Finance study issues facing military veterans and active duty service personnel** - Introduced 1/15/15 - To Military then Rules - To Rules 1/22/15
5. By Sen. Sypolt and Blair - **Urging Governor fill Board of Education vacancies** - Introduced 1/15/15 - To Education
6. By Sen. D. Hall and Stollings - **Requesting DOH name bridge in Raleigh County “John Thomas Scott II Memorial Bridge”** - Introduced 1/16/15 - To Transportation and Infrastructure - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Roads and Transportation 2/25/15
7. By Sen. Sypolt, Williams and Beach - **Requesting DOH name bridge in Preston County “Army Air Force SGT Everett Wayne ‘Bud’ Sell Memorial Bridge”** - Introduced 1/16/15 - To Transportation and Infrastructure
8. By Sen. Trump, Blair, M. Hall, Leonhardt, Mullins, Unger, Williams, Kirkendoll, Romano, Snyder, Facemire, Stollings and D. Hall - **Urging US EPA withdraw and/or rescind proposed definition of “waters of the United States”** - Introduced 1/16/15 - To Agriculture and Rural Development - Adopted by Senate 1/28/15 - To House 1/29/15 - To Rules - To House Rules 1/29/15
9. By Sen. Beach - **Petitioning Congress call convention for proposal of constitutional amendments** - Introduced 1/19/15 - To Judiciary

10. By Sen. Trump, Kessler, Unger, Nohe, D. Hall and Prezioso - **Designating September each year as US Constitution Month** - Introduced 1/21/15 - To Judiciary - Adopted by Senate 2/13/15 - To House 2/16/15 - To Rules - To House Rules 2/16/15 - Adopted by House 3/14/15
11. By Sen. Yost, Facemire, Kessler, Romano, D. Hall, Snyder, Unger, Plymale, Sypolt and Williams - **Requesting Joint Committee on Government and Finance study workplace safety at state-operated behavioral health facilities** - Introduced 1/23/15 - To Health and Human Resources then Rules - To Health and Human Resources 1/26/15
12. By Sen. Cole (Mr. President), Carmichael and Kessler - **Adopting Joint Rules of Senate and House of Delegates** - Introduced 1/26/15 - Committee reference dispensed - Adopted by Senate 1/26/15 - To House 1/27/15 - Reference dispensed - Adopted by House 1/27/15
13. By Sen. Ferns, D. Hall and Sypolt - **Urging Congress propose balanced budget amendment** - Introduced 1/27/15 - To Finance - Referred to Judiciary 3/10/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Judiciary - To House Judiciary 3/13/15
- *14. By Sen. Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost - **Requesting DOH erect signs in Marion County designated "Home of Francis H. Pierpont, Father of West Virginia and Governor of Restored Virginia"** - Introduced 1/30/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Rules - To House Rules 2/25/15 - Adopted by House 3/4/15
15. By Sen. Palumbo, Williams, Stollings, Beach and Plymale - **Requesting DOH name bridge in Kanawha County "Tom Williams Family Bridge"** - Introduced 2/4/15 - To Transportation and Infrastructure
16. By Sen. D. Hall, Miller and Plymale - **Urging Congress recognize May 4 as National FPIES Awareness Day** - Introduced 2/4/15 - To Health and Human Resources
17. By Sen. Trump, Plymale and Romano - **Requesting Joint Committee on Government and Finance study probate process** - Introduced 2/4/15 - To Rules
- *18. By Sen. Kessler, Leonhardt, Yost, Plymale and Beach - **Requesting DOH name bridge in Wetzel County "U. S. Army COL William L. Glover Memorial Bridge"** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15

- *19. By Sen. Maynard, Plymale, Kirkendoll and Stollings - **Requesting DOH name stretch of road in Wayne County “Darrell W. Sanders Memorial Highway”** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15
- *20. By Sen. Maynard, Plymale, D. Hall and Stollings - **Requesting DOH name stretch of road in McDowell County “U. S. Army 1SG Joe C. Alderman Memorial Road”** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
21. By Sen. Karnes, Blair, Boley, Ferns, Gaunch, D. Hall, Boso, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump and Walters - **Urging Congress call convention for proposal of constitutional amendments imposing fiscal restraints, limiting jurisdiction and setting term limits** - Introduced 2/5/15 - To Interstate Cooperation then Judiciary - To Judiciary 2/19/15
22. By Sen. Stollings and Plymale - **Requesting DOH name portion of U. S. Rt. 119 in Boone County “U. S. Army SGT Mark Andrew Messer Memorial Road”** - Introduced 2/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
23. By Sen. Maynard, Plymale and Stollings - **Requesting DOH name bridge in McDowell County “U. S. Army SFC Anthony Barton Memorial Bridge”** - Introduced 2/10/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
24. By Sen. Maynard, Plymale, Stollings and Leonhardt - **Requesting DOH name portion of Rt. 16 in McDowell County “U. S. Marine Corps LtCol Dennis Ray Blankenship Memorial Road”** - Introduced 2/10/15 - To Transportation and Infrastructure
25. By Sen. Prezioso, D. Hall, Plymale, Williams and Stollings - **Requesting DOH name bridge in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and “U. S. Army SSG Benjamin T. Portaro Memorial Bridge”** - Introduced 2/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15

26. By Sen. Stollings - **Requesting DOH name bridge in Boone County “USMC PFC Marshall Lee King Memorial Bridge”** - Introduced 2/11/15 - To Transportation and Infrastructure
27. By Sen. Maynard, Kirkendoll and Stollings - **Requesting DOH name portion of WV Rt. 152 in Wayne County “Wayne County Veterans Memorial Highway”** - Introduced 2/12/15 - To Transportation and Infrastructure
28. By Sen. Carmichael - **Requesting Joint Committee on Government and Finance study magistrate court cost collection process** - Introduced 2/13/15 - To Rules
29. By Sen. Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall - **Requesting DOH name bridge in Kanawha County “Rosie the Riveter Memorial Bridge”** - Introduced 2/16/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
30. By Sen. Prezioso, Beach, D. Hall, Stollings, Williams, Romano and Plymale - **Requesting DOH name portion of Rt. 19 in Marion County “Nicholas Lou ‘Nick’ Saban, Jr., Expressway”** - Introduced 2/17/15 - To Transportation and Infrastructure
31. By Sen. Cole (Mr. President) - **Authorizing meeting of Joint Select Committee on Tax Reform** - Introduced 2/19/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15 - Adopted by House 3/10/15
32. By Sen. Blair - **Amending Joint Rules of Senate and House of Delegates by adding Joint Rule 31, Unfinished Business** - Introduced 2/20/15 - To Rules
33. By Sen. Carmichael, M. Hall, Trump, Walters, Blair, Kessler, Laird, Miller, Unger, Facemire and Yost - **Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program** - Introduced 2/20/15 - To Finance then Rules - To Rules 2/27/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15 - Adopted by House 3/14/15
- *34. By Sen. Woelfel, Miller, Laird, Unger and Stollings - **Requesting DOH name bridge in Greenbrier County “U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge”** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15

- *35. By Sen. Stollings and Unger - **Requesting DOH name bridge in McDowell County “U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony ‘Tony’ Gero Memorial Bridge”** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- *36. By Sen. Maynard - **Requesting DOH name bridge in McDowell County “Homer Hopkins Bridge”** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/13/15 - Adopted by Senate 3/14/15 - To House 3/14/15 - Adopted by House 3/14/15
37. By Sen. Nohe, Gaunch, Prezioso and Ferns (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study pharmaceutical benefits management industry** - Introduced 2/24/15 - Referred to Rules 2/24/15 - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15 - Adopted by House 3/14/15
38. By Sen. Snyder, Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Williams and Woelfel (Originating in Senate Judiciary) - **Requesting transfer of WV from EPA Region III to EPA Region IV** - Introduced 2/24/15 - Adopted by Senate 2/26/15 - To House 2/26/15 - To Judiciary then Rules - To House Judiciary 2/26/15
39. By Sen. Carmichael, M. Hall, Nohe, Plymale and Stollings - **Requesting Joint Committee on Government and Finance study Cedar Lakes Camp and Conference Center** - Introduced 2/25/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15
40. By Sen. M. Hall and Stollings - **Requesting DOH name bridge in Putnam County “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”** - Introduced 2/25/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Roads and Transportation 3/5/15
41. By Sen. Blair, Trump and Stollings - **Requesting DOH name bridge in Berkeley County “W. C. Honaker and Clyde Spies Memorial Bridge”** - Introduced 2/25/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
42. By Sen. Laird, Miller, Carmichael and Stollings - **Requesting DOH name bridge in Fayette County “Tygrett Brothers Seven Veterans Bridge”** - Introduced

- 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
43. By Sen. Boso and Stollings - **Requesting DOH name bridge in Nicholas County “U. S. Army SPC Richard Nesselrotte Bridge”** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
44. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County “U. S. Navy PO2 Robert Paul Laderach Memorial Bridge”** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
45. By Sen. Carmichael and Stollings - **Requesting DOH name bridge in Jackson County “James P. Spano, Jr., Memorial Bridge”** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
46. By Sen. D. Hall and Stollings - **Requesting DOH name bridge in Raleigh County “U. S. Army PFC Shelby Dean Stover Memorial Bridge”** - Introduced 2/26/15 - To Transportation and Infrastructure
47. By Sen. Cole (Mr. President) and Kessler - **Amending Joint Rules of Senate and House relating to printing enrolled bills** - Introduced 2/27/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15 - Adopted by House 3/10/15
48. By Sen. Stollings - **Requesting Joint Committee on Government and Finance study agreements between county commissions and municipalities regarding demolition of buildings unfit for human habitation** - Introduced 2/28/15 - To Rules - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
49. By Sen. Trump and Snyder (Originating in Senate Judiciary) - **Requesting Joint Committee on Government and Finance study placement of magistrates within regional jails** - Introduced 2/28/15 - Referred to Rules 2/28/15
50. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966** - Introduced 2/28/15 - Adopted by Senate 3/1/15 - To House 3/3/15 - To Finance - Adopted by House 3/7/15

51. By Sen. Stollings and Kirkendoll - **Requesting DOH name bridge in Boone County “U. S. Army PFC Samuel C. Ball Memorial Bridge”** - Introduced 3/4/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
52. By Sen. Sypolt, Beach, Boley, Boso, Ferns, Gaunch, Karnes, Plymale and Stollings - **Requesting Board of Education study teacher preparation programs** - Introduced 3/5/15 - To Education - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
53. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County “U. S. Army PFC Samuel Reed Summerfield Memorial Bridge”** - Introduced 3/5/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
54. By Sen. Kirkendoll and Stollings - **Requesting DOH name stretch of road in Logan County “USMC LCpl Larry G. Williamson Memorial Highway”** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
55. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County “U. S. Army SP4 Terry Robert Albright Memorial Road”** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
56. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County “U. S. Army Colonel Anna M. Butcher Road”** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
57. By Sen. D. Hall, M. Hall, Kirkendoll, Snyder and Stollings - **Requesting Joint Committee on Government and Finance study public utility regulation by political subdivisions** - Introduced 3/6/15 - To Rules
58. By Sen. Takubo, Ferns, Blair, Leonhardt, Maynard, Mullins, Kessler, Stollings and Yost (Originating in Senate Economic Development) - **Requesting Joint Committee on Government and Finance study small business group retirement savings program** - Introduced 3/7/15 - Referred to Rules 3/6/15

59. By Sen. Plymale, Gaunch, Yost and Stollings - **Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab** - Introduced 3/8/15 - To Rules - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15 - Adopted by House 3/14/15
60. By Sen. Kirkendoll and Stollings - **Requesting DOH name bridge in Logan County “U. S. Army SGT Bernard C. Maynard Memorial Bridge”** - Introduced 3/10/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15 - To House 3/14/15 - Adopted by House 3/14/15
61. By Sen. Romano, Facemire and Stollings - **Requesting DOH name bridge in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge”** - Introduced 3/11/15 - To Transportation and Infrastructure
62. By Sen. M. Hall, Snyder, Prezioso, D. Hall and Stollings - **Requesting Joint Committee on Government and Finance study racing and gaming industries** - Introduced 3/11/15 - To Rules - Adopted by Senate 3/14/15 - To House 3/14/15 - Adopted by House 3/14/15
63. Originating in Senate Rules - **Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment** - Introduced 3/12/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15 - Adopted by House 3/14/15
64. By Sen. Yost, Boley and Takubo - **Requesting Joint Committee on Government and Finance study development of state occupational safety and health plan** - Introduced 3/13/15 - To Rules
65. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study state road funding needs** - Introduced 3/13/15 - Referred to Rules 3/14/15
66. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study highway and bridge revenue sources** - Introduced 3/13/15 - Referred to Rules 3/14/15 - Adopted by Senate 3/14/15 - To House 3/14/15 - Adopted by House 3/14/15
67. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study statewide fiber optic broadband infrastructure network** - Introduced 3/13/15 - Referred to Rules 3/14/15

68. By Sen. Palumbo and Stollings - **Requesting Joint Committee on Government and Finance study public library funding** - Introduced 3/14/15 - To Rules - Adopted by Senate 3/14/15 - To House 3/14/15 - Adopted by House 3/14/15

ALL SENATE RESOLUTIONS OFFERED

1. By Sen. Carmichael - **Adopting Rules of Senate** - Introduced 1/14/15 - Committee reference dispensed - Amended - Adopted 1/14/15
2. By Sen. Carmichael - **Raising committee to notify House Senate has assembled and organized** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
3. By Sen. Carmichael - **Raising committee to notify Governor Legislature has organized** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
4. By Sen. M. Hall - **Relating to mailing of bills and journals** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
5. By Sen. Beach, Plymale, Williams, Stollings, Prezioso and D. Hall - **Celebrating Monongalia County** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/15/15
6. By Sen. Williams, Sypolt, Blair, Trump, Plymale, D. Hall and Beach - **Honoring Doris Marks on Mineral County Day** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/15/15
7. By Sen. M. Hall - **Authorizing appointment of employees** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/16/15
8. By Sen. Palumbo, Beach, Stollings and Williams - **Recognizing jazz drummer Butch Miles** - Introduced 1/16/15 - Committee reference dispensed - Adopted 1/16/15
9. By Sen. Ferns, Stollings, Palumbo, Kessler, Unger, Beach, Plymale, D. Hall, Trump and Prezioso - **Designating January 21, 2015, Disability Advocacy Day** - Introduced 1/21/15 - Committee reference dispensed - Adopted 1/21/15
10. By Sen. Palumbo, Plymale and Beach - **Recognizing Nuru International** - Introduced 1/21/15 - Committee reference dispensed - Adopted 1/21/15

11. By Sen. Leonhardt, Facemire, Kessler, D. Hall and Plymale - **Recognizing Calhoun and Gilmer counties** - Introduced 1/23/15 - Committee reference dispensed - Adopted 1/23/15
12. By Sen. Unger, Snyder, Blair, Trump, Kessler, Beach, Prezioso and Stollings - **Recognizing Leadership Berkeley** - Introduced 1/26/15 - Committee reference dispensed - Adopted 1/26/15
13. By Sen. Sypolt, Boley, Stollings, Plymale, Unger, Williams, D. Hall, Beach, Kessler, Nohe and Leonhardt - **Designating January 27, 2015, Higher Education Day at Legislature** - Introduced 1/27/15 - Committee reference dispensed - Adopted 1/27/15
14. By Sen. Karnes, Boso, Stollings, Unger, D. Hall, Williams, Beach and Kessler - **Designating January 27, 2015, Randolph County Day at Legislature** - Introduced 1/27/15 - Committee reference dispensed - Adopted 1/27/15
15. By Sen. Romano, Beach and Williams - **Recognizing independent insurance agent Timothy W. Dyer** - Introduced 1/27/15 - Committee reference dispensed - Adopted 1/27/15
16. By Sen. D. Hall, Kessler, Stollings, Plymale, Palumbo, Laird and Williams - **Designating January 28, 2015, Generation West Virginia Day** - Introduced 1/28/15 - Committee reference dispensed - Adopted 1/28/15
17. By Sen. Ferns, Kessler, Stollings, Plymale, Palumbo, Laird and Williams - **Designating January 28, 2015, Kids at Risk Day at Legislature** - Introduced 1/28/15 - Committee reference dispensed - Adopted 1/28/15
18. By Sen. Walters, Stollings, Plymale, Palumbo and Williams - **Recognizing value and importance of state's innovation industry** - Introduced 1/28/15 - Committee reference dispensed - Adopted 1/28/15
19. By Sen. D. Hall, Ferns, Takubo, Stollings, Nohe, Unger, Williams and Beach - **Recognizing February 6, 2015, National Wear Red Day** - Introduced 2/2/15 - Committee reference dispensed - Adopted 2/2/15
20. By Sen. Blair, Trump, Unger, Plymale and Williams - **Congratulating Dr. Allen Glasgow, 2015 Outstanding Tree Farmer** - Introduced 2/3/15 - Committee reference dispensed - Adopted 2/3/15
21. By Sen. Stollings, Prezioso, Palumbo, Laird, M. Hall, Romano, Williams, Kirkendoll, Kessler, Beach, Plymale, D. Hall and Nohe - **Recognizing February**

- 4, 2015, Social Work Day** - Introduced 2/4/15 - Committee reference dispensed - Adopted 2/4/15
22. By Sen. Takubo, Miller, Laird, D. Hall, Romano, Kessler, Stollings, Beach, Plymale, Boso and Williams - **Recognizing WV School of Osteopathic Medicine** - Introduced 2/4/15 - Committee reference dispensed - Adopted 2/4/15
23. By Sen. Leonhardt, Beach, D. Hall, Miller and Plymale - **Recognizing WV Wing of Civil Air Patrol** - Introduced 2/6/15 - Committee reference dispensed - Adopted 2/6/15
24. By Sen. Unger, Snyder, Plymale, Beach, Kessler, Stollings and Prezioso - **Recognizing Leadership Jefferson** - Introduced 2/9/15 - Committee reference dispensed - Adopted 2/9/15
25. By Sen. Trump, Laird, Plymale, Blair, Yost, Williams, Miller, Beach, Prezioso, Stollings, Kessler and Unger - **Designating February 10, 2015, Corrections Day** - Introduced 2/10/15 - Committee reference dispensed - Adopted 2/10/15
26. By Sen. Trump, Carmichael, Laird, Kessler, Palumbo, Plymale, Stollings, Walters, Yost, Prezioso, Williams, Miller and Unger - **Designating February 10, 2015, Drug Court Day** - Introduced 2/10/15 - Committee reference dispensed - Adopted 2/10/15
27. By Sen. Sypolt, Stollings, D. Hall, Prezioso and Williams - **Recognizing Youth Leadership Association** - Introduced 2/12/15 - Committee reference dispensed - Adopted 2/12/15
28. By Sen. Sypolt, Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Takubo, Williams, Stollings, Unger, Walters, Woelfel and Yost - **Designating February 12, 2015, WV Home School Day** - Introduced 2/12/15 - Committee reference dispensed - Adopted 2/12/15
29. By Sen. Williams, Prezioso, Beach, Sypolt, Kessler, Leonhardt, Plymale, D. Hall, Unger, Nohe, Stollings, Snyder, Yost and Laird - **Designating February 13, 2015, WVU and WVU Extension Service Day** - Introduced 2/13/15 - Committee reference dispensed - Adopted 2/13/15
30. By Sen. Walters, Unger, Stollings, Gaunch, D. Hall, Boley, M. Hall, Leonhardt, Maynard, Nohe, Palumbo and Takubo - **Designating February 16, 2015, WVSU Day** - Introduced 2/16/15 - Committee reference dispensed - Adopted 2/16/15

31. By Sen. Leonhardt, D. Hall, Snyder, Unger, Laird, Prezioso, Stollings and Williams - **Designating February 16, 2015, Veterans Visibility Day** - Introduced 2/16/15 - Committee reference dispensed - Adopted 2/16/15
32. By Sen. Nohe, Stollings, Unger and D. Hall - **Recognizing Wood County Detachment 1087 of Marine Corps League** - Introduced 2/16/15 - Committee reference dispensed - Adopted 2/16/15
33. By Sen. Miller, Stollings, Snyder, Unger, Williams, Prezioso and Plymale - **Designating February 17, 2015, Local Food Systems Day at Legislature** - Introduced 2/17/15 - Committee reference dispensed - Adopted 2/17/15
34. By Sen. Unger, Prezioso, Plymale, Snyder and Stollings - **Recognizing Delta Sigma Theta Sorority, Inc.** - Introduced 2/17/15 - Committee reference dispensed - Adopted 2/18/15
35. By Sen. Ferns, Plymale, Kessler and D. Hall - **Recognizing Robert Sincavich, Chairman of American Wholesale Marketers Association** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
36. By Sen. Plymale, Woelfel, Yost, Unger, Kessler, Laird, Stollings, Nohe, Prezioso and D. Hall - **Memorializing life of Marshall University President Stephen J. Kopp** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
37. By Sen. Plymale, Woelfel, Kessler, Laird, Stollings, D. Hall, Unger, Yost, Nohe and Prezioso - **Recognizing Marshall University football team and designating February 18, 2015, Marshall University Day** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
38. By Sen. Kirkendoll, Stollings, Williams, Unger, Kessler and Yost - **Recognizing WV Auxiliary of Wives Behind the Badge** - Introduced 2/19/15 - Committee reference dispensed - Adopted 2/19/15
39. By Sen. Stollings, Unger, Kessler and D. Hall - **Recognizing Whitesville, a Turn This Town Around community** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15
40. By Sen. Woelfel, Plymale, Unger and Stollings - **Celebrating 2014 Barboursville Intermediate Little League All-Stars** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15
41. By Sen. Carmichael, Unger, Stollings and D. Hall - **Recognizing Ripley, a Turn This Town Around community** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15

42. By Sen. Walters and Stollings - **Congratulating Famous Superstars Cheerleading Team** - Introduced 2/24/15 - Committee reference dispensed - Adopted 2/24/15
43. By Sen. Walters, Yost, Stollings and Plymale - **Congratulating Linsly School hockey team** - Introduced 2/24/15 - Committee reference dispensed - Adopted 2/24/15
44. By Sen. Walters, Beach, Stollings, Prezioso, Williams and Plymale - **Recognizing WV "Rosie the Riveters"** - Introduced 2/25/15 - Committee reference dispensed - Adopted 2/25/15
45. By Sen. Ferns, Boley, Carmichael, Snyder, Unger, D. Hall, Yost, Leonhardt, Stollings, Beach and Williams - **Designating February 25, 2015, WV Nurses Unity Days** - Introduced 2/25/15 - Committee reference dispensed - Adopted 2/25/15
46. By Sen. Kessler, Prezioso, Williams, Yost, Stollings and Plymale - **Reaffirming commitment between Taiwan and West Virginia** - Introduced 2/26/15 - Committee reference dispensed - Adopted 2/26/15
47. By Sen. Stollings, D. Hall, Plymale, Prezioso and Williams - **Designating week of March 2, 2015, Multiple Sclerosis Awareness Week** - Introduced 2/27/15 - Committee reference dispensed - Adopted 2/27/15
48. By Sen. Cole (Mr. President) and Kessler - **Amending Senate Rule No. 49 relating to Journal** - Introduced 2/27/15 - To Rules - Adopted 3/3/15
49. By Sen. Ferns, Yost, Kessler, Leonhardt and Stollings - **Recognizing 175th anniversary of Bethany College** - Introduced 3/2/15 - Committee reference dispensed - Adopted 3/2/15
50. By Sen. D. Hall, Stollings and Yost - **Designating March 10, 2015, American Red Cross Day** - Introduced 3/5/15 - To Health and Human Resources
51. By Sen. D. Hall, Stollings, Ferns, Prezioso, Gaunch, Walters and Williams - **Honoring Nancy Stuart Tonkin** - Introduced 3/9/15 - Committee reference dispensed - Adopted 3/9/15
52. By Sen. D. Hall, Miller, Plymale, Stollings and Yost - **Recognizing May 4, 2015, National FPIES Awareness Day** - Introduced 3/10/15 - Committee reference dispensed - Adopted 3/10/15

53. By Sen. Prezioso, Stollings, Palumbo, Williams, Leonhardt and Yost - **Recognizing Major General James A. Hoyer** - Introduced 3/10/15 - Committee reference dispensed - Adopted 3/10/15
54. By Sen. D. Hall, Stollings, Palumbo, Prezioso, Yost and Williams - **Designating March, 2015, American Red Cross Month** - Introduced 3/10/15 - Committee reference dispensed - Adopted 3/10/15
55. By Sen. Sypolt, Williams, Prezioso, Stollings and Plymale - **Designating March 11, 2015, Preston County Day at Legislature** - Introduced 3/11/15 - Committee reference dispensed - Adopted 3/11/15
56. By Sen. Plymale, Woelfel, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams and Yost - **Memorializing life of Honorable Mack Clarkson Jarrell** - Introduced 3/11/15 - Committee reference dispensed - Adopted 3/11/15
57. Originating in Senate Rules - **Authorizing Committee on Confirmations to meet and be paid during interims of 82nd Legislature** - Introduced 3/12/15 - Adopted 3/12/15
58. By Sen. Carmichael - **Raising committee to notify House Senate is ready to adjourn sine die** - Introduced 3/18/15 - Committee reference dispensed - Adopted 3/18/15
59. By Sen. Carmichael - **Raising committee to notify Governor Legislature is ready to adjourn sine die** - Introduced 3/18/15 - Committee reference dispensed - Adopted 3/18/15

SENATE BILLS COMMUNICATED TO HOUSE

- *1. By Sen. Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo - **Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators** (original same as H. B. No. 2001 - similar to H. B. No. 2106, H. B. No. 2201 and H. B. No. 2409) - Introduced 1/14/15 - To Energy, Industry and Mining - Com. sub. reported 1/19/15 - Amended - Passed Senate with amended title 1/21/15 - To House 1/22/15 - To Energy then Judiciary

- *8. By Sen. Blair, Boley, Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President) - **Providing for DOH performance and efficiency audit** (original same as H. B. No. 2008) - Introduced 1/14/15 - To Government Organization - Com. sub. reported 1/23/15 - Passed Senate 1/28/15 - To House 1/29/15 - To Finance

- *14. By Sen. Sypolt, Walters, Blair, Cole (Mr. President) and Takubo - **Creating Public Charter Schools Act of 2015** (original same as H. B. No. 2014) - Introduced 1/14/15 - To Education - Com. sub. reported 2/18/15 - Referred to Finance 2/18/15 - Amended - Passed Senate with amended title 3/2/15 - To House 3/3/15 - To Education - To House Finance - On 3rd reading, House Calendar 3/14/15

- *17. By Sen. Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano - **Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle** - Introduced 1/14/15 - To Natural Resources then Government Organization - Com. sub. reported 2/26/15 - Committee reference dispensed - Passed Senate 3/1/15 - To House 3/2/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/9/15

- *42. By Sen. Beach and Williams - **Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.** (original similar to H. B. No. 2804, H. B. No. 2944 and S. B. No. 492) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/16/15 - Passed Senate 2/19/15 - Effective from passage - To House 2/20/15 - To Judiciary then Finance

- *43. By Sen. Palumbo - **Limiting tolling of statute of limitations for third-party complaints** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/21/15 - Passed Senate 1/26/15 - To House 1/27/15 - To Judiciary

- 63. By Sen. Stollings and Kirkendoll - **Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/14/15 - To Judiciary then Finance - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance 3/10/15

- *94. By Sen. Laird, Miller, Stollings, Facemire and Romano - **Establishing driver's license restoration program** - Introduced 1/14/15 - To Judiciary then Finance - Com. sub. reported 1/30/15 - To Finance 1/30/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Roads and Transportation then Judiciary

- *109. By Sen. Blair and Leonhardt - **Relating to local indoor smoking prohibitions** - Introduced 1/14/15 - To Military then Judiciary - To Military 1/14/15 - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 2/20/15

- Amended - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary
122. By Sen. Snyder, Facemire and Romano - **Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding** - Introduced 1/14/15 - To Military then Government Organization - To Government Organization 2/12/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Veterans' Affairs and Homeland Security then Government Organization
- *254. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act** (original same as H. B. No. 2525) - Introduced 1/19/15 - To Pensions then Finance - Com. sub. reported 2/26/15 - To Finance 2/26/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
- *278. By Sen. Karnes - **Relating to lawful and unlawful methods of hunting** (original similar to H. B. No. 2420) - Introduced 1/21/15 - To Natural Resources then Judiciary - Com. sub. reported 2/17/15 - To Judiciary 2/17/15 - Com. sub. for com. sub. reported 2/25/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/3/15
285. By Sen. Nohe, Gaunch and Plymale - **Relating to primary and subordinate mortgage loans** (original same as H. B. No. 2223) - Introduced 1/22/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Amended - Passed Senate 2/24/15 - Title amended - To House 2/24/15 - To Banking and Insurance then Judiciary
- *291. By Sen. Ferns, D. Hall, Karnes and Leonhardt - **Clarifying power of Attorney General to contract for outside legal services** - Introduced 1/23/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary
- *320. By Sen. D. Hall and Trump - **Standardizing notification process for revocation of certificates of authority** (original same as H. B. No. 2680) - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary
- *325. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Relating to filing of candidates' financial disclosure statements** - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - Amended on 3rd reading - Passed House 3/14/15 - Senate refused to concur in House amendment 3/14/15

326. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Eliminating campaign finance reporting by candidates for delegate to national convention** - Introduced 1/27/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary
- *334. By Sen. Ferns - **Relating to practice of medicine and surgery or podiatry** (original same as H. B. No. 2497) - Introduced 1/27/15 - To Government Organization then Health and Human Resources - To Health and Human Resources 1/30/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
341. By Sen. D. Hall, Trump, Blair, Beach, Karnes, Sypolt, Williams and Woelfel (Originating in Senate Agriculture and Rural Development) - **Permitting Agriculture Commissioner approve and submit Livestock Care Standards Board rules** - Introduced 1/27/15 - Passed Senate 1/30/15 - Effective from passage - To House 2/2/15 - To Agriculture and Natural Resources then Judiciary
- *343. By Sen. Blair, Snyder and Nohe - **Exempting chiropractors from continuing education requirement on mental health conditions common to veterans** - Introduced 1/28/15 - To Government Organization then Judiciary - Com. sub. reported 2/6/15 - To Judiciary 2/6/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Government Organization - Amended - Laid over until 3/4/15 - On 3rd reading, House Calendar 3/14/15
350. By Sen. D. Hall, Beach, Blair, Facemire, Ferns, Gaunch, M. Hall, Kessler, Kirkendoll, Laird, Mullins, Plymale, Prezioso, Snyder, Stollings, Trump, Walters, Romano, Nohe, Williams and Leonhardt - **Establishing criminal penalties for assault or battery on utility workers** (original same as H. B. No. 2554) - Introduced 1/28/15 - To Judiciary - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- *353. By Sen. Walters and Nohe - **Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program** - Introduced 1/28/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/4/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/10/15
364. By Sen. M. Hall, Snyder, D. Hall, Plymale and Facemire - **Exempting State Police Forensic Laboratory from state purchasing guidelines** - Introduced 1/29/15 - To Finance - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary

- *377. By Sen. Boso and Gaunch - **Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary** - Introduced 1/30/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary
- *384. By Sen. D. Hall, Prezioso, Takubo, Stollings and Beach - **Permitting wine sales by specialty shop located in dry county, magisterial district or municipality** - Introduced 2/2/15 - To Government Organization - Com. sub. reported 2/17/15 - Amended - Passed Senate with amended title 2/20/15 - Effective from passage - To House 2/20/15 - To Small Business, Entrepreneurship and Economic Development then Government Organization
386. By Sen. Ferns, Stollings and D. Hall - **Excluding mobile x-ray services from health care provider tax** - Introduced 2/2/15 - To Health and Human Resources then Finance - To Finance 2/11/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Health and Human Resources then Finance - To House Finance 3/10/15
- *395. By Sen. Sypolt, Facemire, Gaunch, Prezioso, Stollings, Plymale, Palumbo and Williams - **Modifying definitions of "battery" and "domestic battery"** - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary
399. By Sen. Ferns - **Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units** - Introduced 2/3/15 - To Health and Human Resources then Judiciary - To Judiciary 2/6/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/15
- *413. By Sen. D. Hall - **Relating to commercial pesticide control licensing requirements** - Introduced 2/4/15 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 2/24/15 - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 3/3/15
- *416. By Sen. D. Hall, M. Hall, Prezioso, Boley, Woelfel, Plymale and Beach - **Relating to hotel occupancy tax** (original similar to H. B. No. 2851, H. B. No. 2893 and S. B. No. 512) - Introduced 2/5/15 - To Finance - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Political Subdivisions then Finance - To House Finance 3/6/15
420. By Sen. Boley, Carmichael, Karnes, Kessler, Mullins, Plymale, Sypolt, Unger and Kirkendoll - **Relating to retirement benefits for certain employees in**

- kindergarten programs** - Introduced 2/5/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
429. By Sen. Trump, Williams, D. Hall, Stollings, Miller, Palumbo and Kessler - **Relating to one-day special charitable event license to sell nonintoxicating beer** (original same as H. B. No. 2684) - Introduced 2/6/15 - To Government Organization then Finance - Committee reference dispensed - Passed Senate 2/17/15 - Effective from passage - To House 2/18/15 - To Judiciary then Finance
434. By Sen. Carmichael, D. Hall, Kirkendoll and Stollings - **Relating to horse racing** (original similar to H. B. No. 2575) - Introduced 2/6/15 - To Finance - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance - Amended - Laid over until 3/14/15 - Amended on 3rd reading - Passed House 3/14/15 - Title amended - Senate refused to concur in House amendment 3/14/15
- *446. By Sen. Kessler, Beach and Stollings - **Increasing number of terminals authorized by limited video lottery retailer license** - Introduced 2/10/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary then Finance
457. By Sen. Plymale, Walters and Nohe - **Relating to selection of school athletic coaches or other extracurricular activities coaches** - Introduced 2/11/15 - To Education - Passed Senate 3/2/15 - To House 3/3/15 - To Education
484. By Sen. Carmichael - **Relating to procedure for removal of certain county, school district and municipal officers** (original similar to H. B. No. 2818) - Introduced 2/13/15 - To Government Organization then Judiciary - To Judiciary 2/20/15 - Passed Senate with amended title 2/25/15 - To House 2/25/15 - To Political Subdivisions then Judiciary
498. By Sen. Sypolt, Boso, Carmichael, Kessler, Snyder, Prezioso and Facemire - **Clarifying tax map rules apply to paper and electronic documents** (original same as H. B. No. 2838) - Introduced 2/16/15 - To Government Organization - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - On 2nd reading, House Calendar 3/14/15
499. By Sen. Williams, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings and D. Hall - **Creating Tourist-Oriented Directional Signs Program** (original same as H. B. No. 2940) - Introduced 2/16/15 - To Transportation and Infrastructure then Government Organization - On 2nd reading to Government Organization 2/26/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Roads and Transportation then Finance

503. By Sen. Kirkendoll, Beach, Facemire, D. Hall, Kessler, Laird, Stollings, Yost, Romano and Palumbo - **Permitting sheriff hire outside attorneys for tax collection assistance** (original similar to H. B. No. 2847) - Introduced 2/17/15 - To Government Organization then Judiciary - To Judiciary 2/24/15 - Amended - Passed Senate with amended title 2/28/15 - To House 3/2/15 - To Judiciary then Finance
530. By Sen. Yost, Ferns, Kessler, Snyder and Romano - **Extending income tax exemption for retirees receiving pensions from certain defined pension plans** (original same as H. B. No. 3003) - Introduced 2/20/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance 3/6/15
- *537. By Sen. D. Hall and Boso - **Changing mandatory school instructional time from days to minutes** - Introduced 2/20/15 - To Education - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Education - Amended - Passed House 3/14/15 - Effective from passage - House further considered bill - Title amended - House reconsidered effective date - Effective from passage - Senate refused to concur in House amendment 3/14/15
- *541. By Sen. Carmichael, Blair and D. Hall - **Relating to regulation and control of elections** - Introduced 2/23/15 - To Judiciary - Com. sub. reported 3/2/15 - Rereferred to Judiciary on 2nd reading 3/2/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - On 2nd reading, House Calendar 3/14/15
- *548. By Sen. Blair, Karnes and Leonhardt - **Changing procedure for filling U. S. Senator vacancies** - Introduced 2/23/15 - To Judiciary - Com. sub. reported 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
550. By Sen. Kirkendoll, Kessler, Stollings and Unger - **Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation** (original same as H. B. No. 2970) - Introduced 2/23/15 - To Government Organization - Passed Senate 3/3/15 - To House 3/4/15 - To Political Subdivisions then Judiciary
560. By Sen. Trump and D. Hall - **Establishing special revenue fund for use of certain Supreme Court advanced technology** (original same as hb 2833) - Introduced 2/23/15 - To Finance - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance

579. By Sen. Trump, Carmichael, Ferns, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Clarifying restriction on limited video lottery location near business selling petroleum products** - Introduced 2/27/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Judiciary
580. By Sen. Trump, Carmichael, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to statute of limitations on health care injury claims for minors** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective from passage - To House 3/4/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage
585. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to regulation of transportation network and taxicab companies** - Introduced 3/2/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - Postpone Indefinitely - On 2nd reading, House Calendar 3/14/15

SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

6. By Sen. D. Hall and Stollings - **Requesting DOH name bridge in Raleigh County “John Thomas Scott II Memorial Bridge”** - Introduced 1/16/15 - To Transportation and Infrastructure - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Roads and Transportation 2/25/15
8. By Sen. Trump, Blair, M. Hall, Leonhardt, Mullins, Unger, Williams, Kirkendoll, Romano, Snyder, Facemire, Stollings and D. Hall - **Urging US EPA withdraw and/or rescind proposed definition of “waters of the United States”** - Introduced 1/16/15 - To Agriculture and Rural Development - Adopted by Senate 1/28/15 - To House 1/29/15 - To Rules - To House Rules 1/29/15
13. By Sen. Ferns, D. Hall and Sypolt - **Urging Congress propose balanced budget amendment** - Introduced 1/27/15 - To Finance - Referred to Judiciary 3/10/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Judiciary - To House Judiciary 3/13/15
38. By Sen. Snyder, Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Williams and

- Woelfel (Originating in Senate Judiciary) - **Requesting transfer of WV from EPA Region III to EPA Region IV** - Introduced 2/24/15 - Adopted by Senate 2/26/15 - To House 2/26/15 - To Judiciary then Rules - To House Judiciary 2/26/15
39. By Sen. Carmichael, M. Hall, Nohe, Plymale and Stollings - **Requesting Joint Committee on Government and Finance study Cedar Lakes Camp and Conference Center** - Introduced 2/25/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15
40. By Sen. M. Hall and Stollings - **Requesting DOH name bridge in Putnam County “U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge”** - Introduced 2/25/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Roads and Transportation 3/5/15
48. By Sen. Stollings - **Requesting Joint Committee on Government and Finance study agreements between county commissions and municipalities regarding demolition of buildings unfit for human habitation** - Introduced 2/28/15 - To Rules - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
52. By Sen. Sypolt, Beach, Boley, Boso, Ferns, Gaunch, Karnes, Plymale and Stollings - **Requesting Board of Education study teacher preparation programs** - Introduced 3/5/15 - To Education - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15

HOUSE BILLS COMMUNICATED TO SENATE

- *2001. By Del. Gearheart, Nelson, J., Arvon, Ellington, Folk, White, B., Frich, Hill, Householder, Moffatt and Shott - **Repealing portions of the Alternative and Renewable Energy Portfolio Act** (original same as S. B. No. 1) - Introduced 1/14/15 - To Energy then Judiciary - To House Judiciary 1/16/15 - Passed House 1/22/15 - Title amended - To Senate 1/23/15 - Committee reference dispensed - Passed Senate 1/27/15 - Effective from passage - Senate requests House to concur in changed effective date 1/27/15 - House concurred in Senate effective date 1/28/15 - Effective from passage - To Governor 1/29/15 - Approved by Governor 2/3/15 - Chapter 55, Acts, Regular Session, 2015
- *2002. By Del. Wagner, Overington, Evans, A., Anderson, Waxman, Shott, Kelly, Nelson, E., Folk, Espinosa and Mr. Speaker (Mr. Armstead) - **Predicating actions for damages upon principles of comparative fault** (original same as S. B. No. 2 - similar to S. B. No. 103) - Introduced 1/14/15 - To Judiciary - Amended - Passed House 1/27/15 - Title amended - To Senate 1/28/15 - To Judiciary - Amended -

Passed Senate with amended title 2/9/15 - House refused to concur and requested Senate to recede 2/10/15 - Senate refused to recede and requested conference 2/11/15 - To conference 2/12/15 - Conference committee extended- Joint Rules 2/19/15 - House adopted conference report and passed bill 2/23/15 - Senate adopted conference report and passed bill 2/24/15 - To Governor 3/2/15 - Approved by Governor 3/5/15 - Chapter 59, Acts, Regular Session, 2015

- *2004. By Del. Nelson, J., Howell, Statler, Walters, Foster, Zatezalo, White, B., Moffatt, Stansbury, Gearheart and Butler - **Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act** (original same as S. B. No. 4) - Introduced 1/14/15 - To Energy then Judiciary - To House Judiciary 1/23/15 - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Judiciary - Amended - Passed Senate with amended title 2/18/15 - Effective from passage - House concurred in Senate amendment and passed 2/19/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15 - Chapter 109, Acts, Regular Session, 2015
- *2005. By Del. Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt - **Relating to alternative programs for the education of teachers** (original same as S. B. No. 5) - Introduced 1/14/15 - To Education then Finance - To House Finance 1/27/15 - Amended - Passed House 2/10/15 - Title amended - Effective July 1, 2015 - To Senate 2/11/15 - To Education then Finance - To Education 2/11/15 - On 2nd reading to Finance 3/9/15 - Amended - Passed Senate with amended title 3/13/15 - Effective July 1, 2015 - House concurred in Senate amendment and passed 3/14/15 - Effective ninety days from passage - To Governor 3/27/15 - Approved by Governor 4/2/15 - Chapter 237, Acts, Regular Session, 2015
- *2008. By Del. Summers, Evans, D., Hamrick, Ashley, Ireland, Stansbury, Gearheart, Nelson, E., Howell, Blair and Kurcaba - **Auditing the Division of Highways** (original same as S. B. No. 8) - Introduced 1/14/15 - To Government Organization then Finance - To House Finance 1/19/15 - Amended - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Finance - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 86, Acts, Regular Session, 2015
- *2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Introduced 1/14/15 - To Judiciary - Passed House 2/4/15 - To Senate 2/5/15 - To Judiciary - Amended - Passed Senate with amended title 2/20/15 - House concurred in Senate amendment and passed 2/23/15 - To Governor 3/2/15

- Vetoed by Governor 3/6/15 - House amended and repassed to meet the objections of the Governor 3/9/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 103, Acts, Regular Session, 2015

- *2011. By Del. Hanshaw, Shott, Nelson, E., Rohrbach, Sobonya, Weld, Espinosa, Statler and Miller - **Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer** (original same as S. B. No. 11) - Introduced 1/14/15 - To Judiciary - Amended - Amended on 3rd reading - Passed House 2/10/15 - To Senate 2/11/15 - To Judiciary - Amended - Passed Senate 3/11/15 - Title amended - House concurred in Senate amendment 3/14/15 - Passed House 3/14/15 - Title amended - Senate concurred in House amendments and passed bill 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 243, Acts, Regular Session, 2015
- *2015. By Del. Foster, Espinosa, Summers, Miller, Lane, Duke, Ellington, McGeehan, Storch, Howell and Ihle - **Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature** (original same as S. B. No. 15) - Introduced 1/14/15 - To Government Organization then Finance - To House Finance 1/22/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization then Finance - To Government Organization 3/4/15 - On 2nd reading to Finance 3/10/15
- *2016. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution** (original same as S. B. No. 233) - Introduced 1/14/15 - To Finance - Passed House 3/12/15 - Effective from passage - To Senate 3/13/15 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate 3/13/15 - Effective from passage - House refused to concur and requested Senate to recede 3/14/15 - Senate refused to recede and requested conference 3/14/15 - To conference 3/14/15 - House adopted conference report and passed bill 3/18/15 - Effective from passage - Senate adopted conference report and passed bill 3/18/15 - Effective from passage - To Governor 3/23/15 - Approved by Governor with deletions and reductions 3/23/15 - Chapter 15, Acts, Regular Session, 2015
- *2025. By Del. Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba and Canterbury - **Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 1/23/15 - To Senate 1/26/15 - To Judiciary - Amended - Passed Senate with amended title 2/10/15 - House refused to concur and requested Senate to recede 2/11/15 - Senate refused to recede and

- requested conference 2/12/15 - To conference 2/13/15 - Conference committee extended- Joint Rules 2/20/15 - House adopted conference report and passed bill 2/23/15 - Senate adopted conference report and passed bill 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 80, Acts, Regular Session, 2015
- *2048. By Del. Shott - **Relating to juvenile proceedings** - Introduced 1/14/15 - To Judiciary then Finance - To House Finance 2/16/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
- *2053. By Del. Shott - **Relating to the form of trust deeds** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 1/30/15 - To Senate 2/2/15 - To Judiciary - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 84, Acts, Regular Session, 2015
2054. By Del. Shott - **Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary
- *2098. By Del. Hamrick, Householder, Cooper, Arvon, Nelson, J., Howell, Waxman, Ellington, Trecost, Blair and Kessinger - **Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice** - Introduced 1/20/15 - To Veterans' Affairs and Homeland Security then Health and Human Resources - To House Health and Human Resources 2/5/15 - Passed House 2/19/15 - To Senate 2/20/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/12/15 - House concurred in Senate amendment and passed 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 187, Acts, Regular Session, 2015
- *2099. By Del. Howell, Householder, Nelson, J., Statler, Walters, Arvon, Border, Folk, Hamilton, Evans, A. and McGeehan - **Extending the time of meetings of local levying bodies when meetings are delayed** - Introduced 1/20/15 - To Political Subdivisions then Judiciary - To House Judiciary 2/4/15 - Amended - Passed House 2/19/15 - To Senate 2/20/15 - To Government Organization - Passed Senate 2/28/15 - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 164, Acts, Regular Session, 2015
2100. By Del. Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer - **Caregiver Advise, Record and Enable Act** (original same as S. B. No. 244) - Introduced 1/20/15 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Amended - Passed House 2/19/15 - Title amended - To Senate 2/20/15 - To Health and Human Resources - Amended - Passed Senate with

amended title 3/9/15 - House concurred in Senate amendment and passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 124, Acts, Regular Session, 2015

- *2103. By Del. Howell, Hamrick, Householder, Statler, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and Weld - **Relating generally to boards of examination and registration** - Introduced 1/20/15 - To Government Organization then Finance - To House Finance 1/22/15 - Passed House 2/26/15 - To Senate 2/27/15 - To Government Organization then Finance - To Government Organization 2/27/15
2114. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (original same as S. B. No. 240) - Introduced 1/20/15 - To Finance - Passed House 2/4/15 - Effective from passage - To Senate 2/5/15 - To Finance - Passed Senate 2/17/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 233, Acts, Regular Session, 2015
2115. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of the term “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original same as S. B. No. 241) - Introduced 1/20/15 - To Finance - Passed House 2/4/15 - Effective from passage - To Senate 2/5/15 - To Finance - Passed Senate 2/17/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 234, Acts, Regular Session, 2015
- *2128. By Del. Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich - **Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds** (original similar to S. B. No. 118) - Introduced 1/20/15 - To Judiciary - Passed House 2/5/15 - To Senate 2/6/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 60, Acts, Regular Session, 2015
2138. By Del. Folk, Gearheart, Householder, Howell, Nelson, J., Ireland, Faircloth, Williams, Lynch, Shott and McGeehan - **Adding aircraft operations on private airstrips and farms to the definition of recreational purpose** - Introduced 1/20/15 - To Judiciary - Passed House 1/29/15 - To Senate 1/30/15 - To Judiciary - Passed Senate 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15 - Chapter 37, Acts, Regular Session, 2015

- *2139. By Del. Perry, Pasdon, Phillips, L., Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine and Longstreth - **Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes** - Introduced 1/20/15 - To Education then Finance - To House Finance 2/11/15 - Passed House 2/20/15 - Effective from passage - To Senate 2/23/15 - To Pensions then Education - To Pensions 2/23/15 - To Education 3/5/15 - Passed Senate 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 218, Acts, Regular Session, 2015
2140. By Del. Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams - **Building governance and leadership capacity of county board during period of state intervention** - Introduced 1/20/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - To Education - Passed Senate 3/13/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 95, Acts, Regular Session, 2015
- *2148. By Del. Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger - **Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century** - Introduced 1/20/15 - To Roads and Transportation then Judiciary - To House Judiciary 2/3/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Transportation and Infrastructure - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 174, Acts, Regular Session, 2015
- *2151. By Del. Perry, Pasdon, Phillips, L., Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine, Longstreth and Moye - **Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education** - Introduced 1/20/15 - To Education - Amended - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Education
- *2157. By Del. Lane - **Relating to absentee ballot fraud** - Introduced 1/20/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/3/15 - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 107, Acts, Regular Session, 2015
- *2160. By Del. Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and Nelson, E. - **WV Schools for the Deaf and Blind eligible for School Building Authority funding** (original same as S. B. No. 252) - Introduced 1/20/15 - To Education then Finance - To House Finance 1/27/15 - Passed House 2/17/15 - Effective from passage - To Senate 2/18/15 - To Education then Finance - To Education 2/18/15 - On 2nd reading to Finance 3/10/15 - Passed Senate 3/14/15 - Effective from passage - To Governor 3/18/15 - Vetoed by Governor 4/1/15

2161. By Del. Fleischauer, Pasdon, Storch, Guthrie, Border, Phillips, L., Moore, Hamilton, Sobonya, Miller and Manchin - **Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking** - Introduced 1/20/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Amended on 3rd reading - Passed House 2/27/15 - Title amended - To Senate 2/28/15 - To Judiciary then Finance - To Judiciary 2/28/15 - On 2nd reading to Finance 3/10/15 - Amended - Passed Senate with amended title 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Vetoed by Governor 4/1/15
- *2187. By Del. Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle - **Encouraging public officials to display the national motto on all public property and public buildings** - Introduced 1/21/15 - To Government Organization then Finance - To House Finance 1/26/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/12/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
2200. By Del. Shott, Lane, McCuskey, Manchin and Fleischauer - **Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare** (original same as S. B. No. 253) - Introduced 1/21/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 2/3/15 - To Senate 2/4/15 - To Judiciary - Amended - Passed Senate with amended title 2/13/15 - Effective from passage - House concurred in Senate amendment and passed 2/16/15 - Effective from passage - To Governor 2/19/15 - Approved by Governor 2/19/15 - Chapter 46, Acts, Regular Session, 2015
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Introduced 1/20/15 - Amendments pending - Reformed Amendment reported - Amended - Passed House 1/23/15 - To Senate 1/26/15 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 1/26/15 - To Judiciary 1/28/15 - Amended - Passed Senate with amended title 2/13/15 - Effective from passage - House concurred in Senate amendment and passed 2/16/15 - Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amended and repassed to meet the objections of the Governor 2/26/15 - Effective from passage - Senate concurred in House amendment and repassed bill 2/28/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/12/15 - Chapter 180, Acts, Regular Session, 2015
- *2202. By Del. Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pethtel, Cooper and Evans, D. - **Relating to more equitable disbursement of funds to**

- county boards** - Introduced 1/22/15 - To Education then Finance - To House Finance 2/10/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Education
2212. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund** (original same as S. B. No. 264) - Introduced 1/22/15 - To Finance - Passed House 2/17/15 - Effective from passage - To Senate 2/18/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 140, Acts, Regular Session, 2015
2213. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** (original same as S. B. No. 265) - Introduced 1/22/15 - To Finance - Advance bill with amendment pending rejected - Amended - Passed House 2/17/15 - Title amended - Effective from passage - To Senate 2/18/15 - To Finance - Removed from calendar by action of Committee on Rules on 2nd reading - Amended - Passed Senate 3/3/15 - Effective from passage - House refused to concur and requested Senate to recede 3/4/15 - Senate refused to recede and requested conference 3/5/15 - To conference 3/6/15 - House adopted conference report and passed bill 3/10/15 - Effective from passage - Senate adopted conference report and passed bill 3/11/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 139, Acts, Regular Session, 2015
- *2217. By Del. Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, Phillips, R., Shott, Smith, R. and Sobonya - **Relating to qualifications of the Commissioner of Labor** (original similar to S. B. No. 279) - Introduced 1/22/15 - To Industry and Labor then Government Organization - To House Government Organization 1/28/15 - Passed House 2/4/15 - To Senate 2/5/15 - Committee reference dispensed - Amended - Passed Senate with amended title 2/9/15 - House concurred in Senate amendment and passed 2/10/15 - To Governor 2/13/15 - Approved by Governor 2/18/15 - Chapter 151, Acts, Regular Session, 2015
- *2223. By Del. Walters and Frich - **Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan"** (original same as S. B. No. 285) - Introduced 1/22/15 - To Banking and Insurance then Finance - To House Finance 1/30/15 - Passed House 2/10/15 - To Senate 2/11/15 - To Banking and Insurance then Finance - To Banking and Insurance 2/11/15 - To Finance 3/2/15

2224. By Del. Howell, Manchin, Rowan, Storch, Canterbury, Stansbury, Zatezalo, Butler, Evans, D., Ambler and Cooper - **Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations** - Introduced 1/22/15 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/29/15 - Amended - Passed House 2/10/15 - To Senate 2/11/15 - To Military then Judiciary - To Military 2/11/15 - To Judiciary 2/25/15 - Passed Senate with amended title 3/12/15 - Effective from passage - House concurred in Senate amendment and passed 3/13/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 170, Acts, Regular Session, 2015
2226. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund** (original same as S. B. No. 268) - Introduced 1/22/15 - To Finance - Amended - Amended on 3rd reading - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Finance
- *2227. By Del. Phillips, L., Eldridge, Gearheart, Moffatt, Nelson, J., White, H., Guthrie, Rowe, Marcum, Perdue and Hornbuckle - **Relating to the National Coal Heritage Area Authority** (original same as S. B. No. 282) - Introduced 1/22/15 - To Government Organization - Passed House 1/30/15 - To Senate 2/2/15 - To Government Organization - Passed Senate 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15 - Chapter 179, Acts, Regular Session, 2015
- *2233. By Del. Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker (Mr. Armstead), Storch, White, H., Phillips, R., Ireland, Hanshaw and Nelson, E. - **Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office** - Introduced 1/22/15 - To Judiciary then Finance - To House Finance 2/26/15 - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate with amended title 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 154, Acts, Regular Session, 2015
- *2234. By Del. Ashley, Shott, Lane, Nelson, E., Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe - **Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage** - Introduced 1/22/15 - To Judiciary - Passed House 2/5/15 - To Senate 2/6/15 - To Judiciary - Amended - Passed Senate with amended title 2/20/15 - House refused to concur and requested Senate to recede 2/24/15 - Senate receded and passed 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 87, Acts, Regular Session, 2015

- *2239. By Del. Howell, Ellington, Arvon, Householder, Phillips, R., Miller, Storch, Waxman, Summers and Rohrbach - **Creating a logistical advisory committee** - Introduced 1/22/15 - To Health and Human Resources then Government Organization - To House Government Organization 2/26/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization
- *2240. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson - **Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense** (original similar to S. B. No. 396) - Introduced 1/23/15 - To Judiciary then Finance - To House Finance 2/19/15 - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/13/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/20/15 - Vetoed by Governor 4/1/15
- *2263. By Del. Cowles - **Providing guidance for prosecuting attorneys in cases involving abused and neglected children** - Introduced 1/23/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Recommitted to Judiciary on 3rd reading 3/14/15
- *2266. By Del. Shott, Ellington and Gearheart - **Relating to the publication requirements of the administration of estates** - Introduced 1/23/15 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/11/15 - To Senate 2/12/15 - To Judiciary then Finance - To Judiciary 2/12/15 - To Finance 3/5/15 - Amended - Passed Senate with amended title 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 113, Acts, Regular Session, 2015
- *2268. By Del. Hamilton, Evans, A., Lynch, Wagner, Nelson, J., Campbell, Hartman, Sponaule, Canterbury, Williams and Ashley - **Removing the severance tax on timber** (original similar to S. B. No. 276) - Introduced 1/23/15 - To Finance - Passed House 2/26/15 - To Senate 2/27/15 - To Finance
2272. By Del. Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers - **Relating to the authority of the Board of Pharmacy** - Introduced 1/23/15 - To Health and Human Resources then Government Organization - To House Government Organization 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Health and Human Resources - Passed Senate with amended title 3/9/15 - House concurred in Senate title amendment 3/9/15 - Passed House 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 188, Acts, Regular Session, 2015

2274. By Del. Hanshaw, Hamilton, Evans, A. and Azinger - **Authorizing the Commissioner of Corrections to enter into mutual aid agreements** (original same as S. B. No. 309) - Introduced 1/23/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 2/12/15 - To Senate 2/13/15 - To Judiciary then Finance - To Judiciary 2/13/15 - Committee reference dispensed - Constitutional rule suspended - Passed Senate with amended title 2/20/15 - House concurred in Senate title amendment 2/20/15 - Passed House 2/20/15 - To Governor 2/25/15 - Approved by Governor 2/25/15 - Chapter 178, Acts, Regular Session, 2015
- *2283. By Del. Sobonya - **Authorizing the Department of Environmental Protection to promulgate legislative rules** - Introduced 1/26/15 - To Industry and Labor then Judiciary - To House Judiciary 2/4/15 - Passed House 2/25/15 - Effective from passage - To Senate 2/26/15 - To Judiciary - Passed Senate with amended title 3/11/15 - Effective from passage - House concurred in Senate amendment and passed 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 156, Acts, Regular Session, 2015
- *2366. By Del. Rowan, Phillips, L., Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Introduced 1/26/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Recommitted to Judiciary on 3rd reading 3/14/15
- *2368. By Del. Faircloth, Evans, D., Kessinger, Border, Ellington, Sobonya, Kurcaba, Waxman, Rohrbach and Summers - **Relating to child welfare** - Introduced 1/26/15 - To Health and Human Resources - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/10/15 - House refused to concur and requested Senate to recede 3/12/15 - Senate refused to recede and requested conference 3/13/15
2370. By Del. Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa - **Increasing the powers of regional councils for governance of regional education service agencies** - Introduced 1/26/15 - To Education - Amended - Passed House 2/11/15 - To Senate 2/12/15 - To Education - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 93, Acts, Regular Session, 2015
- *2377. By Del. Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell - **Authorizing State Board of Education to approve certain alternatives with respect to instructional time** - Introduced 1/26/15 - To Education then Judiciary - To House Judiciary 2/6/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Education - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 92, Acts, Regular Session, 2015

- *2381. By Del. Ambler, Cooper, Evans, D., Perry, Duke, Rohrbach, Espinosa, Upson, Rowan and Romine - **Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools** - Introduced 1/26/15 - To Education then Finance - To House Finance 2/20/15 - Amended - Passed House 2/28/15 - Effective July 1, 2015 - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - To Finance 3/4/15 - Passed Senate 3/11/15 - Effective July 1, 2015 - To Governor 3/18/15 - Approved by Governor 3/26/15 - Chapter 102, Acts, Regular Session, 2015
2387. By Del. Pasdon, Statler, Rowan, Romine, Ambler and Espinosa - **Relating to a framework for initiating comprehensive transformation of school leadership** - Introduced 1/27/15 - To Education - Passed House 2/17/15 - To Senate 2/18/15 - To Education
- *2391. By Del. Pasdon, Duke, Statler, Kurcaba, Upson, Rohrbach, Evans, D., Cooper, Romine, Wagner and Rowan - **Reducing early childhood education program requirements from five days per week to four days per week and imposing minimum instructional hours per week and minimum instructional days per year** - Introduced 1/27/15 - To Education - Passed House 2/18/15 - To Senate 2/19/15 - To Education
- *2395. By Del. Westfall, Pasdon, White, B., Frich, O'Neal and Ashley - **Storm Scammer Consumer Protection Act** - Introduced 1/27/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/13/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Amended - Passed Senate 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/20/15 - Approved by Governor 4/1/15 - Chapter 65, Acts, Regular Session, 2015
- *2429. By Del. Smith, P., Perry, Hamrick, Moye, Eldridge, Lynch, Williams, Ferro, Reynolds, Faircloth and Sobonya - **Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction** - Introduced 1/27/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary
- *2432. By Del. Ellington, Householder, Arvon, Howell and Stansbury - **Relating to the licensure requirements to practice pharmacist care** - Introduced 1/27/15 - To Health and Human Resources then Government Organization - To House Government Organization 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 189, Acts, Regular Session, 2015
2444. By Mr. Speaker (Mr. Armstead), Del. Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and Nelson, E. - **Providing for the assignment**

of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals - Introduced 1/28/15 - To Small Business, Entrepreneurship and Economic Development - Amended - Passed House 2/11/15 - Title amended - To Senate 2/12/15 - To Economic Development

- *2457. By Del. Sobonya, Miller, Frich, Foster, Overington, Nelson, J., Ellington, Rohrbach and Walters - **Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles** - Introduced 1/28/15 - To Judiciary - Passed House 2/24/15 - To Senate 2/25/15 - Committee reference dispensed - Passed Senate 2/27/15 - To Governor 3/9/15 - Approved by Governor 3/14/15 - Chapter 193, Acts, Regular Session, 2015
2461. By Del. Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and Nelson, E. - **Relating to delinquency proceedings of insurers** (original same as S. B. No. 313) - Introduced 1/28/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 144, Acts, Regular Session, 2015
- *2462. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to certain deposits of tax proceeds** (original same as S. B. No. 303) - Introduced 1/28/15 - To Finance - Passed House 2/26/15 - To Senate 2/27/15 - To Finance - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 232, Acts, Regular Session, 2015
- *2466. By Del. Storch, Zatezalo, McGeehan, Weld, Fluharty, Trecost, Ferro, Howell, Pasdon, Evans, D. and Summers - **Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events** - Introduced 1/28/15 - To Judiciary then Finance - To House Finance 2/18/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Amended - Passed Senate with amended title 3/13/15
- *2474. By Del. Cowles, Rowan and Duke - **Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind** - Introduced 1/28/15 - To Education then Finance - To House Finance 2/24/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
- *2478. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to public school finance** (original same as S. B. No. 288) - Introduced 1/28/15 - To Education then Finance - To House Finance 2/17/15 - Amended - Passed House 2/28/15 - Title amended - Effective July 1, 2015 - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - To Finance 3/5/15 - Amended

- Passed Senate 3/11/15 - Title amended - Effective July 1, 2015 - Unfinished Business, Special Calendar 3/14/15 - House further considered bill - House concurred in Senate amendment with amendment, passed bill 3/14/15 - Effective July 1, 2015 - Senate concurred in House amendments and passed bill 3/14/15 - Effective July 1, 2015 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 100, Acts, Regular Session, 2015
2479. By Del. Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Pasdon, Perdue, Manchin, Pethel and Overington - **Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs** - Introduced 1/28/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Recommended to Judiciary on 3rd reading 3/14/15
- *2485. By Del. Folk, Canterbury, Reynolds, Hamilton, Kurcaba, McGeehan, Storch, O'Neal, Pasdon, Faircloth and Householder - **Relating to the West Virginia Future Fund** - Introduced 1/28/15 - To Finance - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
2492. By Del. Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman - **Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission** - Introduced 1/28/15 - To Government Organization - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/13/15 - To Governor 4/1/15 - Approved by Governor 4/2/15 - Chapter 56, Acts, Regular Session, 2015
- *2493. By Del. McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach - **Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications** - Introduced 1/28/15 - To Banking and Insurance then Health and Human Resources - To House Health and Human Resources 1/30/15 - Passed House 2/24/15 - To Senate 2/25/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 146, Acts, Regular Session, 2015
- *2496. By Del. Ellington, Howell, Householder, Sobonya, Fleischauer and Frich - **Adopting the Interstate Medical Licensure Compact** (original same as S. B. No. 330) - Introduced 1/29/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/6/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 186, Acts, Regular Session, 2015

- *2502. By Del. Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair - **Possessing deadly weapons on school buses or on the premises of educational facilities** - Introduced 1/29/15 - To Education then Judiciary - To House Judiciary 2/20/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Passed Senate 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 78, Acts, Regular Session, 2015
- *2505. By Del. Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks - **Relating to retirement system participation and concurrent employment provisions** (original similar to S. B. No. 305) - Introduced 1/29/15 - To Pensions and Retirement then Finance - To House Finance 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Pensions - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 205, Acts, Regular Session, 2015
- *2507. By Del. Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks - **Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System** (original same as S. B. No. 301) - Introduced 1/29/15 - To Pensions and Retirement then Finance - To House Finance 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Pensions - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 211, Acts, Regular Session, 2015
- *2515. By Del. Phillips, R., Nelson, J., Eldridge, White, H., Marcum, Reynolds, Phillips, L., Smith, R., Sobonya, Hill and Arvon - **Relating to elk restoration** - Introduced 1/29/15 - To Agriculture and Natural Resources then Finance - To House Finance 2/18/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Natural Resources then Finance - To Natural Resources 3/4/15 - On 2nd reading to Finance 3/9/15 - Amended - Passed Senate 3/14/15 - Title amended - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 242, Acts, Regular Session, 2015
- *2518. By Del. Walters, Pasdon, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaule, Reynolds, Perdue and Blair - **Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders** - Introduced 1/30/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/13/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Banking and Insurance
2521. By Del. Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum and Hicks - **Clarifying the scope, application and methods for error correction required by the CPRB** - Introduced 1/30/15 - To Pensions and Retirement then Judiciary - To House Judiciary 2/13/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Pensions then Finance - To Pensions 3/4/15

2523. By Del. Ashley, Westfall, Phillips, R., McCuskey and Nelson, E. - **Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019** (original similar to S. B. No. 381) - Introduced 1/30/15 - To Finance - Passed House 2/18/15 - To Senate 2/19/15 - To Finance - Passed Senate 2/27/15 - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 222, Acts, Regular Session, 2015
- *2527. By Del. Pasdon, Marcum, Kessinger, Phillips, R., Upson and Phillips, L. - **Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”** (original similar to S. B. No. 387) - Introduced 2/2/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/18/15 - To Senate 2/19/15 - To Judiciary - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amend with amend, passed bill 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 45, Acts, Regular Session, 2015
2535. By Del. Longstreth, Ferro, Caputo, Rowan, O’Neal, Ashley, Hamrick, Phillips, L., Fleischauer, Skinner and Smith, P. - **Relating generally to suicide prevention training, “Jamie’s Law”** (original similar to S. B. No. 359) - Introduced 2/2/15 - To Health and Human Resources then Education - 2nd reference dispensed - Amended - Passed House 2/19/15 - To Senate 2/20/15 - To Education - Amended - Passed Senate 3/9/15 - Title amended - House concurred in Senate amendment and passed 3/10/15 - To Governor 3/16/15 - Approved by Governor 3/26/15 - Chapter 225, Acts, Regular Session, 2015
- *2536. By Del. Westfall, Walters, White, B., Ashley, Frich and Kurcaba - **Relating to travel insurance limited lines producers** (original similar to S. B. No. 365) - Introduced 2/2/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Amended - Passed Senate 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 145, Acts, Regular Session, 2015
2545. By Del. Pasdon, Duke, Perry and Moye - **Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification** - Introduced 2/2/15 - To Education then Finance - To House Finance 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Education
- *2549. By Del. Lane, Nelson, E., Walters, Stansbury, White, B., Rowe, McCuskey, Guthrie, Byrd and Pushkin - **Relating to the preparation and publication of county financial statements** - Introduced 2/2/15 - To Political Subdivisions then Judiciary - To House Judiciary 2/12/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Government Organization - Amended - Passed Senate with amended title

3/13/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 3/31/15 - Chapter 71, Acts, Regular Session, 2015

- *2550. By Del. Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, White, H., Campbell, Skinner, Rowe and Perry - **Increasing the number of unexcused absences of a student before action may be taken against the parent** (original similar to S. B. No. 256) - Introduced 2/2/15 - To Education then Judiciary - To House Judiciary 2/24/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Education - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amend with amend, passed bill 3/11/15 - Senate concurred in House amendments and passed bill 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 98, Acts, Regular Session, 2015
- *2557. By Del. Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and White, H. - **Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle** (original similar to S. B. No. 394) - Introduced 2/2/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/20/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Banking and Insurance - Amended - Passed Senate with amended title 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 143, Acts, Regular Session, 2015
- *2562. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to sales tax increment financing** - Introduced 2/2/15 - To Finance - Amendments pending - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Finance - Passed Senate 3/10/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 91, Acts, Regular Session, 2015
- *2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Introduced 2/3/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/6/15 - Motion for previous question rejected - Passed House 2/11/15 - To Senate 2/12/15 - To Judiciary - Passed Senate with amended title 2/25/15 - House concurred in Senate title amendment 2/25/15 - Passed House 2/25/15 - Effective from passage - Effective ninety days from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 - House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15 - Chapter 181, Acts, Regular Session, 2015

2569. By Del. Gearheart and Hamrick - **Relating to the Dealer Recovery Program** - Introduced 2/3/15 - To Roads and Transportation then Finance - To House Finance 2/10/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Finance
- *2571. By Del. Walters and Foster - **Creating a fund for pothole repair contributed to by private businesses or entities** - Introduced 2/3/15 - To Roads and Transportation then Finance - To House Finance 2/17/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Finance - Passed Senate 3/14/15 - To Governor 3/18/15 - Vetoed by Governor 3/26/15
2576. By Del. Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, Smith, R. and Ferro - **Creating new code sections which separate the executive departments** - Introduced 2/3/15 - To Government Organization - Amended - Passed House 2/10/15 - To Senate 2/11/15 - To Government Organization - Amended - Passed Senate 2/28/15 - House refused to concur and requested Senate to recede 3/2/15 - Senate refused to recede and requested conference 3/3/15 - To conference 3/4/15 - House adopted conference report and passed bill 3/10/15 - Senate adopted conference report and passed bill 3/11/15 - To Governor 3/18/15 - Vetoed by Governor 4/1/15
- *2585. By Del. Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, Smith, R., Phillips, L. and Caputo - **Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party** - Introduced 2/4/15 - To Judiciary - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Amended - Passed Senate with amended title 3/14/15
- *2586. By Del. Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman - **Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief** - Introduced 2/4/15 - To Judiciary - Passed House 2/19/15 - To Senate 2/20/15 - To Judiciary - Amended - Passed Senate 3/10/15 - House concurred in Senate amendment and passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/27/15 - Chapter 88, Acts, Regular Session, 2015
2595. By Del. McGeehan and Canterbury - **Relating to certificates of need for the development of health facilities in this state** - Introduced 2/4/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/26/15 - Passed House 3/4/15 - To Senate 3/6/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 118, Acts, Regular Session, 2015
2598. By Del. Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moyer, Pasdon and Marcum - **Ensuring that teachers of students with disabilities**

- receive complete information about the school's plan for accommodating the child's disabilities** - Introduced 2/4/15 - To Education - Passed House 2/20/15 - To Senate 2/23/15 - To Education - Passed Senate 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 101, Acts, Regular Session, 2015
2606. By Del. Sponaugle and Shott - **Clarifying the potential sentence for disorderly conduct** - Introduced 2/4/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 77, Acts, Regular Session, 2015
2607. By Del. Sponaugle and Shott - **Relating to the violation of interfering with emergency services communications and clarifying penalties** - Introduced 2/4/15 - To Judiciary - Passed House 2/19/15 - To Senate 2/20/15 - To Judiciary - Passed Senate with amended title 3/13/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 76, Acts, Regular Session, 2015 [Clerk's Note: Enrolled bill not presented to Governor as passed by Legislature; bill is null and void]
2608. By Del. Sponaugle and Shott - **Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders** - Introduced 2/4/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 90, Acts, Regular Session, 2015
2615. By Del. Lane and Faircloth - **West Virginia Small Business Capital Act** - Introduced 2/5/15 - To Small Business, Entrepreneurship and Economic Development then Finance - 2nd reference dispensed - Amended - Passed House 2/24/15 - Title amended - To Senate 2/25/15 - To Finance
2625. By Del. Ashley and Ireland - **Continuing the current hazardous waste management fee** - Introduced 2/5/15 - To Government Organization then Judiciary - To House Judiciary 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 112, Acts, Regular Session, 2015
2626. By Del. Ashley, Ireland and Frich - **Relating to use of the Abandoned Land Reclamation Fund** - Introduced 2/5/15 - To Finance - Passed House 2/20/15 - To Senate 2/23/15 - To Finance - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 111, Acts, Regular Session, 2015
2627. By Del. McCuskey, Phillips, R., Smith, R., Nelson, J., Stansbury, McGeehan, Eldridge, Arvon, White, H., Marcum and Butler - **Providing protection against property crimes committed against coal mines, utilities and other industrial**

- facilities** - Introduced 2/5/15 - To Energy then Judiciary - To House Judiciary 2/18/15 - Amended - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/30/15 - Vetoed by Governor 4/1/15
2628. By Del. Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and White, B. - **Changing the date of filing announcements of candidacies** - Introduced 2/5/15 - To Judiciary - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15
2632. By Del. Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa - **Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements** - Introduced 2/6/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/20/15 - Effective July 1, 2015 - To Senate 2/23/15 - To Finance - Amended - Passed Senate 3/9/15 - Title amended - Effective from passage - House concurred in Senate amendment and passed 3/11/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 199, Acts, Regular Session, 2015
- *2636. By Del. Folk, Phillips, R., Faircloth, McGeehan, Nelson, J., Householder, Butler, Marcum, Frich, White, H. and Shott - **Exempting information contained in a concealed weapon permit application from the Freedom of Information Act** (original same as S. B. No. 275) - Introduced 2/6/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate with amended title 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 115, Acts, Regular Session, 2015
2645. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program** (original same as S. B. No. 408) - Introduced 2/6/15 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Education - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 216, Acts, Regular Session, 2015
2646. By Del. Phillips, R., Nelson, J., Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and White, H. - **Legalizing and regulating the sale and use of fireworks** (original similar to S. B. No. 75) - Introduced 2/6/15 - To Veterans' Affairs and Homeland Security then Finance - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Amended

- Passed Senate with amended title 3/13/15 - House refused to concur and requested Senate to recede 3/14/15 - Senate refused to recede and requested conference 3/14/15 - To conference 3/14/15

- *2648. By Del. Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach - **Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency** - Introduced 2/6/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/12/15 - Passed House 2/24/15 - To Senate 2/25/15 - To Judiciary - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/11/15 - To Governor 3/16/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 129, Acts, Regular Session, 2015
- *2652. By Del. Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo - **Reducing the assessment paid by hospitals to the Health Care Authority** - Introduced 2/6/15 - To Health and Human Resources then Finance - To House Finance 2/13/15 - Passed House 2/26/15 - Effective from passage - To Senate 2/27/15 - To Finance - Amended - Passed Senate with amended title 3/11/15 - Effective from passage - House concurred in Senate amendment and passed 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 125, Acts, Regular Session, 2015
2657. By Del. Evans, A., Eldridge, Hamilton, Phillips, L., Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle - **Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure** - Introduced 2/6/15 - To Agriculture and Natural Resources then Finance - To House Finance 2/18/15 - Passed House 2/26/15 - To Senate 2/27/15 - To Finance - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 10, Acts, Regular Session, 2015
2658. By Del. Evans, A., Hamilton, Romine, Phillips, L., Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch - **Relating to the inspection and slaughter of nontraditional agriculture** - Introduced 2/6/15 - To Agriculture and Natural Resources then Health and Human Resources - To House Health and Human Resources 2/18/15 - Passed House 2/28/15 - To Senate 3/1/15 - To Agriculture and Rural Development - Amended - Passed Senate 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 12, Acts, Regular Session, 2015

- *2662. By Del. Stansbury, Ellington, Householder, Phillips, R., Byrd, Faircloth, Sponaugle, Weld, Moore, White, B. and Pushkin - **Eye Care Consumer Protection Law** - Introduced 2/9/15 - To Health and Human Resources - Passed House 2/24/15 - To Senate 2/25/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 190, Acts, Regular Session, 2015
2663. By Del. Ashley and Frich - **Creating the Rehabilitation Services Vending Program Fund** - Introduced 2/9/15 - To Finance - Passed House 2/20/15 - To Senate 2/23/15 - To Finance - Passed Senate 3/13/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 202, Acts, Regular Session, 2015
2664. By Del. Sobonya, Butler, McCuskey, Stansbury, Nelson, E., Ihle, Householder, Ellington, Westfall, Marcum and Byrd - **Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs** - Introduced 2/9/15 - To Judiciary then Finance - To House Judiciary 2/9/15 - 2nd reference dispensed - Amended - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate with amended title 3/14/15 - House refused to concur and requested Senate to recede 3/14/15 - Senate refused to recede and requested conference 3/14/15 - To conference 3/14/15 - House adopted conference report and passed bill 3/14/15 - Senate adopted conference report and passed bill 3/14/15 - To Governor 3/17/15 - Vetoed by Governor 3/17/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 173, Acts, Regular Session, 2015
2669. By Del. Ellington, Householder, Pasdon and Campbell - **Relating to compulsory tuberculosis testing** (original same as S. B. No. 424) - Introduced 2/9/15 - To Education then Health and Human Resources - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - Committee reference dispensed - Passed Senate 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15 - Chapter 122, Acts, Regular Session, 2015
- *2674. By Del. Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt - **Making home schooled students eligible for a PROMISE scholarship without taking the GED test** (original same as S. B. No. 448) - Introduced 2/10/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/25/15 - Effective from passage - To Senate 2/26/15 - To Finance - Amended - Passed Senate with amended title 3/13/15 - Effective from passage - House concurred in Senate amend with amend, passed bill 3/14/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/14/15 - Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15

2675. By Del. Nelson, E., Ashley, Hanshaw, Ireland, Smith, R., Storch, Phillips, R., White, B., McCuskey, Waxman and Summers - **Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund** - Introduced 2/10/15 - To Finance - Passed House 3/3/15 - To Senate 3/4/15 - To Finance
- *2688. By Del. Ireland, Anderson, Ambler and Evans, D. - **Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells** - Introduced 2/11/15 - To Energy then Judiciary - To House Judiciary 2/13/15 - Motion to reject bill not adopted - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate 3/14/15 - Title amended - Motion to postpone adopted - House further considered bill - House rejected 3/14/15
- *2702. By Del. Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa - **Redefining service personnel class titles of early childhood classroom assistant teacher** - Introduced 2/12/15 - To Education - Amended - Passed House 2/20/15 - Effective from passage - To Senate 2/23/15 - To Education - Passed Senate 3/9/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 217, Acts, Regular Session, 2015
2712. By Del. Skinner, Reynolds, Pushkin, Sponaugle, Guthrie and Householder - **Relating to employment and privacy protection** - Introduced 2/12/15 - To Judiciary - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- *2717. By Del. Marcum, Pasdon, Perry, White, H., Phillips, R., Williams, Eldridge, Rodighiero, Reynolds and Campbell - **Relating to hiring of public school employees** - Introduced 2/12/15 - To Education - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Education - On 2nd reading to Education 3/6/15
- *2718. By Del. Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington - **Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund** - Introduced 2/12/15 - To Finance - Amendments pending - Amended on 3rd reading - Passed House 3/3/15 - Title amended - To Senate 3/4/15 - To Finance
2726. By Del. Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman - **Clarifying choice of laws issues in product's liability actions** - Introduced 2/13/15 - To Judiciary - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Amended - Passed Senate with amended title 3/1/15 - House concurred in Senate amendment and passed 3/3/15 - Effective July 1, 2015 - Senate concurred in House effective date - Effective July 1, 2015 - To Governor 4/1/15 - Approved by Governor 4/2/15 - Chapter 7, Acts, Regular Session, 2015

- *2728. By Del. McCuskey, Westfall and Frich - **Relating to risk-based capital reporting for health organizations** (original same as S. B. No. 368) - Introduced 2/13/15 - To Banking and Insurance then Finance - To House Finance 2/20/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
2733. By Del. Ellington and Householder - **Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law** - Introduced 2/13/15 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Amended - Passed House 2/24/15 - To Senate 2/25/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 67, Acts, Regular Session, 2015
- *2755. By Del. Boggs, Hartman, Evans, D., Perry, Ashley, Pasdon, Pethel, Duke and Williams - **Relating to service and professional employee positions at jointly established schools** - Introduced 2/16/15 - To Education - Constitutional Rule rejected - House further considered bill - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Education - Passed Senate 3/9/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 96, Acts, Regular Session, 2015
- *2756. By Del. Trecost, Lynch, Marcum, Phillips, R., Sponaugle, Statler and Kelly - **Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns** - Introduced 2/16/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
2760. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund** (original same as S. B. No. 474) - Introduced 2/16/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 16, Acts, Regular Session, 2015
2764. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the State Department of Education - School Building Authority** (original same as S. B. No. 470) - Introduced 2/16/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 17, Acts, Regular Session, 2015
- *2766. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and**

- Human Resources** (original same as S. B. No. 468) - Introduced 2/16/15 - To Finance - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Passed Senate 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 18, Acts, Regular Session, 2015
- *2769. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies** (original same as S. B. No. 465) - Introduced 2/16/15 - To Finance - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Amended - Passed Senate with amended title 3/14/15 - Effective from passage - House concurred in Senate amendment and passed 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 19, Acts, Regular Session, 2015
2770. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services** (original same as S. B. No. 464) - Introduced 2/16/15 - To Finance - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 20, Acts, Regular Session, 2015
- *2772. By Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund** (original same as S. B. No. 462) - Introduced 2/16/15 - To Finance - Amendments pending - Amended - Passed House 3/9/15 - Title amended - Effective from passage - To Senate 3/10/15 - To Finance - Passed Senate 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor with reductions 3/20/15 - Chapter 21, Acts, Regular Session, 2015
2776. By Del. Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources) - **Relating to prescribing hydrocodone combination drugs for a duration of no more than three days** - Introduced 2/13/15 - Passed House 2/18/15 - To Senate 2/19/15 - To Health and Human Resources - Passed Senate with amended title 3/9/15 - House concurred in Senate title amendment 3/9/15 - Passed House 3/9/15 - To Governor 3/16/15 - Vetoed by Governor 4/2/15

2777. By Del. Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, McGeehan, Zatezalo and Blair (Originating in House Government Organization) - **Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists** - Introduced 2/13/15 - Amended - Passed House 2/18/15 - Title amended - To Senate 2/19/15 - To Government Organization
- *2778. By Del. Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethtel and Ferro - **State Infrastructure Fund Program** (original similar to S. B. No. 379) - Introduced 2/16/15 - To Roads and Transportation then Finance - To House Finance 2/17/15 - Passed House 2/25/15 - To Senate 2/26/15 - To Finance - Passed Senate 3/9/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 213, Acts, Regular Session, 2015
2780. By Del. Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich - **Enhancing the ability of campus police officers at public colleges to perform their duties** (original similar to S. B. No. 426) - Introduced 2/17/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/27/15 - To Senate 2/28/15 - To Education - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 130, Acts, Regular Session, 2015
- *2790. By Del. Westfall, Waxman, Shott and Frich - **Relating to minimum responsibility limits of car insurance** - Introduced 2/17/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/20/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Passed Senate 3/11/15 - To Governor 3/18/15 - Approved by Governor 4/1/15 - Chapter 141, Acts, Regular Session, 2015
- *2793. By Del. Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly - **Relating to exemptions from mandatory school attendance** (original similar to S. B. No. 444) - Introduced 2/17/15 - To Education - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Education - Amended - Passed Senate 3/12/15 - Title amended - Effective from passage - House concurred in Senate amendment and passed 3/14/15 - Effective from passage - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2795. By Del. Westfall, White, B. and McCuskey - **Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order** (original same as S. B. No. 539) - Introduced 2/17/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15

- *2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 2/18/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Finance
2797. By Del. Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, Smith, P. and McCuskey - **Changing the term “mentally retarded” to “intellectually disabled;” and changing the term “handicapped” to “disabled”** - Introduced 2/18/15 - To Health and Human Resources - To House Judiciary 2/26/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 169, Acts, Regular Session, 2015
- *2805. By Del. Eldridge, Hamilton, Rodighiero, Canterbury, White, H., Williams, Trecost, Perry, Moye and Campbell - **Transferring to an adult correctional facility any juvenile whose sentence runs beyond his or her eighteenth birthday** - Introduced 2/18/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- *2810. By Del. Guthrie, Pushkin, Byrd, Rowe, McCuskey, White, B., Stansbury and Walters - **Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety** - Introduced 2/18/15 - To Judiciary then Finance - 2nd reference dispensed - Passed House 3/4/15 - To Senate 3/6/15 - To Finance - Passed Senate 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 58, Acts, Regular Session, 2015
- *2811. By Del. Westfall, McCuskey and Frich - **Deleting obsolete provisions regarding the Physicians’ Mutual Insurance Company** - Introduced 2/18/15 - To Banking and Insurance then Finance - To House Finance 2/20/15 - Passed House 2/28/15 - To Senate 3/1/15 - To Banking and Insurance - Passed Senate 3/13/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 147, Acts, Regular Session, 2015
- *2812. By Del. Canterbury and O’Neal - **Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers** - Introduced 2/18/15 - To Pensions and Retirement then Finance - To House Finance 2/19/15 - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Pensions
2820. By Del. Shott, Manchin and Foster - **Relating to affirmative defenses against mechanics’ liens** - Introduced 2/19/15 - To Judiciary - To House Judiciary 2/19/15 - Amended - Amended on 3rd reading - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary

- *2823. By Del. Walters, Blair, Upson, Ireland, Phillips, R., White, H., Nelson, J., Hanshaw, Nelson, E., Boggs and Caputo - **Eliminating the street and interurban and electric railways tax** - Introduced 2/19/15 - To Finance - Passed House 2/28/15 - To Senate 3/1/15 - To Finance
- *2828. By Del. Cowles, Storch, Miller, Border, Shott and Upson - **Modifying the requirements that allow a child witness to testify by closed circuit television** (original similar to S. B. No. 460) - Introduced 2/19/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- *2829. By Del. Householder, Summers, Sobonya, Campbell, Fleischauer and Rodighiero - **Defining “midwife”, “certified midwife” and “midwifery”** (original same as S. B. No. 501) - Introduced 2/19/15 - To Health and Human Resources - Amended - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources
- *2840. By Del. Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge - **Providing an alternative plan to make up lost days of instruction** - Introduced 2/20/15 - To Education then Finance - To House Finance 2/24/15 - Passed House 3/3/15 - Effective July 1, 2015 - To Senate 3/4/15 - To Education - Passed Senate 3/14/15 - Effective July 1, 2015 - To Governor 3/30/15 - Vetoed by Governor 4/1/15
- *2867. By Del. Perry and Williams - **Requiring recommendations for higher education course credit transfer** - Introduced 2/20/15 - To Education - Passed House 3/4/15 - To Senate 3/6/15 - To Education - Amended - Passed Senate 3/12/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 3/31/15 - Chapter 131, Acts, Regular Session, 2015
2876. By Del. Nelson, E., Ashley, Boggs, Williams, Anderson, Evans, A., Walters, Canterbury, Hamilton, Phillips, L. and Pethel - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Introduced 2/20/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/9/15 - Effective from passage - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 49, Acts, Regular Session, 2015
2877. By Del. Miller, Williams, Faircloth, Rowe, Hill, Stansbury, Espinosa and Westfall (Originating in House Small Business, Entrepreneurship and Economic Development) - **Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes** - Introduced 2/19/15 - To House Finance 2/19/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Finance - Passed Senate 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/1/15 - Chapter 228, Acts, Regular Session, 2015

- *2878. By Del. Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe, Williams and Upson (Originating in House Small Business, Entrepreneurship and Economic Development) - **Creating a one-stop electronic business portal in West Virginia** - Introduced 2/19/15 - To House Government Organization 2/19/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization - Amended - Passed Senate with amended title 3/13/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/27/15 - Approved by Governor 4/1/15 - Chapter 42, Acts, Regular Session, 2015
2879. By Del. Walters, Frich, Azinger, Shott, Nelson, E., Deem, Waxman, White, B. and Ashley (Originating in House Banking and Insurance) - **Relating to certain limitations on amount of state funds on deposit in any depository** - Introduced 2/19/15 - Passed House 2/24/15 - To Senate 2/25/15 - To Banking and Insurance - Passed Senate 3/5/15 - To Governor 3/9/15 - Approved by Governor 3/13/15 - Chapter 192, Acts, Regular Session, 2015
2880. By Del. Stansbury, Rohrbach, Householder, Phillips, R., Arvon, Howell, Moffatt, Shott, Ellington, Nelson, E. and Campbell (Originating in House Health and Human Resources) - **Creating an addiction treatment pilot program** - Introduced 2/20/15 - Laid over until 2/24/15 - Amended - Passed House 3/3/15 - Title amended - To Senate 3/4/15 - To Health and Human Resources - Amended - Passed Senate 3/9/15 - House concurred in Senate amendment and passed 3/10/15 - To Governor 3/16/15 - Vetoed by Governor 3/18/15 - House amended and repassed to meet the objections of the Governor 3/18/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/18/15 - To Governor 3/30/15 - Approved by Governor 3/31/15 - Chapter 224, Acts, Regular Session, 2015
2884. By Del. Pasdon and Perry - **Modifying training and development requirement for certain members of certain higher education boards** - Introduced 2/23/15 - To Education - Passed House 2/27/15 - To Senate 2/28/15 - To Education - Passed Senate 3/12/15 - To Governor 3/20/15 - Approved by Governor 3/27/15 - Chapter 132, Acts, Regular Session, 2015
2888. By Del. Evans, A., Hamilton, Folk, Lynch, Williams, Smith, R., Canterbury, Romine and Ambler (Originating in House Agriculture and Natural Resources) - **Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease** - Introduced 2/23/15 - Passed House 2/26/15 - To Senate 2/27/15 - To Natural Resources - Passed Senate 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 11, Acts, Regular Session, 2015

2892. By Del. Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya - **Authorizing certain legislative rules regarding higher education** - Introduced 2/24/15 - To Education - Passed House 3/4/15 - Effective from passage - To Senate 3/5/15 - To Judiciary - On 2nd reading to Education 3/9/15 - Passed Senate 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 133, Acts, Regular Session, 2015
- *2902. By Del. Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, Nelson, E. and Ashley - **West Virginia ABLE Act** - Introduced 2/24/15 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/4/15 - To Senate 3/6/15 - To Banking and Insurance - Passed Senate 3/11/15 - To Governor 3/18/15 - Approved by Governor 3/31/15 - Chapter 85, Acts, Regular Session, 2015
2914. By Del. Hartman, Sponaugle, Campbell and Perry - **Providing for voluntary dissolution of resort area district** - Introduced 2/24/15 - To Finance - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Amended - Passed Senate with amended title 3/10/15 - House concurred in Senate amendment and passed 3/11/15 - To Governor 3/16/15 - Approved by Governor 3/25/15 - Chapter 203, Acts, Regular Session, 2015
- *2916. By Del. Nelson, E., Ashley, Anderson, Boggs, Williams, White, H., Storch, Gearheart, Bates, Espinosa and O'Neal - **Providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3** - Introduced 2/24/15 - To Finance - Passed House 3/3/15 - To Senate 3/4/15 - To Finance
2926. By Del. Folk, Ashley, Walters and Frich - **Relating to deferral charges in connection with a consumer credit sale or consumer loan** - Introduced 2/24/15 - To Banking and Insurance then Finance - To House Finance 2/27/15 - Passed House 3/4/15 - Title amended - To Senate 3/6/15 - To Finance - Amended - Passed Senate with amended title 3/14/15 - House concurred in Senate amendment and passed 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 62, Acts, Regular Session, 2015
2931. By Del. Ashley and Westfall - **Adding drugs to the classification of schedule I drugs** - Introduced 2/24/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/26/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Health and Human Resources - Passed Senate 3/12/15 - To Governor 3/18/15 - Approved by Governor 4/2/15 - Chapter 66, Acts, Regular Session, 2015
2933. By Del. Nelson, E., Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moye and Williams (Originating in House Finance) - **Making a supplementary**

appropriation to the Department of Administration, Public Defender Services - Introduced 2/23/15 - Passed House 2/26/15 - Effective from passage - To Senate 2/27/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15 - Chapter 22, Acts, Regular Session, 2015

- *2934. By Del. Pasdon, Butler, Moffatt, Waxman, Storch, Espinosa, Lane, Kessinger, Sobonya, Howell and Duke - **Repealing the common core standards** - Introduced 2/24/15 - To Education - Motion to refer bill to committee on Finance rejected - Amended - Motion to commit bill to Finance committee rejected - Amended on 3rd reading - Passed House 2/28/15 - Title amended - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - On 2nd reading to Finance 3/9/15 - Amended - Passed Senate 3/14/15 - Title amended - House refused to concur and requested Senate to recede 3/14/15
- *2939. By Del. White, B. - **Relating to requirements for mandatory reporting of sexual offenses on school premises involving students** - Introduced 2/24/15 - To Judiciary - Amended - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate with amended title 3/12/15 - House refused to concur and requested Senate to recede 3/13/15 - Senate refused to recede and requested conference 3/13/15 - To conference 3/14/15 - House adopted conference report and passed bill 3/14/15 - Senate adopted conference report and passed bill 3/14/15 - To Governor 3/18/15 - Approved by Governor 3/25/15 - Chapter 47, Acts, Regular Session, 2015
- *2968. By Mr. Speaker (Mr. Armstead), Del. Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon - **Exempting from property tax certain properties in this state owned by nonprofit youth organizations** - Introduced 2/24/15 - To Finance - Amendments pending - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Finance - Amended - Passed Senate 3/11/15 - House concurred in Senate amendment and passed 3/12/15 - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 227, Acts, Regular Session, 2015
2976. By Del. Pasdon, Perry, Rohrbach, Campbell and Ellington - **Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded** - Introduced 2/24/15 - To Education - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Education - Passed Senate 3/12/15 - Effective from passage - To Governor 3/18/15 - Approved by Governor 3/27/15 - Chapter 136, Acts, Regular Session, 2015
- *2999. By Del. Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich - **Relating to neonatal abstinence centers** - Introduced 2/24/15 - To Health and Human Resources then Judiciary - 2nd

reference dispensed - Passed House 3/3/15 - To Senate 3/4/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/9/15 - To Governor 3/16/15 - Approved by Governor 4/2/15 - Chapter 120, Acts, Regular Session, 2015

- *3006. By Del. Nelson, E., Ashley, Anderson, Boggs, Williams, White, H., Storch, Gearheart, Bates, Espinosa and O'Neal - **Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies** - Introduced 2/24/15 - To Finance - To House Finance 2/24/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Finance - Passed Senate 3/14/15 - To Governor 3/30/15 - Approved by Governor 4/2/15 - Chapter 229, Acts, Regular Session, 2015
3017. By Del. Pasdon, Perdue, Perry, Rohrbach, Rowan, Duke, Campbell, Moye, Ambler and Upson (Originating in House Education) - **Addressing sudden cardiac arrest in interscholastic athletes** - Introduced 2/27/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Education
3019. By Del. Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw (Originating in House Judiciary) - **Requiring official business and records of the state and its political subdivisions be conducted in English** - Introduced 2/28/15 - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Government Organization then Judiciary - On 2nd reading to Judiciary 3/11/15
3020. By Del. Nelson, E., Ashley, Anderson, Williams, Evans, A., Boggs, Hamilton, Phillips, L., Butler, Espinosa and O'Neal (Originating in House Finance) - **Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections** - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Passed Senate 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor 3/20/15 - Chapter 23, Acts, Regular Session, 2015
3021. By Del. Nelson, E., Ashley, Anderson, Williams, Boggs, Espinosa, O'Neal and Bates (Originating in House Finance) - **Making a supplementary appropriation to the Department of Health and Human Resources** - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Passed Senate 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor 3/20/15 - Chapter 24, Acts, Regular Session, 2015
3022. By Del. Ashley, Nelson, E., Williams, Canterbury, Hamilton, Pethel, Householder, Butler, Phillips, L., Espinosa and Westfall (Originating in House Finance) - **Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the**

West Virginia School of Osteopathic Medicine, and to West Virginia State University - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Passed Senate 3/14/15 - Effective from passage - To Governor 3/20/15 - Approved by Governor with deletions and reductions 3/20/15 - Chapter 25, Acts, Regular Session, 2015

HOUSE JOINT RESOLUTIONS COMMUNICATED TO SENATE

- *13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, R., Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/27/15 - To Judiciary then Finance - To House Finance 2/26/15 - Amended - Adopted by House 3/4/15 - To Senate 3/5/15 - To Government Organization then Finance - To Government Organization 3/5/15

HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/14/15 - Reference dispensed - Adopted by House 1/14/15 - To Senate 1/14/15 - Committee reference dispensed - Adopted by Senate 1/14/15
- *4. By Del. Phillips, R., Eldridge, Marcum and Moffatt - **The US Army PFC Clarence Allen Mooney Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- *6. By Del. Smith, R. and Williams - **The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15
7. By Del. Arvon, Kessinger and Border - **The Kenneth A. Chapman, Sr. Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15

8. By Del. Phillips, R., Eldridge, Marcum and Moffatt - **The U. S. Air Force Staff Sergeant William Henry “Bill” Whitman Memorial Highway** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *9. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The U. S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- *19. By Del. Phillips, R., Marcum, Eldridge and Moffatt - **The U. S. Army SGT Bobby Ray Adkins Memorial Highway** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- *20. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The Virginia & U. S. Army Major Woodrow Cook Memorial Road** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15
- *21. By Del. Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, Evans, D., Summers, Pethel, Blair, Hamrick and Pushkin - **The PFC James Elwood Wickline Memorial Bridge** - Introduced 1/23/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/14/15 - House concurred in Senate amendment and adopted 3/14/15
- *23. By Mr. Speaker (Mr. Armstead) - **The US Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/26/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- *24. By Mr. Speaker (Mr. Armstead) - **The US Army SP5 Johnnie Marvin Ayers Memorial Bridge** - Introduced 1/26/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15
- *27. By Mr. Speaker (Mr. Armstead), Del. Walters, Evans, D. and Nelson, J. - **The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge** - Introduced 1/27/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and

Infrastructure - Amended - Adopted by Senate 3/14/15 - House concurred in Senate amendment and adopted 3/14/15

- *28. By Del. Hamilton - **The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.** - Introduced 1/28/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15

- 29. By Del. Campbell, Smith, P., Rodighiero, Westfall, Summers, Moore, Moffatt, Sobonya, Householder, Kelly and Azinger - **That April 2 be designated as West Virginia Autism Awareness Day.** - Introduced 1/28/15 - To Rules - Adopted by House 2/26/15 - To Senate 2/27/15 - To Health and Human Resources

- 30. By Del. Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethel, Phillips, R., Reynolds, Rodighiero, Smith, P., Smith, R., Sponaugle, Stansbury, Westfall and White, H. - **The Baisden Family Memorial Bridge.** - Introduced 1/28/15 - To Roads and Transportation then Rules - To House Rules 2/11/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15

- 31. By Del. Rowan, Smith, R., Phillips, L., Phillips, R., White, H., Moye, Ambler, Cooper, Ireland, Hill and Marcum - **Declaring the Northern Red Salamander to be the official state amphibian.** - Introduced 1/30/15 - To Agriculture and Natural Resources then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Government Organization - Adopted by Senate 3/12/15

- *32. By Mr. Speaker (Mr. Armstead) - **The Lipscomb Brothers Veterans Bridge** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15

- *35. By Del. Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, Smith, P., Hartman, Evans, A., Campbell and Boggs - **The Historic Blue-Gray Highway.** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15

- *36. By Del. Rodighiero, Eldridge, Moffatt and Hicks - **The US Army SPC David H. Stamper Memorial Bridge.** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure

37. By Del. Ambler and Canterbury - **The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 2/3/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
38. By Del. Evans, A., Sponaugle, Hartman and Romine - **The Captain John Bond and the West Virginia State Troops Memorial Bridge** - Introduced 2/4/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
- *39. By Del. Moore, Gearheart, Phillips, L. and White, H. - **The USMC LCpl Julius C. "Corky" Foster Memorial Bridge.** - Introduced 2/4/15 - To Roads and Transportation then Rules - To House Rules 2/24/15 - Adopted by House 2/26/15 - To Senate 2/27/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15
- *41. By Del. Phillips, R., Marcum and Eldridge - **The PFC Donald Ray Cochran Memorial Bridge.** - Introduced 2/5/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *42. By Del. Rowe, Mr. Speaker (Mr. Armstead), Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, White, B., Upton and Shott - **The Boyhood Home of Booker T. Washington.** - Introduced 2/5/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15
44. By Del. Rowan, Cowles, Butler, Eldridge, Ferro, Fluharty, Hamrick, Hartman, Kelly, Longstreth, Manchin, Nelson, J., Rohrbach, Romine, Skinner, Sponaugle, Trecost, White, B., White, H. and Zatezalo - **The North River Mills Historic Trace.** - Introduced 2/5/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
- *45. By Del. Pethtel - **The US Army COL William L. Glover Memorial Bridge.** - Introduced 2/6/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
46. By Del. Nelson, J., Moffatt, McGeehan, Storch, Westfall, Espinosa, Folk, Butler, Ihle, Stansbury and Gearheart - **The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.** - Introduced 2/6/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure

- *50. By Del. Marcum, McCuskey, Hicks, Perdue, Phillips, R., Rodighiero, Westfall, White, H., Gearheart and Reynolds - **Historic Dingess Tunnel, 100 Years Old, 1914.** - Introduced 2/10/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
51. By Del. Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Ashley, Phillips, R., Williams, Marcum and Arvon - **Making the fiddle the official musical instrument of the State of West Virginia.** - Introduced 2/10/15 - To Rules - Adopted by House 2/26/15 - To Senate 2/27/15 - To Government Organization
52. By Del. Ashley and Westfall - **The U. S. Army SSG Delmer R. Jones Memorial Bridge** - Introduced 2/10/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *53. By Del. Phillips, R., Marcum and Eldridge - **The U. S. Army SSG Styish R. Morris Memorial Road** - Introduced 2/11/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- *55. By Del. Miller, Morgan, Nelson, E., Sobonya, Rohrbach, Perdue, McCuskey, Ashley, Hornbuckle, Reynolds and Hicks - **The William C. Campbell Memorial Highway** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- *57. By Del. Lynch and Hamilton - **The U. S. Army PFC Lowell Roger Groves Memorial Road** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
58. By Del. Rowan and Cowles - **The U. S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- *59. By Del. Hicks, Perdue and Marcum - **The U. S. Army PFC Ernest D. Marcum Bridge** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *60. By Del. Perdue, Hicks and Reynolds - **The U. S. Army SFC Jesse Muncy Memorial Bridge** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure

- *63. By Del. Westfall, Ihle, Ashley, Folk, Householder, Espinosa, Cooper, Perry, Butler and Cadle - **The Harry Ripley Memorial Bridge** - Introduced 2/13/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
64. By Del. Eldridge, Phillips, R., Marcum and Moffatt - **The U. S. Army PFC Ray Freeman Meade Memorial Road** - Introduced 2/16/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *65. By Del. Nelson, J., Moffatt, Gearheart, Smith, R., Phillips, R., Campbell, Hicks, Butler, Eldridge, Manchin and Boggs - **The U. S. Army PFC Willie Paul Wilson Bridge** - Introduced 2/16/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- *68. By Del. Hamrick, Waxman, Miley, Trecost, Mr. Speaker (Mr. Armstead), Nelson, J., Gearheart, McCuskey and Espinosa - **The Army SSG Harold 'Dean' Baker Memorial Bridge** - Introduced 2/17/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- *70. By Del. Cooper, Ambler, Cadle, O'Neal and Canterbury - **The Army SPC 4 Everett R. Johnson Memorial Bridge** - Introduced 2/17/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
74. By Del. McCuskey and Shott - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002** - Introduced 2/18/15 - Reference dispensed - Adopted by House 2/18/15 - To Senate 2/19/15 - Committee reference dispensed - Adopted by Senate 2/19/15
76. By Del. Eldridge, Phillips, R., Marcum, Moffatt, Rodighiero, Perdue, White, H. and Hicks - **The U. S. Army PFC Cornelious Wiley Memorial Bridge** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
77. By Mr. Speaker (Mr. Armstead), Del. Howell, Anderson, Arvon, Blair, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Duke, Evans, D., Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Ihle, Kelly, Kessinger, Longstreth, McGeehan, Miley, Miller, Morgan, Overington, Pasdon, Perry, Phillips, R., Pushkin, Reynolds, Rowan, Smith, P., Stansbury, Statler, Walters, Weld, Westfall and Williams - **Designating the second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules

- *78. By Del. Perdue and Hicks - **The Darrell W. Sanders Memorial Highway** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
79. By Del. Pethtel - **The U. S. Army PFC Junior David Starkey Memorial Bridge** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
- *80. By Del. Ashley - **The Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge** - Introduced 2/20/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
82. By Del. Weld - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025** - Introduced 2/20/15 - Reference dispensed - Adopted by House 2/20/15 - To Senate 2/20/15 - Committee reference dispensed - Adopted by Senate 2/20/15
83. By Del. Walters, Canterbury, Pethtel, Hamilton, Kurcaba, Folk and Marcum (Originating in House Pensions and Retirement) - **Requesting the Joint Committee on Government and Finance to study the needs, challenges, and issues facing municipalities in this state as to the funding of their police and firefighter pension plans** - Introduced 2/20/15 - Adopted by House 2/23/15 - To Senate 2/24/15 - To Pensions then Rules - To Pensions 2/24/15 - To Rules 3/6/15
- *90. By Del. Eldridge, Reynolds, Marcum, Moffatt, Phillips, R., Hornbuckle, Morgan and Rodighiero - **The U. S. Army CPL Wilson B. Lambert, Jr., Memorial Road** - Introduced 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
91. By Del. Nelson, J., Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Phillips, L., Rodighiero, Rohrbach, Skinner, Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, White, H. and Williams - **Designating days for the display of the Honor and Remember Flag** - Introduced 2/25/15 - To Rules - Adopted by House 3/4/15 - To Senate 3/5/15 - To Military - Amended - Adopted by Senate 3/10/15 - House concurred in Senate amendment and adopted 3/11/15
92. By Del. Fleischauer, Pasdon, Statler, Lane, Fast, Kurcaba, Weld, Moye, Byrd, Guthrie and Manchin - **Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by businesses**

- licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises**
- Introduced 2/25/15 - To Rules - Adopted by House 3/14/15 - To Senate 3/14/15
- To Rules
- *93. By Del. Rowan - **The CSA LTG Thomas J. “Stonewall” Jackson Bridge** - Introduced 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- *98. By Del. McCuskey, Ashley and Gearheart - **Jack Furst Drive** - Introduced 2/26/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/14/15
- *102. By Del. Miley, Hamrick, Trecoast and Waxman - **The U. S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge** - Introduced 2/27/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
105. By Del. Perry, Kessinger, Fast and Guthrie - **Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia** - Introduced 3/1/15 - To Education then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
107. By Del. Phillips, R. - **The U. S. Army PFC Edward Lester Memorial Bridge** - Introduced 3/1/15 - To Roads and Transportation then Rules - To House Rules 3/12/15 - Adopted by House 3/14/15
- *110. By Del. Nelson, J., Pasdon, Moffatt, Phillips, R., Butler, Ellington, Perry, Upson, Wagner, Smith, R. and Duke - **Requesting the Joint Committee on Government and Finance to study reducing the State Board of Education budget and redirecting those funds toward increasing teacher salaries** - Introduced 3/5/15 - To Education then Rules - To House Rules 3/11/15 - Adopted by House 3/14/15 - To Senate 3/14/15 - To Rules
112. By Del. Canterbury, Ambler and Cooper - **The Howard M. ‘Toddy’ Loudin Memorial Highway** - Introduced 3/6/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
113. By Del. Howell, Evans, A. and Rowan - **Mineral County, Celebrating the Sesquicentennial, 1866 - 2016** - Introduced 3/9/15 - To Rules - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure

114. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting that the Joint Committee on Government and Finance study the circumstances where West Virginia home schooled students who have completed their course work should be authorized to take the GED test** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
115. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
116. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on appropriate limits on the number, time and uses of state summative assessments** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
118. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
119. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Conducting a study of creating a Statewide Interoperable Radio Network** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules

120. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study the James “Tiger” Morton catastrophic illness fund** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
122. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance authorize a study on increasing state government budget and spending transparency** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
123. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of the impact of admitting all Class I, II, III, and IV municipalities to the Municipal Home Rule Pilot Program** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
124. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting that the Joint Committee on Government and Finance authorize a study on the regulation of public utilities** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
125. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of public access and availability in one location to all ordinances, rules and regulations adopted by a county commission** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules

128. By Del. Eldridge, Perdue, White, B., Kessinger, Folk, Rohrbach, Ellington, Rodighiero, Marcum, White, H. and Phillips, R. - **Requesting the Joint Committee on Government and Finance study the need for the health insurance policies to provide adequate coverage to encourage adoption of abuse deterrent formulation technologies for opioids in order to assist in the state's continuing efforts to eliminate prescription drug abuse** - Introduced 3/10/15 - To Rules - Adopted by House 3/14/15 - To Senate 3/14/15 - To Rules
130. By Del. Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethel, Romine, White, B. and Zatezalo (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse and exploitation** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
131. By Del. Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethel, Romine, White, B. and Zatezalo (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules - Adopted by Senate 3/14/15
132. By Del. Hamilton, Evans, A., Ambler, Romine, Eldridge, Phillips, L., Border, Cadle, Campbell, Canterbury, Rodighiero, Smith, R., Wagner and Zatezalo (Originating in House Agriculture and Natural Resources) - **Requesting the Joint Committee on Government and Finance study the economic impact of making all hunting and fishing licenses valid for a period of one year from the date of issue** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
133. By Del. Hamilton, Evans, A., Ambler, Romine, Eldridge, Phillips, L., Border, Cadle, Campbell, Canterbury, Rodighiero, Smith, R., Wagner and Zatezalo (Originating in House Agriculture and Natural Resources) - **Requesting the Joint Committee on Government and Finance study the economic impact of reducing or eliminating the necessity for certain hunting, fishing and trapping licenses** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
134. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study the Health Care Authority and the certificate of need review process** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules

135. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study state hospitals in regards to the Hartley Case** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
136. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance study that insurers cover topical ophthalmic treatment early refills in a manner similar to or consistent with CMS guidelines** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
137. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study access and costs associated with cancer clinical trials** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
138. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study and review the managed care system within the Bureau for Medical Services** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
139. By Del. Pasdon, Espinosa, Rodighiero, Statler, Trecost and Upson (Originating in House Education) - **Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
140. By Del. Pasdon, Duke, Espinosa, Hamrick, Kelly, Kurcaba, Moyer and Pushkin (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on public school finance** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules

141. By Del. Trecost and Ihle (Originating in House Political Subdivisions) - **Requesting that the Joint Committee on Government and Finance study the appropriate process for removing county, school district and municipal officers** - Introduced 3/11/15 - Adopted by House 3/12/15 - To Senate 3/14/15 - To Rules
142. By Del. Perdue and Hicks - **The U. S. Navy PO3 Roy Elmer “Doc” Moon Bridge** - Introduced 3/12/15 - To Rules - Adopted by House 3/14/15
143. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State’s hospital and nursing facilities** - Introduced 3/12/15 - Adopted by House 3/13/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
144. By Del. Hanshaw and Mr. Speaker (Mr. Armstead) - **The U. S. Army SGT Eugene Dawson Memorial Highway** - Introduced 3/12/15 - To Rules - Adopted by House 3/14/15
145. By Del. Ellington, Householder, Border and Perdue (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study direct primary care** - Introduced 3/11/15 - To Rules - Adopted by House 3/14/15 - To Senate 3/14/15 - To Rules
146. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study the special funds of the State** - Introduced 3/12/15 - Adopted by House 3/13/15 - To Senate 3/14/15 - To Rules
147. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands** - Introduced 3/12/15 - Adopted by House 3/13/15 - To Senate 3/14/15 - Committee reference dispensed - Adopted by Senate 3/14/15
148. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting study on the**

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- 514. Relating to investments of local policemen's and firemen's pension and relief funds.

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543. Redistributing certain lottery revenues to State Excess Lottery Revenue Fund.
547. Creating WV Greyhound Racing Cessation Program.
563. Relating to racetrack video lottery and table games.
579. Clarifying restriction on limited video lottery location near business selling petroleum products.

GOVERNMENTAL AGENCIES:

15. Requiring Legislative Auditor conduct performance reviews and audits for all spending units.
44. Lowering threshold for low bidder's duty to submit subcontractors on government contracts.
76. Creating Equal Pay Coordinator within Division of Personnel.
96. Relating to selection of state agency administrative hearing examiners.
260. Providing purchases of state materials, supplies, equipment, etc., be made in US.
317. Relating to insurance coverage on state buildings and contents.

GOVERNOR – BILLS REQUESTED BY:

233. Budget Bill.
240. Updating terms in Personal Income Tax Act.
241. Updating terms in Corporation Net Income Tax Act.
242. Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness.

243. Relating to school nutrition standards during state of emergency or preparedness.
254. Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.
255. Eliminating certain boards, councils, committees, panels, task forces and commissions.
262. Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR.
264. Reducing severance tax proceeds dedicated to Infrastructure General Obligation Debt Service Fund.
265. Reducing distribution of excess lottery proceeds to Infrastructure Fund; increasing funds available for grants.
266. Eliminating sales tax exemption on certain highway construction and maintenance materials.
267. Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning.
268. Terminating dedication of corporation net income tax proceeds to railroads.
273. Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations.
274. Relating to TANF program sanctions.
288. Relating to public school financing.
294. Eliminating certain unnecessary, inactive or redundant councils, committees and boards.
303. Reducing sales tax proceeds dedicated to School Major Improvement Fund and School Construction Fund.
335. Creating Access to Opioid Antagonists Act.
370. Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees.
393. Reforming juvenile justice system.
408. Relating to Underwood-Smith Teacher Loan Assistance Program.
440. Making supplementary appropriation of federal funds to Department of Commerce.
441. Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH.
443. Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHS.
462. Expiring funds to State Fund, General Revenue, from Auditor's Office, Purchasing Card Administration Fund.
463. Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund.
464. Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, DHS.

465. Expiring funds to State Fund, General Revenue, from various accounts.
466. Making supplementary appropriation of federal funds to Department of Commerce.
467. Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee.
468. Expiring funds to State Fund, General Revenue, from Joint Expenses and DHHR, DHS, TRIP Fund.
469. Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection.
470. Making supplementary appropriation of Lottery Net Profits to State Department of Education, School Building Authority, Debt Service Fund.
471. Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS.
472. Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund.
473. Making supplementary appropriation of federal funds to DMAPS, WV State Police.
474. Making supplementary appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.
475. Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund.
476. Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund.
477. Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH.
508. Reorganizing Hatfield-McCoy Regional Recreation Authority.

HAZARDOUS MATERIALS:

27. Relating to county solid waste disposal fees; exemption.

HEALTH:

6. Relating to medical professional liability.
7. Requiring CPR and care for conscious choking instruction in public schools.
20. Allowing public health agencies to bill patients for STD and HIV testing.
21. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.
48. Modifying health care guidelines for reasonable, necessary medical treatment for injured workers.
58. Relating to delivery of workers' compensation medical benefits to injured workers.
64. Providing exemption from moratorium on skilled nursing beds for specialty skilled nursing beds.
84. Redefining "third-party administrator" to include pharmacy benefits managers.

120. Recodifying laws relating to DHHR and Bureau for Medical Services.
132. Reducing school nurse staffing ratio.
232. Providing for expedited partner therapy.
244. Creating Caregiver Advise, Record and Enable Act.
262. Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR.
267. Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning.
270. Amending criteria for pain management clinic designation.
277. Requiring issuance of certificate of birth resulting in stillbirth.
286. Relating to compulsory immunizations of students; exemptions.
295. Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions.
334. Relating to practice of medicine and surgery or podiatry.
336. Eliminating Health Care Authority's power to apply certain penalties to future rate applications.
343. Exempting chiropractors from continuing education requirement on mental health conditions common to veterans.
359. Relating to suicide prevention awareness.
368. Relating to risk-based capital reporting for health organizations.
386. Excluding mobile x-ray services from health care provider tax.
398. Extending expiration date for health care provider tax on eligible acute care hospitals.
399. Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units.
424. Eliminating compulsory tuberculosis testing for certain school children and school personnel.
428. Relating to hydrocodone combination drug prescriptions.
501. Requiring annual report by persons practicing midwifery.
516. Relating to practice of advance practice registered nurses.
532. Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.
539. Relating to release of medical records in certain civil actions.
544. Establishing procedures for body mass index screening in schools.
562. Requiring DHHR review health care providers' rates.
567. Requiring legislative approval for Medicaid expansion.
568. Transferring Medicaid Fraud Control Unit from DHHR to Attorney General.
583. Increasing tax rate on providers of certain nursing facility services.

HUMAN SERVICES:

274. Relating to TANF program sanctions.
295. Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions.

- 348. Creating pilot program for drug screening of cash assistance applicants.
- 556. Relating to provisional social worker license requirements.
- 559. Relating to social work provisional licensing.

INFRASTRUCTURE:

- 264. Reducing severance tax proceeds dedicated to Infrastructure General Obligation Debt Service Fund.
- 390. Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects.
- 478. Generating and maintaining revenue for road construction and maintenance and infrastructure.

INSURANCE – HEALTH:

- 28. Requiring health insurance coverage for certain nonnarcotic pain relief systems.
- 97. Relating to air-ambulance fees paid by PEIA.
- 236. Limiting health insurance coverage for elective abortions to supplemental policies.
- 289. Relating to anti-cancer medications.
- 366. Creating Patient Protection and Transparency Act.
- 437. Increasing membership of PEIA Finance Board.

INSURANCE – MOTOR VEHICLES:

- 32. Requiring certain percentage of insurance claims be performed by resident adjuster.
- 248. Requiring certain insurance and owner information be provided following car accident.
- 373. Allowing wireless communication image serve as proof of motor vehicle insurance.
- 394. Relating to insurance coverage for rented or leased vehicles when driver has no coverage.

INTERIM STUDIES:

- 140. Amending State Administrative Procedures Act.
- 230. Creating Overdose Prevention Act.
- 231. Allowing certain law-enforcement and public safety personnel to possess and administer opioid antagonist.
- 232. Providing for expedited partner therapy.
- 239. Eliminating certain boards, councils, task forces, commissions and committees.
- 244. Creating Caregiver Advise, Record and Enable Act.
- 304. Relating to farmers markets.
- 359. Relating to suicide prevention awareness.

LABOR:

- 11. Relating to workers' compensation disbursements when injury is self inflicted or intentional; permitting recovery in private suit.
- 12. Relating to payment of separated employee's outstanding wages.

48. Modifying health care guidelines for reasonable, necessary medical treatment for injured workers.
49. Providing liberal weighing of evidence in workers' compensation claims.
50. Relating to workers' compensation benefits for firefighters; other provisions.
51. Relating to workers' compensation benefits for occupational pneumoconiosis.
56. Declaring remedial component of workers' compensation laws receive liberal construction.
57. Relating to classification and criteria for disability benefits.
58. Relating to delivery of workers' compensation medical benefits to injured workers.
74. Requiring employee be paid workers' compensation maximum temporary total disability benefits for lost time without penalty.
80. Creating State Labor Relations Act.
88. Creating WV Clearance for Access: Registry and Employment Screening Act.
100. Establishing prevailing hourly rates for construction of public improvements.
102. Extending period that terminated employees' wages must be paid.
105. Disqualifying unemployment benefits for time not worked because of strike.
245. Repealing requirement for prevailing wage payment for public improvement construction.
251. Modifying private cause of action for deliberate intention workers' compensation claims.
279. Clarifying qualifications of Labor Commissioner.
307. Creating Paycheck Protection Act.
314. Authorizing indemnity settlement in occupational pneumoconiosis claims.
318. Relating to payment of wages by employers.
337. Creating workplace freedom act.
339. Eliminating certain funding sources for Workers Compensation Debt Reduction Fund.
344. Relating to duty to mitigate damages in employment claims.
361. Eliminating prevailing hourly wage requirement for construction of public improvements.
400. Exempting certain employers from discriminating against tobacco users.
405. Authorizing qualified entities access to Criminal Identification Bureau for certain purposes.
409. Establishing Fair and Open Competition in Governmental Construction Act.
511. Relating to contractor or subcontractor's obligations regarding minimum prevailing wage rates on public improvement projects.
521. Requiring employer provide group life insurance policy under certain circumstances.
528. Creating Earned Sick Time Act.
578. Relating to occupational disease claims.

LAW ENFORCEMENT:

9. Allowing law enforcement and emergency service personnel possess opioid antagonists.
92. Providing salary increase for natural resources police officers.
114. Requiring municipal police officers wear armor vest.
119. Relating to meeting and conference rights for police or fire departments.
231. Allowing certain law-enforcement and public safety personnel to possess and administer opioid antagonist.
254. Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.
284. Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms.
299. Clarifying start date of State Police duty-related and nonduty related disability payments.
301. Modifying definition of "member" in Municipal Police and Firefighters Retirement System.
353. Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program.
364. Exempting State Police Forensic Laboratory from state purchasing guidelines.
381. Creating State Police 100th Anniversary Fund.
405. Authorizing qualified entities access to Criminal Identification Bureau for certain purposes.
426. Relating to campus police officers of state institutions of higher learning.
427. Relating to State Police compensation.
435. Creating WV Sheriffs' Bureau of Professional Standards.
445. Relating to investment of RJCFA funds.
449. Relating to salaries for Division of Corrections, RJCFA and Division of Juvenile Services employees.
452. Exempting RJCFA employees from classified service.
503. Permitting sheriff hire outside attorneys for tax collection assistance.
514. Relating to investments of local policemen's and firemen's pension and relief funds.
529. Relating to PERS, SPRS and TRS benefits and costs.
549. Establishing classifications and salary schedules for State Police forensic lab civilian employees.
575. Transferring private investigative and security services from Secretary of State to State Police.

LEGISLATURE:

15. Requiring Legislative Auditor conduct performance reviews and audits for all spending units.
99. Relating to mandatory drug testing of legislators and certain recipients of federal and state funds.

112. Requiring legislative rule establishing level for higher education capital project spending project approval.
139. Creating misdemeanor offense of impersonating Commission on Special Investigations representative.
567. Requiring legislative approval for Medicaid expansion.

LEGISLATURE–RULE MAKING:

140. Amending State Administrative Procedures Act.
141. Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.
142. Authorizing Department of Administration promulgate legislative rules.
143. Authorizing Department of Administration promulgate legislative rule relating to operation plan for State Agency for Surplus Property.
144. Authorizing CPRB promulgate legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors.
145. Authorizing CPRB promulgate legislative rule relating to Deputy Sheriffs Retirement System.
146. Authorizing DNR promulgate legislative rule relating to defining terms used in hunting and trapping rules.
147. Authorizing DNR promulgate legislative rule relating to hunting, trapping and fishing license and stamp fees.
148. Authorizing DNR promulgate legislative rule relating to general hunting.
149. Authorizing DNR promulgate legislative rule relating to lifetime hunting, trapping and fishing licenses.
150. Authorizing DNR promulgate legislative rule relating to wildlife damage control agents.
151. Authorizing DNR promulgate legislative rule relating to special boating.
152. Authorizing DNR promulgate legislative rule relating to commercial whitewater outfitters.
153. Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Amusement Attractions Safety Act.
154. Authorizing Division of Labor promulgate legislative rule relating to child labor.
155. Authorizing Division of Labor promulgate legislative rule relating to supervision of plumbing work.
156. Authorizing Division of Labor promulgate legislative rule relating to verification of legal employment status.
157. Authorizing Division of Labor promulgate legislative rule relating to regulation of heating, venting and cooling work.
158. Authorizing Division of Labor promulgate legislative rule relating to weights and measures calibration fees.
159. Authorizing Division of Forestry promulgate legislative rule relating to ginseng.

160. Authorizing DEP promulgate legislative rule relating to Stream Partners Program grants.
161. Authorizing DEP promulgate legislative rule relating to hazardous waste management system.
162. Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.
163. Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.
164. 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.
165. Authorizing DEP promulgate legislative rule relating to waste management.
166. Authorizing DEP promulgate legislative rule relating to WV/NPDES rule for coal mining facilities.
167. Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards.
168. Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.
169. Authorizing DEP promulgate legislative rule relating to requirements for operating permits.
170. Authorizing Bureau of Commerce promulgate legislative rules.
171. Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.
172. Authorizing DHHR promulgate legislative rule relating to Fatality and Mortality Review Team.
173. Authorizing DHHR promulgate legislative rule relating to medication administration and performance of health maintenance tasks by approved medication assistive personnel.
174. Authorizing DHHR promulgate legislative rule relating to nurse aid abuse and neglect registry.
175. Authorizing DHHR promulgate legislative rules.
176. Authorizing DHHR promulgate legislative rule relating to nursing home licensure.
177. Authorizing DHHR promulgate legislative rule relating to statewide trauma/emergency care system.
178. Authorizing Family Protection Services Board promulgate legislative rule relating to domestic violence program licensure standards.
179. Authorizing Family Protection Services Board promulgate legislative rule relating to Monitored Parenting and Exchange Program certification.
180. Authorizing Family Protection Services Board promulgate legislative rule relating to board operation.

181. Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure for correctional institutions.
182. Authorizing Department of Military Affairs and Public Safety promulgate legislative rules.
183. Authorizing Office of Technology promulgate legislative rule relating to sanitization, retirement and disposition of equipment.
184. Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards.
185. Authorizing State Fire Marshal promulgate legislative rule relating to fire protection work supervision.
186. Authorizing Tax Department promulgate legislative rule relating to appointment of special assessors.
187. Authorizing Department of Revenue promulgate legislative rules.
188. Authorizing Insurance Commissioner promulgate legislative rule relating to using mortality tables to determine reserve liabilities for annuities.
189. Authorizing Insurance Commissioner promulgate legislative rule relating to annuity disclosure.
190. Authorizing ABCC promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures.
191. Authorizing ABCC promulgate legislative rule relating to private club licensing.
192. Authorizing Department of Transportation promulgate legislative rules.
193. Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.
194. Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.
195. Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs.
196. Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to registration and renewal of appraisal management companies.
197. Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; physician assistants.
198. Authorizing Enterprise Resource Planning Board promulgate legislative rule relating to user fee.
199. Authorizing miscellaneous agencies and boards promulgate legislative rules.
200. Authorizing Board of Physical Therapy promulgate legislative rule relating to fees for physical therapists and physical therapist assistants.

201. Authorizing Board of Osteopathy promulgate legislative rule relating to board fees.
202. Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants.
203. Authorizing Board of Pharmacy promulgate legislative rule relating to immunizations administered by pharmacists.
204. Authorizing Board of Pharmacy promulgate legislative rule relating to pharmacy technician registration.
205. Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.
206. Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies.
207. Authorizing Board of Dental Examiners promulgate legislative rule relating to board.
208. Authorizing Board of Dental Examiners promulgate legislative rule relating to dental recovery networks.
209. Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations and dental practice ownership.
210. Authorizing Agriculture Commissioner promulgate legislative rule relating to frozen desserts and imitation frozen desserts.
211. Authorizing Agriculture Commissioner promulgate legislative rule relating to animal disease control.
212. Authorizing Agriculture Commissioner promulgate legislative rule relating to auctioneers.
213. Authorizing Agriculture Commissioner promulgate legislative rule relating to Pesticide Control Act of 1990 fee structure.
214. Authorizing Agriculture Commissioner promulgate legislative rule relating to Plant Pest Act.
215. Authorizing Agriculture Commissioner promulgate legislative rule relating to meat and poultry inspection.
216. Authorizing Agriculture Commissioner promulgate legislative rule relating to Spay Neuter Assistance Program.
217. Authorizing Agriculture Commissioner promulgate legislative rule relating to livestock care standards.
218. Authorizing Agriculture Commissioner promulgate legislative rule relating to equine rescue facilities.
219. Authorizing Agriculture Commissioner promulgate legislative rule relating to Rural Rehabilitation Loan Program.
220. Authorizing Agriculture Commissioner promulgate legislative rule relating to aquaculture importation.
221. Authorizing Agriculture Commissioner promulgate legislative rule relating to industrial hemp.

222. Authorizing Agriculture Commissioner promulgate legislative rule relating to dangerous wild animals.
223. Authorizing Board of Pharmacy promulgate legislative rule relating to licensure and practice of pharmacy.
224. Authorizing Secretary of State promulgate legislative rule relating to election recount procedures.
225. Authorizing Secretary of State promulgate legislative rule relating to electronic notarization standards and guidelines.
226. Authorizing Secretary of State promulgate legislative rule relating to notaries public.
227. Authorizing Secretary of State promulgate legislative rule relating to schedule of fees for notaries public.
228. Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure.
229. Authorizing CPRB promulgate legislative rule relating to service credit for accrued and unused sick and annual leave.
341. Permitting Agriculture Commissioner approve and submit Livestock Care Standards Board rules.
355. Relating to quality control procedure for agency rules.

LEVIES:

113. Permitting counties impose property levy for public library funding.

LIABILITY:

3. Relating to real property possessor's liability for trespasser harm.
6. Relating to medical professional liability.
13. Reinstating open and obvious doctrine for premises liability.
38. Relating to apportionment of damages in tortious conduct actions.
134. Creating Civil Justice Reform Act of 2015.
136. Limiting certain public parks and recreation liability.
238. Limiting certain county board of education liability arising from unorganized recreation.
411. Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act.
456. Relating to letters of merit in medical professional liability actions.
532. Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.
580. Relating to statute of limitations on health care injury claims for minors.

LIBRARIES:

113. Permitting counties impose property levy for public library funding.

LIENS:

281. Creating system of judicial sale of tax liens.
403. Increasing period during which recorded and refiled motor vehicle liens are valid.

505. Creating Physicians Lien Act.

MILITARY AFFAIRS:

- 47. Providing National Guard and reserve members campground rental discount in state parks.
- 53. Exempting military, National Guard and reserve income from state income taxes.
- 75. Legalizing and regulating sale and use of fireworks; establishing WV Veterans Program Fund.
- 77. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
- 79. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
- 85. Increasing tax exemption for military, National Guard and reserve retirement income.
- 109. Relating to local indoor smoking prohibitions.
- 122. Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding.
- 300. Relating to military service credit for PERS members.
- 316. Exempting new veteran-owned business from certain fees paid to Secretary of State.
- 346. Creating Mental Health, Veterans and Service Members Court Act.
- 451. Allowing certain National Guard firefighters to become Air National Guard civilian firefighters.
- 486. Authorizing special license plates for Civil Air Patrol vehicles.
- 551. Relating to PERS military service credit.
- 555. Continuing Office of EMS as independent office within DMAPS.

MINES AND MINERALS:

- 51. Relating to workers' compensation benefits for occupational pneumoconiosis.
- 72. Establishing additional circumstances requiring miner certification suspension or revocation for substance abuse violations.
- 339. Eliminating certain funding sources for Workers Compensation Debt Reduction Fund.
- 357. Creating Coal Jobs and Safety Act of 2015.
- 502. Relating to eligibility for certain reclamation or remediation tax credit.
- 517. Exempting privilege of producing coalbed methane gas from severance tax.

MISCELLANEOUS:

- 110. Relating to purchase, possession, sale and use of fireworks.
- 125. Prohibiting discrimination based on age or sexual orientation.
- 438. Creating Sexual Assault Fund to End Rape Act.
- 500. Providing procedure for delegate selection to Article V Convention.
- 553. Establishing English as official state language.

MOTOR VEHICLES:

17. Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle.
59. Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.
87. Relating to standards for conversion and retrofits of alternative-fuel motor vehicles.
91. Creating amnesty program for certain drivers with suspended licenses.
94. Establishing driver's license restoration program.
107. Relating to disclaimer of warranties for used motor vehicles.
118. Permitting certain loaded firearms in motor vehicles on Capitol Complex grounds.
259. Relating to examination, licensing and endorsement requirements for motorcycles.
293. Increasing fees for certain DMV services and documents.
353. Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program.
356. Providing motorcycle helmet exemption for certain cyclists.
369. Repealing code sections relating to mandatory state motor vehicle inspections.
403. Increasing period during which recorded and refiled motor vehicle liens are valid.
417. Removing certain tax discounts from motor fuel excise tax.
453. Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.
486. Authorizing special license plates for Civil Air Patrol vehicles.
533. Prohibiting visual obstruction of motor vehicle registration plates.
538. Relating to hearings before Office of Administrative Hearings.
570. Mandating dispatch of local services for emergency towing.

MUNICIPALITIES:

114. Requiring municipal police officers wear armor vest.
272. Decreasing number of jurors on municipal jury.
323. Relating to Municipal Home Rule Pilot Program.
324. Increasing number of participants in Home Rule Pilot Program.
329. Requiring real property seller satisfy unpaid charges to county and municipality.
481. Relating to municipal policemen's and firemen's pension and relief funds' investment.
483. Relating to municipal policemen's and firemen's pension and relief funds' trustees.
484. Relating to procedure for removal of certain county, school district and municipal officers.
515. Relating to Municipal Pensions Oversight Board fund investments.

518. Permitting county and municipal economic development authorities invest certain funds.
550. Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation.

NATURAL RESOURCES:

77. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
79. Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.
92. Providing salary increase for natural resources police officers.
138. Relating to posting of property to prohibit hunting or trespassing.
261. Clarifying definition of “owner” of dam.
276. Terminating severance tax on timber.
278. Relating to lawful and unlawful methods of hunting.
311. Changing Coopers Rock State Forest to Coopers Rock State Park.
327. Requiring public hearing prior to fee simple transfer of real property to or from DNR and Division of Forestry.
383. Permitting hunting or trapping on private lands on Sundays.
423. Amending Aboveground Storage Tank Act.
569. Permitting bear hunting with outfitters.

OIL AND GAS:

513. Establishing minimum standards for unconventional well sites.
564. Authorizing Shallow Gas Well Review Board grant certain waivers.

PARKS AND RECREATION:

47. Providing National Guard and reserve members campground rental discount in state parks.
90. Promoting development of corporate sponsorships for state parks and recreational areas.
136. Limiting certain public parks and recreation liability.
311. Changing Coopers Rock State Forest to Coopers Rock State Park.
508. Reorganizing Hatfield-McCoy Regional Recreation Authority.

PORNOGRAPHY:

128. Revising definition of “obscene matter”.

PRESCRIPTIONS AND MEDICATIONS:

289. Relating to anti-cancer medications.
458. Relating to controlling methamphetamine.
494. Relating to prescriptions for epinephrine auto-injectors.
546. Creating Compassionate Use Act for Medical Cannabis.

PROFESSIONS AND OCCUPATIONS:

21. Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.

22. Relating to Board of Examiners for Registered Professional Nurses membership.
83. Relating to funeral service and embalmer licenses.
106. Excepting professional engineer member from sanitary board when project engineer is under contract.
126. Relating to practice of psychology.
334. Relating to practice of medicine and surgery or podiatry.
343. Exempting chiropractors from continuing education requirement on mental health conditions common to veterans.
378. Relicensing electricians without retesting under certain circumstances.
389. Relating to Board of Registration for Professional Engineers license renewals and reinstatements.
456. Relating to letters of merit in medical professional liability actions.
505. Creating Physicians Lien Act.

PUBLIC EMPLOYEES:

24. Prohibiting public officials and employees from using public funds for self promotion.
29. Allowing county employee to run for vacant office without resigning.
52. Providing state employee uniforms be manufactured in United States.
115. Increasing annual salary of Division of Corrections employees.
122. Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding.
302. Relating to state retirement plans.
305. Relating to state retirement system participation and concurrent employment provisions.
342. Clarifying scope, application and requirements for error corrections by CPRB.
433. Relating to graduated salary increases for state employees.
449. Relating to salaries for Division of Corrections, RJCFA and Division of Juvenile Services employees.
452. Exempting RJCFA employees from classified service.
529. Relating to PERS, SPRS and TRS benefits and costs.

REAL PROPERTY:

3. Relating to real property possessor's liability for trespasser harm.
45. Allowing transfer of interest in real property when certain co-owner pays all taxes.
124. Redistributing and dedicating excise tax on real property transfers to regional jails.
138. Relating to posting of property to prohibit hunting or trespassing.
269. Creating flood zone homestead property tax exemption.
285. Relating to primary and subordinate mortgage loans.
329. Requiring real property seller satisfy unpaid charges to county and municipality.

- 418. Relating to trustee real estate sale under deed of trust.
- 489. Imposing statute of limitations on civil actions derived from surveying of real property.
- 498. Clarifying tax map rules apply to paper and electronic documents.
- 503. Permitting sheriff hire outside attorneys for tax collection assistance.
- 509. Relating to waste by cotenant.
- 519. Relating to Nonprofit Youth Organization Tax Exemption Support Amendment enabling legislation.

REGULATION OF TRADE:

- 123. Exempting gasoline, diesel fuel and blended fuel from unfair trade practices.
- 385. Regulating transportation network companies.

RETIREMENT:

- 298. Clarifying funds within Public Employees Retirement Fund.
- 299. Clarifying start date of State Police duty-related and nonduty related disability payments.
- 300. Relating to military service credit for PERS members.
- 301. Modifying definition of "member" in Municipal Police and Firefighters Retirement System.
- 302. Relating to state retirement plans.
- 305. Relating to state retirement system participation and concurrent employment provisions.
- 342. Clarifying scope, application and requirements for error corrections by CPRB.
- 420. Relating to retirement benefits for certain employees in kindergarten programs.
- 480. Increasing tax exemption for PERS and TRS income.
- 481. Relating to municipal policemen's and firemen's pension and relief funds' investment.
- 483. Relating to municipal policemen's and firemen's pension and relief funds' trustees.
- 514. Relating to investments of local policemen's and firemen's pension and relief funds.
- 515. Relating to Municipal Pensions Oversight Board fund investments.
- 529. Relating to PERS, SPRS and TRS benefits and costs.
- 530. Extending income tax exemption for retirees receiving pensions from certain defined pension plans.
- 551. Relating to PERS military service credit.

ROADS AND HIGHWAYS:

- 41. Repealing article authorizing roadside memorial markers.
- 54. Requiring certification of state bridge paint applicators.
- 379. Creating State Infrastructure Fund Program.
- 407. Implementing state safety oversight program.
- 478. Generating and maintaining revenue for road construction and maintenance and infrastructure.

- 499. Creating Tourist-Oriented Directional Signs Program.
- 572. Eliminating distribution of Tourism Promotion Funds for courtesy patrol program.
- 581. Relating to courtesy patrol program.

SAFETY:

- 356. Providing motorcycle helmet exemption for certain cyclists.
- 407. Implementing state safety oversight program.

TAXATION:

- 34. Exempting certain precious metals sales from consumers' sales tax.
- 45. Allowing transfer of interest in real property when certain co-owner pays all taxes.
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Enr. Com. Sub. for H. B. No. 2187	3087
Enr. H. B. No. 2201	1194
Enr. Com. Sub. for H. B. No. 2240	3095
Enr. Com. Sub. for H. B. No. 2568	1660
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Enr. H. B. No. 2664	2993-2995
Enr. Com. Sub. for H. B. No. 2674	3098
Enr. H. B. No. 2776	3103

Enr. Com. Sub. for H. B. No. 2793	3099
Enr. Com. Sub. for H. B. No. 2840	3101
Enr. H. B. No. 2880	3019-3021

HALL, DANIEL J., a Senator from the Ninth District:

addressed the Senate	1535, 2765, 2778
announced change in party affiliation	4
appointed majority whip	130
appointed to conference committee as to Eng. House Bill No. 2646	2673
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2939	2513
appointed to select committee to escort President-elect to chair	8
appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 58)	3032
appointed to standing committees	127-130, 487
bills introduced (by request)	43-49, 53-55, 58, 60, 62, 69, 71-72, 74-75, 77, 80, 82-83, 94, 137, 155, 172, 187, 199-200, 219-220, 232, 234, 236, 247-250, 282-285, 290, 318-320, 337-339, 341-343, 375-376, 397-398, 415, 417, 447, 449, 472-475, 559, 633-636, 651, 653-655, 677, 678, 717, 779, 856, 858, 859, 860, 924, 925, 926, 927, 928, 929, 930, 931, 932
excused from voting	1210
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nominated Anthony Gallo, doorkeeper of Senate	13
objection to unanimous consent	1047
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pledge of allegiance led by	191, 1648
remarks by (ordered printed in appendix)	274, 346, 542, 1257, (1535), (1743), 1945
reports by, as chair of committee on agriculture and rural development	183, 277-280, 281, 298, 388, 393, 517, 965, 967, 1808
reports by, as chair of committee on labor	193-195, 280, 993
resolutions offered (by request)	121, 142, 144, 160, 164, 201-203, 237-239, 290, 293-294, 322, 377, 400, 419, 421, 423, 454, 456, 477, 560, 637, 655-661, 680, 717-722, 941, 945, 1036, 1102, 1133, 1644, 1674, 1741, 1872, 1877, 2043, 2051

HALL, MIKE, a Senator from the Fourth District:

addressed the Senate	2763
appointed to conference committee as to Eng. Senate Bill No. 518	2672
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2016	2761
appointed to conference committee as to Eng. House Bill No. 2213	1626
appointed to select committee to escort President-elect to chair	8

appointed to standing committees	127-130
bills introduced (by request)	44, 47-48, 65, 90, 118-119, 137, 159-160, 232, 250, 287, 289, 318, 320, 337, 339-340, 342, 377, 397, 415, 447, 449, 472, 524, 526-527, 635-636, 652, 782, 925, 928, 930, 931
bills introduced by request of executive	111, 133-138, 153, 154-162, 176, 186, 208, 222, 224, 247, 249
main motion	974
nominated Howard L. Wellman, sergeant at arms of Senate	13
pledge of allegiance led by	169, 1259
prayer by	1686
qualified	6
remarks by (ordered printed in appendix)	274, (1257-1258), (2253)
removal of sponsorship	242
reports by, as chair of committee on finance	307, 353, 387-388, 410, 466, 553-554, 586, 629, 670, 707, 709, 714, 767, 775, 847, 851, 853-854, 966-967, 968, 970, 1078, 1090-1091, 1093, 1126, 1127, 1129-1130, 1131, 1200, 1227, 1229, 1401-1402, 1429, 1636, 1639-1640, 1641, 1666, 1667-1668, 1737, 1802, 1803, 1807, 1810, 2036, 2095, 2097-2098, 2161-2162, 2247-2248, 2251, 2252, 2345-2346, 2360-2361
resolutions offered (by request)	41, 42, 145, 164, 421, 657, 861, 1028-1030, 1674, 2043, 2051
withdraws (committee) amendment	(1754), (1770), (2610), (2639), (2640), (2663), (2655)
 JACK, OPAL ELOISE, a Senator from the Seventeenth District:	
appointed by Governor to fill unexpired term of Honorable Brooks F. McCabe, Jr.	3
 JOINT ASSEMBLY:	
to hear an address by the Governor (H. C. R. No. 1)	124
 JOINT RULES, Suspension of:	
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 KARNES, ROBERT, a Senator from the Eleventh District:	
appointed to standing committees	127-130
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main motion	1600
pledge of allegiance led by	275, 2960
qualified	6
remarks by (ordered printed in appendix)	372, (463), (1143), (1257-1258)
reports by, as chair of committee on natural resources	215-216, 333-334, 374-375, 583, 668-669, 768, 774, 776, 1088, 1804, 1809
resolutions offered (by request)	294, 456, 1642, 2051

withdraws (committee) amendment (2610), (2630)
 yeas and nays demanded by 1072, 1142

KESSLER, JEFFREY V., a Senator from the Second District:

addressed the Senate 1112, 1799
 appointed minority leader 130
 appointed to select committee to escort Governor
 to joint assembly (H. C. R. No. 1) 125
 appointed to select committee to notify Governor
 Legislature is ready to adjourn *sine die* (S. R. No. 59) 3032
 appointed to standing committees 127-130
 bills introduced (by request) 45-46, 50, 94, 137, 185, 187,
 190, 199-200, 235, 249, 284, 320, 339-340, 376-377, 394, 415, 448-449, 472-
 475, 525-526, 559-560, 636, 651-652, 654-655, 678, 780-781, 782, 856, 857,
 858, 926, 928, 931, 932
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 190, 198-199, 233, 235, 246, 288, 343, 395, 397, 414, 523, 679, 781
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 pledge of allegiance led by 547, 975
 remarks by, ordered extended in Journal 177
 remarks by (ordered printed in appendix) (332), (346), (381-382),
 (446), 463, (536-537), (546), (623), (693), (730), 893, (1112), (1257-1258),
 (1529), (1602), (1743), (1799), (2959)
 removal of sponsorship 1005
 resolutions offered (by request) 42, 120, 201-203, 237-239,
 250-252, 293-294, 322-324, 421, 423, 451, 532-534, 637, 655, 717-722, 783,
 861, 941, 1103, 1132, 1135, 1273, 2051
 withdraws demand for yeas and nays 1265
 yeas and nays demanded by 445, 975, 1075, 1265, 1277, 2067

KIRKENDOLL, ART, a Senator from the Seventh District:

addressed the Senate 1112
 appointed to standing committees 127-130
 bills introduced (by request) 43-46, 50, 65, 67, 118-119,
 137, 155, 172, 184, 197, 200, 234, 282, 320, 337-340, 375-376, 415, 448-449,
 472-475, 525, 634-636, 651, 655, 677, 678, 859, 928
 pledge of allegiance led by 647
 remarks by (ordered printed in appendix) (212), (386), (446), (543),
 734, (1112), (1257-1258), (1451)
 removal of sponsorship 953
 resolutions offered (by request) 164, 421, 453, 456, 783,
 1467, 1669-1674, 1871, 2051

LAIRD, WILLIAM R., IV, a Senator from the Tenth District:

appointed to standing committees 127-130
 bills introduced (by request) 50, 56, 60, 67-68, 72, 74-77, 81-82,
 118-119, 172, 200, 249-250, 282, 284, 318, 320, 340-341, 394, 472-475, 525,
 654-655, 678, 780, 781, 782, 856, 858, 860, 931

pledge of allegiance led by	516
remarks by (ordered printed in appendix)	(546), (570), (692), (1367)
resolutions offered (by request)	120, 322-324, 421, 423, 532-534, 637, 659, 719-722, 861, 1096, 2051

LEONHARDT, KENT, a Senator from the Second District:

appointed to conference committee as to	
Eng. House Bill No. 2646	2673
appointed to standing committees	127-130
bills introduced (by request)	43-46, 49, 52, 56, 80, 88, 137, 159-160, 172, 199, 232, 234, 250, 282, 284-285, 318-320, 337-339, 341, 345, 377, 472, 524-527, 559, 635-636, 651-653, 677, 678, 777, 927, 928, 933, 934
pledge of allegiance led by	1, 2966
qualified	6
remarks by (ordered printed in appendix)	(647), (1035), (1143), (1367)
reports by, as chair of committee on military ...	218-219, 438, 582, 1028, 1811
resolutions offered (by request)	164, 174, 239, 293, 451, 456, 477, 530, 637, 655-659, 1036, 1273, 1874, 2051

MAYNARD, MARK R., a Senator from the Sixth District:

addressed the Senate	2244
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 37	2542
appointed to standing committees	127-130
bills introduced (by request)	43, 46, 48, 137, 199-200, 232, 319, 338-339, 375, 451, 633-635, 652-653, 933, 934
pledge of allegiance led by	386, 1812
qualified	6
removal of sponsorship	301
reports by, as chair of joint committee	
on enrolled bills	347, 387, 408, 648, 696, 766-767, 846, 1020-1021, 1087, 1125, 1180, 1263, 1419, 1635, 1701, 1800, 1927, 2961, 2971-2972, 3033-3049
resolutions offered (by request)	453-456, 527-530, 657, 939, 2051

MCCABE, BROOKS F., JR., a Senator from the Seventeenth District:

resignation announced	2
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MILLER, RONALD F., a Senator from the Tenth District:

addressed the senate	1112
appointed to conference committee as to	
Eng. House Bill No. 2576	1417
appointed to standing committees	127-130
bills introduced (by request)	62, 64-65, 67-69, 74-76, 82, 85, 89-93, 118-119, 158, 160, 187, 233-235, 247, 282, 320, 339-340, 397, 449, 472-475, 525, 651, 655, 780, 781, 782, 856, 932
leave of absence granted to	213, 386, 953, 1258, 1648, 1812

pledge of allegiance led by	954
prayer by	647, 2965
qualified	6
remarks by (ordered printed in appendix)	(221), (232), (274), 372, (446), (840), (1112), (1532), (1945)
resolutions offered (by request)	120, 419, 423, 477, 532-534, 682, 861, 1096, 1872, 2051

MULLINS, JEFF, a Senator from the Ninth District:

appointed to standing committees	127-130, 487
bills introduced (by request)	43-48, 78, 88, 137, 160, 200, 232, 248, 281-282, 318, 320, 337-339, 341, 375-376, 394, 416, 448-449, 527, 635-636, 651-653, 677, 678, 780
leave of absence granted to	953
pledge of allegiance led by	222, 2253
qualified	6
reports by, as chair of committee on	
energy, industry and mining	171, 302-303, 316, 352, 554
resolutions offered (by request)	164, 456, 2051

NOHE, DAVID, a Senator from the Third District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2025	578
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2939	2513
appointed to select committee to notify House of Delegates	
Senate has assembled and organized (S. R. No. 2)	40
appointed to standing committees	127-130
bills introduced (by request)	43-49, 56, 62, 76, 137, 155, 158-159, 184, 198-200, 220, 235, 247, 249-250, 281, 284-285, 290, 317-318, 320-321, 338-339, 341-342, 344, 376-377, 394, 400, 415, 448, 473, 525-527, 560, 635, 652-653, 677, 780, 858, 860, 925, 926, 932, 933
leave of absence granted to	647, 1648
main motion	970
petitions presented by	947, 976, 1275, 1431, 2163
pledge of allegiance led by	406, 1946
qualified	6
remarks by (ordered printed in appendix)	(625)
reports by, as chair of committee on	
banking and insurance	275-276, 389, 392-393, 519-521, 959, 961, 968, 1405-1406, 1804, 1810, 2098
resolutions offered (by request)	201, 293, 377, 421, 451, 456, 637, 657, 661, 719-722, 1028, 2051
withdraws (committee) amendment	(979)

PALUMBO, COREY, a Senator from the Seventeenth District:

appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 13	517
appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 37	2542
appointed to conference committee as to Eng. Com. Sub. for Senate Bill No. 192	2672
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2002	547
appointed to conference committee as to Eng. House Bill No. 2664	2765
appointed to standing committees	127-130
bills introduced (by request)	44, 46, 56, 58, 83, 94, 118-119, 200, 234, 237, 250, 284-286, 289, 320, 340, 342, 397, 415, 473-474, 559, 655, 678, 780, 857, 860, 926, 928
excused from voting	1198
main motion	303
pledge of allegiance led by	463
remarks by (ordered printed in appendix)	(730), (2102)
resolutions offered (by request)	122, 166, 203-204, 322-326, 417, 421, 534, 655-657, 1874-1877, 2051, 2575

PLEDGE OF ALLEGIANCE:

daily	1, 131, 151, 169, 182, 192, 214, 222, 243, 275, 301, 332, 346, 372, 386, 406, 432, 463, 488, 516, 547, 571, 625, 647, 667, 693, 734, 840, 893, 954, 1006, 1079, 1118, 1189, 1232, 1259, 1407, 1452, 1624, 1648, 1686, 1730, 1812, 1946, 2103, 2253, 2541, 2959, 2960, 2966, 2967
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PLYMALE, ROBERT H., a Senator from the Fifth District:

addressed the Senate	1047
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2016	2761
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2368	2337
appointed to select committee to notify Governor Legislature has assembled and organized (S. R. No. 3)	41
appointed to select committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i> (S. R. No. 58)	3032
appointed to standing committees	127-130
bills introduced (by request)	43-45, 50-51, 65, 71-73, 75, 81, 83-84, 93-94, 118-119, 137, 158, 160, 172, 184, 199, 201, 220, 237-239, 282, 284, 317, 320-321, 338-342, 394, 397, 414-415, 417, 447-449, 472-473, 524- 527, 559-560, 633-634, 636, 652, 655, 678, 679, 717, 777, 780, 858, 860
excused from voting	2277
main motion	874, 1050, 1073, 2167
pledge of allegiance led by	693
remarks by (ordered printed in appendix)	(623), (721), (945), (1047), 1257, 2965
removal of sponsorship	242

resolutions offered (by request)	142, 144, 203-204, 293, 322-326, 400, 417, 419, 421, 423, 451, 453-454, 475, 477, 527-534, 560, 637, 680-684, 717- 722, 943, 973, 1028, 1033, 1103, 1133, 1642, 1703, 1872, 2048-2051
voting sentiment	1623
yeas and nays demanded by	370, 2185, 2947

PRAYER:

daily	1, 131, 151, 169, 181, 191, 213, 222, 243, 275, 301, 332, 346, 372, 386, 406, 432, 463, 488, 516, 546, 571, 625, 647, 667, 693, 734, 840, 893, 954, 1006, 1079, 1118, 1189, 1232, 1259, 1407, 1451, 1624, 1648, 1686, 1730, 1812, 1945, 2103, 2253, 2541, 2959, 2960, 2965, 2967
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PRESIDENT OF THE SENATE (William P. Cole III):

announced appointments to standing committees	170
announced changes in standing committees	181, 487
appointed conference committees	517, 547, 578, 1417, 1626, 2337, 2513, 2542, 2672, 2673, 2761, 2765
appointed majority leader	130
appointed majority whip	130
appointed minority leader	130
appointed majority whip	130
appointed president <i>pro Tempore</i>	130
appointed select committees	40, 41, 125, 3031-3032
appointed to (joint) standing committees	127-130
bills introduced (by request)	43, 46-49, 118-119, 200, 342, 417
bills introduced by request of executive	156-157, 172-173, 188-190, 198-199, 233, 235, 246, 288, 343, 395, 397, 414, 523, 679, 781
budget bill presented by	127
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excused from voting	1527, 2858
executive communications presented by	223, 1084, 1191-1192, 1194, 1656, 1660, 1688, 1831, 2155, 2566
executive messages presented by	2566, 2575
executive nominations presented by	2133
laid governor's proclamation extending session	2131
nominated, elected and qualified as president of Senate	6
points of order ruled on	330, 975
presided as president	131, 151, 169, 181, 191, 213, 222, 243, 275, 301, 332, 346, 372, 386, 406, 432, 463, 488, 516, 546, 571, 625, 647, 667, 693, 734, 840, 893, 954, 1006, 1079, 1118, 1189, 1232, 1258, 1407, 1451, 1624, 1648, 1686, 1730, 1812, 1945, 2103, 2253, 2541, 2859, 2958, 2960, 2965, 2967
quorum declared	6
remarks by, ordered extended in Journal	8
reports by, as chairman <i>ex officio</i> of	
committee on rules	1404, 2036, 2244-2246, 2344, 2666
resolutions offered (by request)	42, 252, 783, 1132, 1135, 2051
returned to chair	1529, 2859

PRESIDENT *pro Tempore* (Donna J. Boley):

appointed as	130
presided as	1527, 2814

PREZIOSO, ROMAN W., JR., a Senator from the Thirteenth District:

appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2016	2761
appointed to conference committee as to Eng. House Bill No. 2213	1626
appointed to standing committees	127-130
bills introduced (by request)	118-119, 137, 185, 197, 199, 200, 220, 249, 320, 338-340, 376-377, 397, 415, 447, 472-473, 527, 559, 635-636, 651-652, 654-655, 678, 780, 782, 858, 860
leave of absence granted to	242, 487, 1232
pledge of allegiance led by	625
remarks by (ordered printed in appendix)	(1877)
resolutions offered (by request)	142, 201-203, 250, 400, 421, 532-534, 560, 637, 655, 659, 680-684, 719-722, 1033, 1103, 1133, 1741, 1874-1877, 2043-2051

RECONSIDERATION OF, As to:

veto message; bill amended and repassed	1084-1087, 1191-1194, 1194-1200, 1656-1660, 1831-1869, 2155-2157, 2515-2517, 2975-2978, 2978- 2980, 2980-2987, 2988-2993, 2995-3019, 3021-3028
veto message; bill repassed	1660-1662
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vote on amendment to committee amendment	2239
vote on amendment to House amendment	864, 2669
vote on effective date	863
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vote on passage of bill	863, 1050, 2100, 2668, 2869
vote on rejection of bill	785

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ROMANO, MICHAEL J., a Senator from the Twelfth District:	
appointed to standing committees	127-130
bills introduced (by request)	50, 60-61, 69, 72, 74- 76, 82-83, 85-86, 89-90, 94, 155, 199, 320, 339, 394, 397, 449, 473-475, 525- 526, 635, 655, 678, 857, 858, 859, 928
main motion	1073, 2946
pledge of allegiance led by	734
qualified	6
remarks by (ordered printed in appendix)	(232), (242), (446), (730), (872), (1143), (1602)
resolutions offered (by request)	138, 164, 237, 296, 421, 423, 680, 2042, 2051
SECRETARY OF STATE (Natalie E. Tennant):	
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return of bill to calendar under authority of	1275
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excused from voting	644, 950, 978, 987, 1053, 1198, 1210, 1249, 1256, 1289, 1527, 1646, 2003, 2277, 2649, 2858
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SERGEANT AT ARMS (Howard L. Wellman):	
nominated, reelected and qualified as sergeant at arms of Senate	13
SNYDER, HERB, a Senator from the Sixteenth District:	
addressed the Senate	1112
appointed to conference committee as to Eng. Senate Bill No. 518	2672
appointed to standing committees	127-130
bills introduced (by request)	46, 60, 74-75, 82, 85-87, 89-118, 155, 160, 172, 187, 247, 289, 317, 320, 339-340, 342, 377, 447, 473- 475, 524-527, 633, 654-655, 779, 780, 856, 857, 859
leave of absence	487
main motion	1294, 1879, 2185, 2947
nominated Jeffrey V. Kessler, president of Senate	6

pledge of allegiance led by	488
remarks by (ordered printed in appendix)	(212), (446), 463, 546, (1112), (1257-1258), 2959
resolutions offered (by request)	120, 138, 164, 237, 250, 637, 659, 682-684, 1036, 1674, 2043, 2051
voting sentiment	515
yeas and nays demanded by	1294

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consideration of legislative appointment	2104
hour set for, reached	2275

STAFF OF THE SENATE:

appointment authorized (S. R. No. 7)	145
birthday noted	1231

STOLLINGS, RON, a Senator from the Seventh District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2016	2761
appointed to standing committees	127-130
bills introduced (by request)	43-46, 50, 65-66, 71-76, 84, 118-119, 137, 155, 172, 184, 197, 219, 233-234, 245, 247, 250, 282, 289, 320-321, 338-340, 343, 375-377, 397-398, 414-415, 417, 449-451, 472-475, 524- 527, 559-560, 635-636, 651-655, 678, 716, 780, 857, 858, 860, 925, 927, 928
petitions presented by	866
pledge of allegiance led by	840
qualified	6
remarks by (ordered printed in appendix)	(212), (1135), (1743)
resolutions offered (by request)	121-122, 142, 160, 164, 166, 203, 250, 293-294, 322-326, 377, 415, 421, 423, 453-454, 475, 527-534, 560- 563, 637, 655-661, 680-684, 719-722, 783, 936, 941-945, 971, 973, 1028-1036, 1096-1103, 1133, 1202, 1273, 1467, 1642-1644, 1669-1674, 1703, 1741, 1871- 1877, 2042-2051, 2575

SYPOLT, DAVE, a Senator from the Fourteenth District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2016	2761
appointed to select committee to notify Governor	
Legislature has assembled and organized (S. R. No. 3)	41
appointed to standing committees	127-130
bills introduced (by request)	43-49, 56, 62, 64, 67, 75, 94, 119, 137, 200, 220, 234, 247, 249, 284-285, 289, 318-319, 338-339, 341, 376-377, 397, 448, 633-635, 655, 678, 782, 925, 928, 929, 932
main motion	700, 987, 1205, 1275, 2101, 2239, 2869
nominated Clark S. Barnes, clerk of Senate	11
petitions presented by	866, 947, 1105, 1106, 2364
pledge of allegiance led by	151, 1232

qualified	6
remarks by (ordered printed in appendix)	(1367)
reports by, as chair of committee on education	304, 354, 411-413, 464, 628-629, 672-673, 697, 850, 997, 1183-1185, 1187, 1200, 1466-1467, 1637, 1638-1639, 1640, 1667, 1735, 1740, 1869, 1929, 1931, 1935-1936, 1939-1942, 2037, 2249, 2252
resolutions offered (by request)	140, 144, 162, 237, 290, 293, 456, 637, 1642, 2048-2051
withdraws (committee) amendment	(1751), (2068), (2240), (2660)

TAKUBO, TOM, a Senator from the Seventeenth District:

appointed to standing committees	127-130
bills introduced (by request)	43, 45-46, 49, 137, 233, 285, 288, 290, 338-339, 375-376, 415-416, 473, 527, 559, 635, 651-653, 677, 858, 929, 930, 933, 934
main motion	1679
pledge of allegiance led by	332, 1686
qualified	6
removal of sponsorship	1945
reports by, as chair of committee on	
economic development	584, 1676
resolutions offered (by request)	377, 423, 456, 655-657, 2051, 2362
withdraws (committee) amendment	2240

TRUMP, CHARLES S., IV, a Senator from the Fifteenth District:

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 13	517
appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill No. 192	2672
appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2002	547
appointed to select committee to notify Governor	
Legislature is ready to adjourn <i>sine die</i> (S. R. No. 59)	3032
appointed to standing committees	127-130
bills introduced (by request)	43-49, 55, 137, 158-160, 172, 199, 232-233, 236, 244-247, 249, 282-285, 289-290, 317-318, 320, 338- 339, 376-377, 394, 449, 474, 527, 635, 651, 679, 680, 779, 858, 859, 860, 925, 930, 931, 932
excused from voting	950, 978, 987, 1053, 1249, 1646, 2003, 2649
main motion	426, 603, 948, 1095, 1205, 1270, 1536, 1939, 2587
pledge of allegiance led by	131, 1189
prayer by	2960
qualified	6
remarks by (ordered printed in appendix)	(381-382), (446), (543), (667), (730), (872), (1143), (1532), (1602)
reports by, as chair of committee on	
the judiciary	152, 182, 192, 214, 229-230, 304, 335-336, 351, 357-358, 390, 409, 413, 426, 437, 440, 442, 446,

467, 471, 490-491, 518-520, 552, 585, 588, 602-603, 630, 632-633, 649-650, 671, 673, 702-705, 707, 708, 714, 769-770, 848, 850, 854, 908-920, 921-923, 947, 960, 962-963, 992-993, 994, 1021-1022, 1023, 1025, 1092, 1093-1095, 1114, 1117, 1127, 1180-1182, 1188, 1201-1202, 1203, 1239-1241, 1264-1272, 1403, 1420, 1636, 1638, 1663, 1702, 1736-1737, 1738-1739, 1802, 1805-1806, 1808, 1870, 1932, 1934, 1936, 1938-1939, 1944, 2038-2039, 2095-2097, 2158-2160, 2250	
resolutions offered (by request)	144, 164, 201-203, 250, 400, 421, 456, 532-534, 861, 1031, 2051
withdraws (committee) amendment	864, (1536), (1712), (2057), (2174), (2387), (2422), (2637)
yeas and nays demanded by	2166
 UNGER, JOHN R., II, a Senator from the Sixteenth District:	
appointed minority whip	130
appointed to standing committees	127-130
bills introduced (by request)	45, 65, 67, 73-75, 83, 118, 160, 199, 289, 320, 340, 377, 415, 448-449, 473-475, 779, 857, 860, 928, 935
leave of absence granted to	667, 1258
objection to unanimous consent	1006, 1205, 1270, 1272, 1275, 1944
pledge of allegiance led by	571
point of order raised by	330
qualified	6
remarks by (ordered printed in appendix)	(331), 346, 372, (446), 463, 1231, (1367), 1406
resolutions offered (by request)	164, 201-203, 237, 250, 293-294, 377, 400, 532-534, 637, 657-661, 682-684, 719-722, 783, 861, 936, 941-945, 1036, 2051
yeas and nays demanded by	210, 330, 615, 1270, 1293
 WALTERS, CHRIS, a Senator from the Eighth District:	
addressed the Senate	1224, 2765
appointed to conference committee as to Eng. Com. Sub. for House Bill No. 2016	2761
appointed to conference committee as to Eng. House Bill No. 2213	1626
appointed to conference committee as to Eng. House Bill No. 2664	2765
appointed to select committee to notify Governor Legislature has assembled and organized (S. R. No. 3)	41
appointed to standing committees	127-130
bills introduced (by request)	43, 45-46, 49, 64, 118-119, 137, 158-159, 184, 200, 220, 232-233, 236-237, 249, 282, 285, 320-321, 338-339, 343, 376, 394, 400, 415, 472, 527, 559-560, 633, 635, 651, 653, 677, 780, 926, 929, 932, 934, 935
excused from voting	1256, 1289
leave of absence granted to	953, 1686
petitions presented by	947

pledge of allegiance led by	372
remarks by (ordered printed in appendix)	150, (487), (546), (1035), (1135)
removal of sponsorship	274
reports by, as chair of committee on	
transportation and infrastructure	193, 307-308, 310-315, 408, 551, 557, 586, 709-710, 712, 995, 998-1004, 1116, 1420-1429, 1430, 1662, 1928, 1932, 1943, 2341-2343, 2361-2362, 2365-2369
reports by, as vice chair of committee on	
government organization	708, 711
resolutions offered (by request)	326, 456, 534, 655-657, 861, 971, 973, 1033, 1741, 2051
voting sentiment	1811
yeas and nays demanded by	1035

WILLIAMS, BOB, a Senator from the Fourteenth District:

appointed to conference committee as to	
Eng. Com. Sub. for House Bill No. 2025	578
appointed to conference committee as to	
Eng. House Bill No. 2646	2673
appointed to select committee to notify House of Delegates	
Senate has assembled and organized (S. R. No. 2)	40
appointed to standing committees	127-130
bills introduced (by request)	44-46, 55, 59-60, 67-69, 83, 85, 93-94, 118, 137, 155, 159-160, 172, 185, 187, 200, 220, 233-234, 247-249, 285, 289, 318-320, 338-339, 341, 376-377, 397, 415, 449, 472-474, 525, 527, 559, 635-636, 651-655, 780
objection to unanimous consent	1046
pledge of allegiance led by	1118
resolutions offered (by request)	120, 142, 144, 162, 164, 166, 237, 293-294, 296, 322-326, 377, 400, 417, 421, 423, 532-534, 560, 637, 659, 680-682, 783, 1033-1036, 1103, 1133, 1741, 1874-1877, 2048-2051

WITHDRAWAL OF:

amendment to committee amendment	2240
amendment to House amendment	864, 2669
committee amendment	979, 1536, 1712, 1751, 1754, 1770, 2057, 2068, 2174, 2209, 2240, 2378, 2387, 2422, 2630, 2637, 2639-2640, 2660, 2663, 2665
committee of conference report	2939
demand for yeas and nays	1265
motion	863, 864, 2100, 2669, 2864, 2870, 2940

WOELFEL, MICHAEL A., a Senator from the Fifth District:

addressed the Senate	2939
appointed to conference committee as to	
Eng. House Bill No. 2939	2513
appointed to standing committees	127-130

bills introduced (by request)	282, 320, 339, 341, 415, 417, 447, 449, 474-475, 527, 559, 633-634, 780, 858, 859
excused from voting	1289
leave of absence granted to	647
pledge of allegiance led by	893
qualified	6
remarks by (ordered printed in appendix)	372, 386, (446), (570), (724), (872), (945), (1257-1258), (1879), (2939)
removal of sponsorship	953
resolutions offered (by request)	456, 719-722, 943, 2051

YOST, JACK., a Senator from the First District:

appointed to standing committees	127-130
bills introduced (by request)	59-64, 68-70, 72, 84, 88, 118-119, 187-188, 190, 320, 337, 473-475, 525, 678, 782, 856, 857, 931
leave of absence granted to	242, 274, 301, 386, 515, 667
pledge of allegiance led by	1006
resolutions offered (by request)	138, 237, 451, 532-534, 637, 719-722, 783, 861, 973, 1103, 1273, 1644, 1703, 1872-1877, 2051, 2362

ADDENDUM

WORDING OF MISCELLANEOUS ACTION:

appealed ruling of chair	975
bill (or resolution) introduced from floor	(145), (252)
bill (or resolution) on calendar recommitted to committee	483, 987, 1039, 2587, 2588, 2589
bill (or resolution) on calendar referred to committee	(1879)
bill read fully and distinctly	980, 982, 1040, 1047
clerk's note	3029
(committee report) coming out on second reading	1228, 1810, 1938, 1942, 2162, 2251, 2345
(committee report) coming out on second reading with amendments pending	1420, 1941, 2095, 2097, 2161, 2252, 2346
(committee report) double committee reference; coming out on second reading with amendments from first committee pending; referred to second committee	2041
(committee report) double committee reference; committee substitute reported from first committee; read first time; referred to second committee	1114
(committee report) double committee reference; committee substitute reported from first committee; referred to additional committee prior to second reference	440

- (committee report) double committee reference;
committee substitute reported from
first committee; referred to second committee 281, 310, 312-313,
349, 350-351, 355-356, 359, 412, 440, 470, 518, 523, 552, 555-556, 558, 581-
582, 585, 587, 629, 668-669, 673, 710, 714, 768-769, 772, 773-775, 849, 915,
960, 962, 1022-1023, 1089, 1201, 1239-1240
- (committee report) double committee reference;
committee substitute reported from
first committee; second committee reference
dispensed with 280, 465, 632, 712, 966, 994,
1088-1089, 1129, 1184
- (committee report) double committee reference;
reported from first committee;
read first time; referred to second committee 1116, 1870
- (committee report) double committee reference;
reported from first committee;
read first time; referred to second committee
with amendments pending 1735, 1740, 1804, 1930, 1933
- (committee report) double committee reference;
reported from first committee;
referred to second committee 154, 183, 193-194,
215-219, 228, 277-278, 306-307, 314-315, 317, 334, 349, 353-354, 357, 360,
389, 392, 409, 411, 442, 467-471, 520, 583, 588, 701, 709-710, 711, 768, 771,
776-777, 852, 921, 923, 967, 996-997, 1025, 1028, 1131, 1132, 1186-1187,
1405, 1467, 1635, 1641
- (committee report) double committee reference;
reported from first committee; second committee
reference dispensed with 306, 588, 992, 997, 1185
- (committee report) double committee reference;
reported from first committee
with amendments pending;
referred to second committee 196-197, 276, 278, 308,
335, 375, 393, 491, 1636, 1637
- (committee report) double committee reference;
reported from first committee with amendments
pending; second committee
reference dispensed with 714
- (committee report) double committee reference;
reported from second committee
with amendments from both
committees pending 770, 1737, 2248, 2360-2361
- (committee report) double committee reference;
reported from second committee
with amendments from first
committee pending 775, 914
- (committee report) originating bill (or resolution);
referred to second committee 603, 948, (970),
1095, (1205), (1679)

(committee report) single reference bill; committee substitute reported; read first time; rereferred to committee	1269-1270
(committee report) single reference bill; read first time; referred to second committee	426
(committee report) single reference bill; referred to second committee	700
(committee report) single reference bill; reported without recommendation; read first time; referred to second committee	1739
(committee report) single reference bill; reported without recommendation; rereferred to committee	1939
(committee report) triple committee reference; committee substitute reported from first committee; referred to second committee	303
(committee report) triple committee reference; reported from first committee; referred to second committee	153, 195, 229, 279
(committee report) triple committee reference; reported from first committee with amendments pending; referred to second committee	374
(committee report) triple committee reference; reported from second committee; referred to third committee	308, 388, 411, 554
(committee report) triple committee reference; reported from second committee with amendments pending; referred to third committee	388, 554
constitutional rule suspension; prevailed	230, 873, 875, 876, 878, 879, 881, 882, 883, 885, 888, 2335
deferral of legislation from position on calendar	1137, 1209, 1275, 1526, 1534, 2176, 2186, 2400
deferral of legislation from position on calendar; amendment pending	615, 1530
deferred position of legislation reached	1180, 1226, 1295, 1536, 1602, 2238, 2239
deferred position of legislation reached; amendment pending	622, 1536
demand for roll call; (not) sustained	1072, 1142, 2185
division of vote requested	541, 976, 987, 2946
effective date of House bill changed by House	1461
effective date of Senate bill changed by Senate	2863
errata	3106
extended session	2958
midnight hour	2947

moment of silence	546, 570, 1047, 1731, 2467
motion to discharge	974
motion to hold public hearing	1294
motion to postpone indefinitely	1075
motion to reject committee report	445-446
motion to table	1073, 1536, 2185
night session	126, 2238, 2467, 2778
ordered extended in Journal, remarks	8, 177
ordered printed in appendix, remarks	212, 221, 232, 242, 274, 294, 331, 332, 346, 381-382, 386, 446, 463, 487, 536-537, 541-543, 546, 570, 623, 647, 667, 692, 693, 721, 724, 730, 840, 872, 945, 953, 1035, 1047, 1112, 1135, 1143, 1367, 1451, 1529, 1532, 1535, 1602, 1743, 1799, 1877, 1879, 1945, 2102, 2253, 2467, 2939, 2959
points of inquiry	975, 978, 1039, 1073, 1136, 1205, 1224, 1270, 2185, 2335
points of order	330, 975
previous question, motion for	874, 974, 975, 1073, 1294, 1600, 2101, 2167, 2946
quorum roll call	5-6
rejection of motion	1076, 1294-1295, 2185, 2947
rejection of Senate bill by Senate	730
removal of sponsorship	242, 274, 301, 840, 953, 1005, 1945
Senate accedes to House of Delegates request and recedes from amendments	1015
Senate requests return of Senate bill from House	863, 2864
student legislative internship programs	841, 1119, 2254, 2541
veto reconsidered; bill amended and repassed	1084-1087, 1191-1194, 1194-1200, 1656-1660, 1831-1869, 2155-2157, 2515-2517, 2975-2978, 2978- 2980, 2980-2987, 2988-2993, 2995-3019, 3021-3028

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*1-	By Senators Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo: Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators.	43	171	208, 212	211		43, 171, 191, 207-212
2-	By Senators Gaunch, Carmichael, Ferns, Karnes, Maynard, Mullins, Nohe, Sypolt, Trump, Blair and Cole (Mr. President): Predicating actions for damages upon comparative fault principles.	43					44
3-	By Senators Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President): Relating to real property possessor's liability for trespasser harm.	44	152		212-213	347	44, 177, 191, 213, 408, 517
*4-	By Senators Mullins, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Sypolt, Blair, Kirkendoll, Stollings and Cole (Mr. President): Relating to development of state plan under Clean Air Act.	44	303				45, 303
5-	By Senators Nohe, Karnes, Sypolt, Trump, Walters, Blair, Plymale, Cole (Mr. President) and Takubo: Creating teacher corps program.	45					45
*6-	By Senators Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo: Relating to medical professional liability.	45	304	735-756, 864, 1658, 1813	381, 757, 865, 1659, 1814	735, 954, 1813	45, 345, 369-371, 380-382, 735-757, 863-866, 1126, 1656-1660, 1811, 1813-1815, 2961, 3050
*7-	By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams: Requiring CPR and care for conscious choking instruction in public schools.	46	305	572-575	382, 575	571	46, 345, 371, 382-383, 575-576, 767, 1020

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*8-	By Senators Blair, Boley, Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President): Providing for DOH performance and efficiency audit.	46	227		331		46, 274, 300, 329-331
9-	By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, Karnes, Mullins, Nohe, Sypolt, Walters, Snyder, Trump, Blair, Williams, Kirkendoll, Kessler, Facemire, Palumbo, Cole (Mr. President) and Takubo: Allowing law enforcement and emergency service personnel possess opioid antagonists.	46					47
10-	By Senators Trump, Boley, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Mullins, Nohe, Sypolt, Blair and Cole (Mr. President): Requiring nonpartisan election of judges and magistrates.	47					47
11-	By Senators Gaunch, M. Hall, Karnes, Blair, Sypolt and Cole (Mr. President): Relating to workers' compensation disbursements when injury is self inflicted or intentional; permitting recovery in private suit.	47					48
*12-	By Senators Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President): Relating to payment of separated employee's outstanding wages.	48	182	2467-2472	241, 2472	2467	48, 213, 221, 242, 2467-2473, 3042, 3052
*13-	By Senators Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President): Reinstating open and obvious doctrine for premises liability.	48	214	674-676	299, 676	433	49, 214-215, 242, 274, 298-300, 433-434, 516-517, 650-651, 674-677, 757-758, 1020, 1466
*14-	By Senators Sypolt, Walters, Blair, Cole (Mr. President) and Takubo: Creating Public Charter Schools Act of 2015.	49	697	1295-1363, 1364-1367	1363-1364		49, 700, 974-976, 992, 1037, 1075-1076, 1106, 1107, 1137, 1180, 1205-1206, 1243, 1275, 1295-1367

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
15-	By Senators Blair, Boley, Ferns, Gaunch, D. Hall, Kames, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President): Requiring Legislative Auditor conduct performance reviews and audits for all spending units.	49					50
16-	By Senators Stollings, Facemire and Romano: Relating to specialty drugs.	50					50
*17-	By Senators Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano: Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle.	50	1088		1243		50, 1089, 1179, 1215, 1243-1244
18-	By Senators Stollings, Laird, Plymale, Kirkendoll and Kessler: Creating Overdose Prevention Act.	50	700				51, 701
*19-	By Senator Plymale: Specifying minimum early childhood education program instruction days.	51	465	568, 2278	604, 2278	2278	51, 465, 514, 544, 568, 604, 2278-2288, 3042, 3090
20-	By Senator Stollings: Allowing public health agencies to bill patients for STD and HIV testing.	51					52
21-	By Senators Beach, Blair and Leonhardt: Expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives.	52					52
22-	By Senator Beach: Relating to Board of Examiners for Registered Professional Nurses membership.	52					52
23-	By Senator Blair: Requiring licensure of bartenders by ABCC.	52					52
24-	By Senators Blair, Gaunch and Sypolt: Prohibiting public officials and employees from using public funds for self promotion.	53	908				53, 908, 983, 1039

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
25-	By Senators Boley, Blair and Stollings: Relating to implementation of Common Core standards and assessments.	53					53
26-	By Senators D. Hall and Karnes: Discontinuing moratorium on commercial rafting licenses for portion of New River.	53					54
*27-	By Senator D. Hall: Relating to county solid waste disposal fees; exemption.	54	1239				54, 1240
28-	By Senator D. Hall: Requiring health insurance coverage for certain nonnarcotic pain relief systems.	54					54
29-	By Senator D. Hall: Allowing county employee to run for vacant office without resigning.	54					55
**30-	By Senators D. Hall, Trump, Blair, Williams and Karnes: Permitting shared animal ownership agreement to consume raw milk.	55	517, 701	1997, 2100-2101	874, 2000, 2102	1997, 2289	55, 518, 838, 873-875, 1997-2000, 2100-2102, 3042, 3092
31-	By Senator D. Hall: Relating to bailpiece surety.	55					55
32-	By Senator D. Hall: Requiring certain percentage of insurance claims be performed by resident adjuster.	55					55
33-	By Senator D. Hall: Decreasing teacher-pupil ratios; increasing certain classroom aides' pay.	55					56
34-	By Senators Nohe, Sypolt and Karnes: Exempting certain precious metals sales from consumers' sales tax.	56					56
35-	By Senators Leonhardt and Karnes: Permitting carrying of concealed weapons without license.	56					56, 866, 947, 976, 1105, 1275, 1431, 2163

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
36-	By Senators Palumbo, Laird and Facemire: Correcting code reference regarding certain court personnel completing handgun safety requirements before carrying concealed handgun.	56					56
*37-	By Senator Palumbo: Creating Revised Uniform Arbitration Act.	56	437	509-510, 2871-2874	537, 2874	2093, 2948	58, 486, 510, 537-538, 2093-2094, 2542, 2666, 2671, 2871-2875, 3044, 3052
38-	By Senator Palumbo: Relating to apportionment of damages in tortious conduct actions.	58					58
39-	By Senator Beach: Relating to closure and sale of Clements State Tree Nursery.	58					58
40-	By Senators Beach and D. Hall: Clarifying circumstances when person may possess certain firearms during outdoor recreational activities.	58					58
41-	By Senator Beach: Repealing article authorizing roadside memorial markers.	59					59
*42-	By Senators Beach and Williams: Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.	59	649		787		59, 692, 732, 787-788
*43-	By Senator Palumbo: Limiting tolling of statute of limitations for third-party complaints.	59	192		273		59, 221, 242, 273
44-	By Senator Yost: Lowering threshold for low bidder's duty to submit subcontractors on government contracts.	59					59
45-	By Senators Yost, Facemire and Romano: Allowing transfer of interest in real property when certain co-owner pays all taxes.	60					60
46-	By Senator Yost: Allowing temporary reassignment of injured or ill school service personnel.	60					60

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
47-	By Senators Yost, Snyder, D. Hall, Laird, Facemire and Romano: Providing National Guard and reserve members campground rental discount in state parks.	60					60
48-	By Senators Yost, Facemire and Romano: Modifying health care guidelines for reasonable, necessary medical treatment for injured workers.	60					60
49-	By Senator Yost: Providing liberal weighing of evidence in workers' compensation claims.	61					61
50-	By Senators Yost, Facemire and Romano: Relating to workers' compensation benefits for firefighters; other provisions.	61					61
51-	By Senator Yost: Relating to workers' compensation benefits for occupational pneumoconiosis.	61					61
52-	By Senator Yost: Providing state employee uniforms be manufactured in United States.	61					62
53-	By Senators Yost, D. Hall, Miller and Nohe: Exempting military, National Guard and reserve income from state income taxes.	62					62
54-	By Senator Yost: Requiring certification of state bridge paint applicators.	62					62
55-	By Senator Yost: Creating Keep Jobs in WV Act.	62					63
56-	By Senator Yost: Declaring remedial component of workers' compensation laws receive liberal construction.	63					63
57-	By Senator Yost: Relating to classification and criteria for disability benefits.	63					63

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
58-	By Senator Yost: Relating to delivery of workers' compensation medical benefits to injured workers.	63					64
59-	By Senators Yost and Miller: Creating felony offense of knowingly leaving crash scene resulting in serious bodily injury.	64	193				64, 193
**60-	By Senators Williams and Sypolt: Regulating food handlers.	64	348, 465	2674-2675	564, 2675	2673	64, 349, 514, 544, 565, 2673-2675, 3039, 3051
61-	By Senator Walters: Creating Water Sustainability Institute.	64					64
62-	By Senators Unger and Miller: Requiring Department of Education provide professional development opportunities for dyslexia.	65					65
63-	By Senators Stollings and Kirkendoll: Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.	65	992		1138		65, 992, 1076, 1107, 1137-1138
64-	By Senators Stollings, Plymale and Kirkendoll: Providing exemption from moratorium on skilled nursing beds for specialty skilled nursing beds.	65					65
65-	By Senators M. Hall and Karnes: Authorizing additional circuit court judge.	65					66
66-	By Senator Stollings: Revising fees for manufacturer, distributor, dispenser and researcher of controlled substances.	66	349				66, 349
67-	By Senator Stollings: Establishing child support insurance match program.	66					66
68-	By Senators Unger, Laird, Miller and Kirkendoll: Creating Healthy Children and Healthy Communities Act.	67					67

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
69-	By Senators Unger, Laird, Miller and Kirkendoll: Requiring public school screening for dyslexia.	67					67
70-	By Senators Williams and Sypolt: Authorizing additional family court judge.	67					67
71-	By Senators Williams, Beach, Laird and Miller: Requiring filing fee for write-in candidate for public office.	68					68
72-	By Senator Yost: Establishing additional circumstances requiring miner certification suspension or revocation for substance abuse violations.	68					68
73-	By Senator Yost: Establishing cook-meal ratios for full-day and half-day school cooks.	68					68
74-	By Senator Yost: Requiring employee be paid workers' compensation maximum temporary total disability benefits for lost time without penalty.	68					69
*75-	By Senators Yost, D. Hall, Miller, Facemire and Romano: Legalizing and regulating sale and use of fireworks; establishing WV Veterans Program Fund.	69	438				69, 440
76-	By Senator Yost: Creating Equal Pay Coordinator within Division of Personnel.	69					69
77-	By Senator Yost: Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.	69					70
78-	By Senator Yost: Relating to compilation and availability of birth parents' nonidentifying social and medical histories prior to adoption.	70					70

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
79-	By Senator Yost: Relating to Class C courtesy statewide hunting and fishing licenses for certain military personnel.	70					70
80-	By Senator Yost: Creating State Labor Relations Act.	70					71
81-	By Senators Plymale and Beach: Increasing penalty for illegally transporting certain controlled substances into state.	71					71
82-	By Senators Plymale and D. Hall: Requiring SSAC promulgate rules allowing college preparatory team membership.	71					71
83-	By Senator Stollings: Relating to funeral service and embalmer licenses.	71					72
84-	By Senators Stollings and Plymale: Redefining "third-party administrator" to include pharmacy benefits managers.	72					72
*85-	By Senators Yost, Beach, D. Hall, Laird, Facemire and Romano: Increasing tax exemption for military, National Guard and reserve retirement income.	72	581				72, 581
86-	By Senators Unger and Beach: Regulating equine boarding facilities.	73					73
87-	By Senator Plymale: Relating to standards for conversion and retrofits of alternative-fuel motor vehicles.	73	409				73, 409
**88-	By Senators Stollings and Plymale: Creating WV Clearance for Access: Registry and Employment Screening Act.	73	349, 847	983-984, 2676-2690	1040, 2690	2676	74, 351, 848, 951, 983-984, 1039-1040, 2676-2691, 3044, 3053
89-	By Senators Laird and Miller: Relating to compensation for certain public officials.	74	767	2000	977, 2002	2000	74, 892, 949, 977, 2000-2002, 2961, 3050

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
90-	By Senators Laird, Snyder, D. Hall, Unger, Facemire and Romano: Promoting development of corporate sponsorships for state parks and recreational areas.	74					74
91-	By Senators Laird, Miller, Stollings, Facemire and Romano: Creating amnesty program for certain drivers with suspended licenses.	74					75
*92-	By Senators Laird, Snyder, D. Hall, Sypolt, Plymale, Unger and Miller: Providing salary increase for natural resources police officers.	75	668				75, 669
93-	By Senators Laird, Beach, D. Hall, Unger, Miller, Stollings, Facemire and Romano: Increasing grandparents' rights in custodial or decision-making authority and visitation matters.	75					75
*94-	By Senators Laird, Miller, Stollings, Facemire and Romano: Establishing driver's license restoration program.	76	351, 1078		1206		76, 351, 1111, 1156, 1206
95-	By Senators Laird, Beach, Stollings, Facemire, Romano and Nohe: Creating tax exemption for cost of spaying and neutering dogs and cats.	76					76
96-	By Senators Laird: Relating to selection of state agency administrative hearing examiners.	76					76
97-	By Senator Laird: Relating to air-ambulance fees paid by PEIA.	77					77
98-	By Senator Carmichael: Creating Tax Revenue Act of 2015.	77					77
99-	By Senators Carmichael, D. Hall and Blair: Relating to mandatory drug testing of legislators and certain recipients of federal and state funds.	77					78

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
100-	By Senators Carmichael, Blair and Mullins: Establishing prevailing hourly rates for construction of public improvements.	78					78
101-	By Senators Carmichael and Gaunch: Limiting punitive damages awarded in personal injury or wrongful death actions.	78					78
102-	By Senator Carmichael: Extending period that terminated employees' wages must be paid.	78					78
103-	By Senators Carmichael and Mullins: Establishing comparative fault standard.	78					78
104-	By Senator Carmichael: Increasing threshold of defendant's liability to qualify for several liability in tortious actions.	79					79
105-	By Senators Carmichael and Karnes: Disqualifying unemployment benefits for time not worked because of strike.	79					79
106-	By Senator Carmichael: Excepting professional engineer member from sanitary board when project engineer is under contract.	79	306		383	2289	79, 306, 345, 371, 383-384, 2972, 3050
107-	By Senator Carmichael: Relating to disclaimer of warranties for used motor vehicles.	79					80
108-	By Senator Carmichael: Creating loser-pays civil justice system.	80					80
**109-	By Senators Blair and Leonhardt: Relating to local indoor smoking prohibitions.	80	582, 848	1040-1041, 1042	1043		80, 582, 951, 984, 1040-1043
110-	By Senator D. Hall: Relating to purchase, possession, sale and use of fireworks.	81					81

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
111-	By Senator Plymale: Redistributing portion of net racetrack video lottery terminal income dedicated to Development Office Promotion Fund.	81					81
112-	By Senator Laird: Requiring legislative rule establishing level for higher education capital project spending project approval.	81					82
113-	By Senator Laird: Permitting counties impose property levy for public library funding.	82					82
114-	By Senators Laird, D. Hall and Miller: Requiring municipal police officers wear armor vest.	82	306				82, 306
115-	By Senators Miller, Snyder and D. Hall: Increasing annual salary of Division of Corrections employees.	82					82
116-	By Senators Miller, Facemire and Romano: Relating to solar renewable energy credits.	82					83
117-	By Senators Miller, Palumbo, Beach, Plymale and Unger: Creating felony offense of DUI causing serious bodily injury.	83					83
118-	By Senators Beach, D. Hall, Williams, Facemire and Romano: Permitting certain loaded firearms in motor vehicles on Capitol Complex grounds.	83					83
119-	By Senator Yost: Relating to meeting and conference rights for police or fire departments.	84					84
120-	By Senator Stollings: Recodifying laws relating to DHHR and Bureau for Medical Services.	84					85, 242
121-	By Senators Snyder, Miller, Williams, Facemire and Romano: Relating to Conservation Agency financial assistance applications from district supervisors.	85					86

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
122-	By Senators Snyder, Facemire and Romano: Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding.	86	583, 1113		1207		86, 583, 1113, 1156, 1207
*123-	By Senators Snyder, Blair and Romano: Exempting gasoline, diesel fuel and blended fuel from unfair trade practices.	86	551				86, 552
124-	By Senator Snyder: Redistributing and dedicating excise tax on real property transfers to regional jails.	86					86
125-	By Senators Kessler, Beach and Snyder: Prohibiting discrimination based on age or sexual orientation.	87					87
126-	By Senator Beach: Relating to practice of psychology.	87					88
127-	By Senator Carmichael: Creating tax refund checkoff program for Cedar Lakes Foundation.	88					88
128-	By Senator Yost: Revising definition of "obscene matter".	88					88
129-	By Senators Carmichael, Gaunch, Blair, Leonhardt, Karnes and Mullins: Establishing Intermediate Court of Appeals.	88					89
130-	By Senators Miller and Beach: Reinstating residential solar energy tax credit.	89					89
131-	By Senators Miller, Snyder, Romano and Facemire: Increasing compensation for public defenders in child abuse and neglect proceedings.	89					89
132-	By Senators Miller and Beach: Reducing school nurse staffing ratio.	89					90

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
133-	By Senators Miller, Romano and Facemire: Establishing Fund for Civil Legal Services for Low-Income Persons.	90					90
134-	By Senator M. Hall: Creating Civil Justice Reform Act of 2015.	90					92
135-	By Senators Miller and Williams: Creating Creative Communities Development Act.	93					93
136-	By Senators Plymale and Beach: Limiting certain public parks and recreation liability.	93					94
137-	By Senator Plymale: Exempting HEPC and CCTCS and member institutions from WVOASIS.	94					94, 1294
*138-	By Senators Williams, Beach, Snyder, D. Hall and Sybolt: Relating to posting of property to prohibit hunting or trespassing.	94	215				94, 215-216
139-	By Senators Palumbo, Kessler and Beach: Creating misdemeanor offense of impersonating Commission on Special Investigations representative.	94					94
*140-	By Senators Snyder, Romano and Facemire: Amending State Administrative Procedures Act.	94	909	2289	1044, 2290	2289	95, 909, 984, 1043-1044, 2289-2291, 2948, 3044, 3052
141-	By Senator Snyder: Authorizing Department of Administration promulgate legislative rule relating to state-owned vehicles.	95	307, 552				95, 307
*142-	By Senator Snyder: Authorizing Department of Administration promulgate legislative rules.	95	466, 552	2542-2545	663, 2545	2542	95, 467, 621, 645-646, 664, 2542-2546, 3044, 3053
143-	By Senator Snyder: Authorizing Department of Administration promulgate legislative rule relating to operation plan for State Agency for Surplus Property.	96	466, 552				96, 467

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
144-	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors.	96	216, 552				96, 216
145-	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to Deputy Sheriffs Retirement System.	96	216, 552				96, 216
146-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to defining terms used in hunting and trapping rules.	96	217, 702				97, 217
147-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to hunting, trapping and fishing license and stamp fees.	97	374, 553, 702				97, 374, 554
148-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to general hunting.	97	217, 702				97, 217
149-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to lifetime hunting, trapping and fishing licenses.	97	375, 702				97, 375
150-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to wildlife damage control agents.	97	217, 702				98, 217
151-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to special boating.	98	333, 702				98, 334
152-	By Senator Snyder: Authorizing DNR promulgate legislative rule relating to commercial whitewater outfitters.	98	333, 702				98, 334
153-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to Amusement Rides and Amusement Attractions Safety Act.	98	194, 702				98, 194

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
154-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to child labor.	98	194, 702				99, 194
155-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to supervision of plumbing work.	99	194, 702				99, 194
156-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to verification of legal employment status.	99	194, 702				99, 194
157-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to regulation of heating, venting and cooling work.	99	194, 387, 702				99, 195, 388
158-	By Senator Snyder: Authorizing Division of Labor promulgate legislative rule relating to weights and measures calibration fees.	99	195, 388, 702				99, 195, 388
159-	By Senator Snyder: Authorizing Division of Forestry promulgate legislative rule relating to ginseng.	100	334, 702				100, 335
160-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to Stream Partners Program grants.	100	333				100, 334
161-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to hazardous waste management system.	100	333				100, 334
162-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.	100	352				100, 353
163-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to standards of performance for new stationary sources.	101	352				101, 353

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
164-	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.	101	352				101, 353
165-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to waste management.	101	583				101, 583
166-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to WW/NPDES rule for coal mining facilities.	101	352				102, 353
167-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to requirements governing water quality standards.	102	768				102, 768
168-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to emission standards for hazardous air pollutants.	102	352				102, 353
169-	By Senator Snyder: Authorizing DEP promulgate legislative rule relating to requirements for operating permits.	102	352				102, 353
*170-	By Senator Snyder: Authorizing Bureau of Commerce promulgate legislative rules.	102	352, 702	2864	876, 2864- 2865	2473	103, 353, 838, 875-876, 2473-2474, 2864-2865, 3039, 3053
171-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to chronic pain management clinic licensure.	103	153, 307, 335				103, 153, 308
172-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to Fatality and Mortality Review Team.	103	153, 307, 335				103, 153, 308

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
173-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to medication administration and performance of health maintenance tasks by approved medication assistive personnel.	103	154, 335				103, 154
174-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to nurse aid abuse and neglect registry.	104	154, 335				104, 154
*175-	By Senator Snyder: Authorizing DHHR promulgate legislative rules.	104	154, 335	1218- 1221	403, 1221	1218	104, 154, 371, 385, 403-404, 1218-1222, 1635, 2094
176-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to nursing home licensure.	104	154, 335				104, 154
177-	By Senator Snyder: Authorizing DHHR promulgate legislative rule relating to statewide trauma/emergency care system.	104	154, 335				104, 154
178-	By Senator Snyder: Authorizing Family Protection Services Board promulgate legislative rule relating to domestic violence program licensure standards.	105	196, 910				105, 197
179-	By Senator Snyder: Authorizing Family Protection Services Board promulgate legislative rule relating to Monitored Parenting and Exchange Program certification.	105	196, 910				105, 197
180-	By Senator Snyder: Authorizing Family Protection Services Board promulgate legislative rule relating to board operation.	105	196, 910				105, 197
181-	By Senator Snyder: Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure for correctional institutions.	105	196, 910				105, 197
*182-	By Senator Snyder: Authorizing Department of Military Affairs and Public Safety promulgate legislative rules.	106	704	2292	877, 2292	2291	106, 838, 876-878, 2291-2293, 3042, 3053

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
183-	By Senator Snyder: Authorizing Office of Technology promulgate legislative rule relating to sanitization, retirement and disposition of equipment.	106	217, 552				106, 217-218
184-	By Senator Snyder: Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards.	106	306, 704				106, 306
185-	By Senator Snyder: Authorizing State Fire Marshal promulgate legislative rule relating to fire protection work supervision.	106	306, 704				106, 306
186-	By Senator Snyder: Authorizing Tax Department promulgate legislative rule relating to appointment of special assessors.	107	353, 409				107, 242, 353
*187-	By Senator Snyder: Authorizing Department of Revenue promulgate legislative rules.	107	217, 409	1222-1223	498, 1223	1222	107, 218, 462, 485, 498, 1222-1224, 1635, 1656
188-	By Senator Snyder: Authorizing Insurance Commissioner promulgate legislative rule relating to using mortality tables to determine reserve liabilities for annuities.	107	276, 409				107, 276
189-	By Senator Snyder: Authorizing Insurance Commissioner promulgate legislative rule relating to annuity disclosure.	107	276, 409				107, 277
190-	By Senator Snyder: Authorizing ABCC promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures.	108	409				108
191-	By Senator Snyder: Authorizing ABCC promulgate legislative rule relating to private club licensing.	108	409				108
*192-	By Senator Snyder: Authorizing Department of Transportation promulgate legislative rules.	108	308, 705	2899-2900	879, 2900	2293, 2948	108, 308, 839, 878-879, 2293-2297, 2671-2672, 2779, 2898-2901, 3044, 3052

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
193-	By Senator Snyder: Authorizing Office of Administrative Hearings promulgate legislative rule relating to appeal procedures.	108	705				108
194-	By Senator Snyder: Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training and certification standards.	108	910				109
195-	By Senator Snyder: Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs.	109	334, 1181	2691- 2692	1276, 2692	2691	109, 334, 1225, 1252, 1276-1277, 2691-2693, 3044, 3052
196-	By Senator Snyder: Authorizing Real Estate Appraiser Licensing and Certification Board promulgate legislative rule relating to registration and renewal of appraisal management companies.	109	228, 910				109, 228
197-	By Senator Snyder: Authorizing Board of Medicine promulgate legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; physician assistants.	109	218, 910				109, 218
198 -	By Senator Snyder: Authorizing Enterprise Resource Planning Board promulgate legislative rule relating to user fee.	109	218, 910				110, 218
*199 -	By Senator Snyder: Authorizing miscellaneous agencies and boards promulgate legislative rules.	110	353, 910	2866- 2867	1044, 2867	2865- 2866	110, 334, 912-913, 984, 1044-1045, 2865-2868, 3039, 3053
200 -	By Senator Snyder: Authorizing Board of Physical Therapy promulgate legislative rule relating to fees for physical therapists and physical therapist assistants.	110	218, 910				110, 218
201-	By Senator Snyder: Authorizing Board of Osteopathy promulgate legislative rule relating to board fees.	110	218, 910				110, 218

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
202-	By Senator Snyder: Authorizing Board of Osteopathic Medicine promulgate legislative rule relating to osteopathic physician assistants.	111	306, 910				111, 306
203 -	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to immunizations administered by pharmacists.	111	197, 910				111, 197
204 -	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to pharmacy technician registration.	111	218, 910				111, 218
205 -	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to controlled substances monitoring.	111	196, 910				111, 197
206 -	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of professional limited liability companies.	111	228, 910				112, 228
207 -	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to board.	112	229, 410, 910				112, 229, 411
208 -	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to dental recovery networks.	112	229, 411, 910				112, 229, 411
209 -	By Senator Snyder: Authorizing Board of Dental Examiners promulgate legislative rule relating to formation and approval of dental corporations and dental practice ownership.	112	228, 910				112, 228
210 -	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to frozen desserts and imitation frozen desserts.	113	183, 910				113, 184

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
211 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to animal disease control.	113	183, 910				113, 183
212 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to auctioneers.	113	183, 910				113, 183
213 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to Pesticide Control Act of 1990 fee structure.	113	183, 910				113, 183
214 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to Plant Pest Act.	114	183, 910				114, 183
215 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to meat and poultry inspection.	114	183, 910				114, 183
216 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to Spay Neuter Assistance Program.	114	277, 910				114, 278
217 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to livestock care standards.	114	278, 910				114, 278
218 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to equine rescue facilities.	115	277, 910				115, 278
219 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to Rural Rehabilitation Loan Program.	115	278, 554, 910				115, 279, 554

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
220 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to aquaculture importation.	115	277, 910				115, 278
221 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to industrial hemp.	115	277, 910				115, 278
222 –	By Senator Snyder: Authorizing Agriculture Commissioner promulgate legislative rule relating to dangerous wild animals.	116	389, 910				116, 389
223 –	By Senator Snyder: Authorizing Board of Pharmacy promulgate legislative rule relating to licensure and practice of pharmacy.	116	228, 910				116, 228
224 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to election recount procedures.	116	910				116
225 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to electronic notarization standards and guidelines.	116	910				116
226 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to notaries public.	116	910				117
227 –	By Senator Snyder: Authorizing Secretary of State promulgate legislative rule relating to schedule of fees for notaries public.	117	910				117
228 –	By Senator Snyder: Authorizing Family Protection Services Board promulgate legislative rule relating to perpetrator intervention programs licensure.	117	196, 910				117, 197
229 –	By Senator Snyder: Authorizing CPRB promulgate legislative rule relating to service credit for accrued and unused sick and annual leave.	117	216, 552				117, 216

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
230 –	By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Unger: Creating Overdose Prevention Act.	118					118
231 –	By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall, Snyder, Gaunch, Blair and Williams: Allowing certain law-enforcement and public safety personnel to possess and administer opioid antagonist.	118					119
232 –	By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Sypolt: Providing for expedited partner therapy.	119					119
*233 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Budget Bill.	127	2036				127, 2036, 2192, 2371-2372
*234 –	By Senators Trump, M. Hall, Blair and Plymale: Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions.	137	768	1472-1521, 1521-1522, 2693-2745	1521, 2745	2693	137, 769, 1257, 1291, 1433, 1472-1522, 1623, 2693-2745, 3044, 3052
235 –	By Senators Kessler, M. Hall, Prezioso, Plymale, Williams, Beach, Stollings and Kirkendoll: Creating Hatfield-McCoy Regional Recreation Authority Fund.	137					137
236 –	By Senators Karnes, Blair, Boley, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Takubo, Trump, Walters and D. Hall: Limiting health insurance coverage for elective abortions to supplemental policies.	137					137
**237 –	By Senators D. Hall, Romano, Snyder, Facemire and Williams: Creating Captive Cervid Farming Act.	155	279	626-627	367, 627	626	155, 280, 331, 345, 367-368, 627-628, 767, 1084

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
238 –	By Senators D. Hall, Nohe and Stollings: Limiting certain county board of education liability arising from unorganized recreation.	155	411, 467	565	565	1080	155, 411, 515, 544, 566, 1419, 1656
239 –	By Senators Kirkendoll, Blair, Snyder, Williams and Beach: Eliminating certain boards, councils, task forces, commissions and committees.	155					156
240 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating terms in Personal Income Tax Act.	157					157
241 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating terms in Corporation Net Income Tax Act.	157					157, 331
*242 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness.	157	467		566	2948	157, 515, 544, 566, 3039, 3050
**243 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to school nutrition standards during state of emergency or preparedness.	157	354, 490	2297-2298	604-605, 2298	2297	158, 355, 545, 568, 605, 2297-2299, 3042, 3050
244 –	By Senators Carmichael, Miller, Nohe and Plymale: Creating Caregiver Advise, Record and Enable Act.	158					158
245 –	By Senators Trump, Blair and Walters: Repealing requirement for prevailing wage payment for public improvement construction.	158					159

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
246 –	By Senators Trump, Blair, Leonhardt and Williams: Establishing grandfather exemption requiring certain School for Deaf and Blind child care workers hold associate's degree.	159					159
247 –	By Senators Trump, Blair, Walters and Nohe: Repealing Dangerous Wild Animals Act.	159					159
*248 –	By Senator Williams: Requiring certain insurance and owner information be provided following car accident.	159	389, 1021	2546-2547	1207, 2548	2546	159, 390, 1111, 1156, 1207-1208, 2546-2548, 3040, 3050
*249 –	By Senators Trump, Blair, Ferns, M. Hall and Walters: Prohibiting straight party voting in general election.	159	346	1973	404, 1977	1972-1973	160, 371, 385, 404, 1973-1977, 2961, 3050
250 –	By Senators Trump, Blair, Carmichael, M. Hall, Leonhardt, Miller, Snyder, Unger, Williams and Plymale: Relating to Conservation Agency financial assistance applications from district supervisors.	160	334, 390	2746	481, 2746	2745	160, 334, 431, 461, 481-482, 515, 2747, 3040, 3050
251 –	By Senators Mullins, Kames, Leonhardt and Gaunch: Modifying private cause of action for deliberate intention workers' compensation claims.	160					160
252 –	By Senators Trump, Blair, Williams, Facemire, D. Hall and Leonhardt: Making Schools for Deaf and Blind eligible for School Building Authority funding.	172					172
*253 –	By Senators Trump, Blair, D. Hall, Stollings, Laird, Kirkendoll, Snyder, Plymale and Leonhardt: Recodifying chapter relating to child welfare and juvenile disposition.	172	309				172, 310
*254 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.	173	1089, 1126	1277, 1278	1277		173, 1090, 1225, 1252, 1277-1279

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*255 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Eliminating certain boards, councils, committees, panels, task forces and commissions.	173	355, 440		538	894	174, 357, 486, 510-511, 538, 1181, 1466
*256–	By Senators Walters and Nohe: Increasing number of student unexcused absences before taking action against parent.	184	629				184, 629
257 –	By Senators Plymale, Stollings and Kirkendoll: Relating to improving middle grades education.	184					185
*258 –	By Senators Beach, Williams, Prezioso and Kessler: Creating Letting Our Counties Act Locally Act.	185	310				187, 312
*259 –	By Senators Beach, Snyder and Williams: Relating to examination, licensing and endorsement requirements for autocycles.	187	313				187, 313
260 –	By Senators Yost and Kessler: Providing purchases of state materials, supplies, equipment, etc., be made in US.	187					187
*261 –	By Senators D. Hall, Miller, Snyder, Beach and Facemire: Clarifying definition of "owner" of dam.	187	334, 390	2549	482, 2549	2548	188, 334, 431, 461, 482, 515, 2548-2549, 2973, 3050
262 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR.	188	314, 440		538-539	758	188, 314, 487, 511, 539, 1020, 1084
263 –	By Senators Yost and Kessler: Requiring court-appointed special advocate in all counties.	188					188

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
264 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing severance tax proceeds dedicated to Infrastructure General Obligation Debt Service Fund.	188					189
265 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing distribution of excess lottery proceeds to Infrastructure Fund; increasing funds available for grants.	189					189
266 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Eliminating sales tax exemption on certain highway construction and maintenance materials.	189	314, 630				189, 315, 666, 691, 725, 732
267 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning.	189	357, 440		539	2549	190, 357, 487, 511, 540, 2973, 3050
268 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Terminating dedication of corporation net income tax proceeds to railroads.	190					190
269 –	By Senators Yost, Kessler and Facemire: Creating flood zone homestead property tax exemption.	190					190
270 –	By Senators Stollings, Prezioso and Kirkendoll: Amending criteria for pain management clinic designation.	197					198
271 –	By Senators Karnes and Nohe: Relating to aborted fetus care.	198					198
272 –	By Senator Karnes: Decreasing number of jurors on municipal jury.	198					198

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**273 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations.	198	584, 913	2590-2609	1046, 2609	2589	199, 585, 914, 984, 1045-1046, 2589-2609, 3038, 3050
*274 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to TANF program sanctions.	199	314, 391, 585		686	2948-2949	199, 314, 646, 665, 686, 3044, 3052
275 –	By Senators Trump, Kessler, Unger, Nohe, Boso, Blair, Prezioso, D. Hall, Beach and Romano: Relating to confidentiality of concealed weapon permit applicants' information.	199	391				199
276 –	By Senators Karnes, Boley, Leonhardt, Maynard, Nohe, Plymale and D. Hall: Terminating severance tax on timber.	199					200
**277 –	By Senators Miller, D. Hall, Laird, Williams and Kirkendoll: Requiring issuance of certificate of birth resulting in stillbirth.	200	412, 630		725	1815	200, 412, 666, 691, 726, 2961, 3051
**278 –	By Senator Karnes: Relating to lawful and unlawful methods of hunting.	200	669, 1021		1208		200, 670, 1111, 1157, 1208-1209
*279 –	By Senators Walters, Blair, Gaunch, Boso, Karnes, Maynard and D. Hall: Clarifying qualifications of Labor Commissioner.	200	280, 390				200, 281, 431, 461-462, 483
*280 –	By Senators Cole (Mr. President), Boley, Ferns, Mullins, Nohe, Sypolt, Prezioso, Facemire, D. Hall, Williams, Kessler, Palumbo and Beach: Allowing well work permit transfers.	201	229		231	333	201, 229-232, 387, 436
281 –	By Senator Plymale: Creating system of judicial sale of tax liens.	201					201
282 –	By Senators D. Hall and Stollings: Relating to National Coal Heritage Area Authority.	219					219

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
283 –	By Senators Nohe, Gaunch and Plymale: Relating to state banking institutions.	220	392, 769	2002	978, 2003	2002	220, 392, 892, 950, 977-978, 2002-2003, 2961, 3050
*284 –	By Senators Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso and D. Hall: Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms.	220	357	427	427	2299	220, 385, 405, 426-428, 2973, 3053
285 –	By Senators Nohe, Gaunch and Plymale: Relating to primary and subordinate mortgage loans.	220	392, 770	950-951, 979	979		221, 393, 892, 950-951, 978-980
*286 –	By Senators Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes: Relating to compulsory immunizations of students; exemptions.	232	631	2976-2977	726, 2977	2747, 2949, 3030	233, 274, 301, 632, 666, 691, 726, 2747-2755, 2972, 2975-2978, 3044, 3052
*287 –	By Senators Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair: Providing posthumous high school diplomas.	233	412	2299, 2979	499, 2301, 2979	2299, 3031	233, 462, 485, 499, 2299-2301, 2972, 2978-2980, 3044, 3052
288 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to public school financing.	233					233
*289 –	By Senators Takubo, Stollings, Carmichael, Ferns, Walters, Gaunch and Miller: Relating to anti-cancer medications.	233	959				234, 960
290 –	By Senators Williams, Beach, Blair, Kirkendoll, Stollings, Sypolt, Palumbo and Miller: Relating to regulation of nonintoxicating beer brewers and retailers.	234					234
*291 –	By Senators Ferns, D. Hall, Karnes and Leonhardt: Clarifying power of Attorney General to contract for outside legal services.	234	961		1139		234, 1076, 1107-1108, 1138-1139

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
292 –	By Senators Nohe and Gaunch: Relating to licenses for business of currency exchange, transportation or transmission.	235	392, 770		980-981	2003-2004	235, 392, 892, 951, 980-981, 2961, 3050
293 –	By Senators Beach, Kessler and Miller: Increasing fees for certain DMV services and documents.	235					235
294 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Eliminating certain unnecessary, inactive or redundant councils, committees and boards.	235	468, 650		788	1452	236, 468, 692, 733, 788, 1927, 2094-2095
295 –	By Senators Ferns and Trump: Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions.	236	314, 441	2901	540, 2902	2901	236, 314, 487, 511, 540, 2901-2902, 3044, 3052
296 –	By Senators Walters and D. Hall: Providing maximum licensed school psychologist-pupil ratio.	236					236
297 –	By Senators Walters and Palumbo: Relating to sale of nonintoxicating beer.	237					237
298 –	By Senators Gaunch and Trump: Clarifying funds within Public Employees Retirement Fund.	244	441, 518		639-640	894	244, 442, 569, 617, 640, 1181, 1466
299 –	By Senators Gaunch and Trump: Clarifying start date of State Police duty-related and nonduty related disability payments.	245	441, 519	617, 641, 894	640, 895	894	245, 442, 569, 617, 641, 894-895, 1181, 1466
300 –	By Senators Gaunch, Trump and Stollings: Relating to military service credit for PERS members.	245	771				245, 771
301 –	By Senators Gaunch and Trump: Modifying definition of "member" in Municipal Police and Firefighters Retirement System.	245	442				246, 442
302 –	By Senators Gaunch and Trump: Relating to state retirement plans.	246	441, 518		641	895	246, 442, 570, 617, 641, 1181, 1466

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
303 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing sales tax proceeds dedicated to School Major Improvement Fund and School Construction Fund.	246					246
304 –	By Senators Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder and Stollings: Relating to farmers markets.	247	393, 914	985, 2550-2554	1046, 2554	2549	247, 393, 914, 984-985, 1046-1047, 2550-2555, 3044, 3052
305 –	By Senators Gaunch and Trump: Relating to state retirement system participation and concurrent employment provisions.	247	771				248, 771
306 –	By Senators Ferns, Carmichael, D. Hall, Mullins and Blair: Establishing Intermediate Court of Appeals.	248					248
307 –	By Senators Blair and Carmichael: Creating Paycheck Protection Act.	248					249
308 –	By Senators Trump and Carmichael: Changing minimum interest rate paid on judgments or decrees.	249					249
309 –	By Senators Trump, Laird, Walters and Nohe: Authorizing Corrections Commissioner to enter into mutual aid agreements.	249	469				249, 469
310 –	By Senators Sypolt, Williams and Nohe: Exempting nonprofit public utility companies from B&O tax.	249	1227	1291	1433	2949	249, 1257, 1291, 1433, 2973, 3051
311 –	By Senators Beach, Kessler, D. Hall and Prezioso: Changing Coopers Rock State Forest to Coopers Rock State Park.	249					250
312 –	By Senators Nohe, Boley, Leonhardt, Palumbo and D. Hall: Relating to disqualification of general election nominees for failure to file campaign finance statements.	250	358	2555-2558	428, 2558	2550, 2949	250, 385, 405, 428, 2555-2559, 3045, 3052

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
313 –	By Senators Nohe, Blair, Carmichael, Gaunch, D. Hall, M. Hall, Laird, Palumbo and Stollings: Relating to delinquency proceedings of insurers.	250	520				250, 520
314 –	By Senators Nohe, Carmichael, Mullins and Blair: Authorizing indemnity settlement in occupational pneumoconiosis claims.	281					282
*315 –	By Senator Mullins: Relating to civil actions filed under Consumer Protection Act.	282	520	2755-2756	642, 2756	2755	282, 570, 618, 642, 2757, 3040, 3053
*316 –	By Senators D. Hall, Leonhardt, Trump, Stollings, Plymale, Kirkendoll and Nohe: Exempting new veteran-owned business from certain fees paid to Secretary of State.	282	439, 670	2757	867, 2758	2757	282, 440, 733, 789, 866-867, 2758, 3045, 3052
317 –	By Senators Miller, Beach, Laird, Walters and Woelfel: Relating to insurance coverage on state buildings and contents.	282					282
318 –	By Senators Trump, Karnes, Carmichael and Blair: Relating to payment of wages by employers.	282	358	459	459-460	2949	283, 385, 405, 428-429, 459-460, 3040, 3051
319 –	By Senators D. Hall and Trump: Relating to donation of Secretary of State overpayment fees.	283					283
*320 –	By Senators D. Hall and Trump: Standardizing notification process for revocation of certificates of authority.	283	1264		1522		283, 1264-1265, 1438, 1522-1523, 1623
321 –	By Senator Blair: Creating Paycheck Protection Act.	283					283
322 –	By Senators Nohe, Boley, Palumbo, Leonhardt and Trump: Eliminating mandatory electronic recount of ballots in recounts.	284	358		429	2004	284, 385, 405, 429, 2961, 3050
*323 –	By Senator Blair: Relating to Municipal Home Rule Pilot Program.	284	359	2475-2486, 2669-2670	429-430, 2486, 2670	2474, 2949	284, 360, 385, 405, 430, 2474-2486, 2668-2671, 3045, 3052

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
324	By Senators Blair, Trump, Laird, Kessler, D. Hall, Palumbo and Plymale: Increasing number of participants in Home Rule Pilot Program.	284					284
*325	By Senators Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair: Relating to filing of candidates' financial disclosure statements.	284	1265		1523	2780	285, 1266, 1438-1439, 1523, 1623, 2780-2784
326	By Senators Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair: Eliminating campaign finance reporting by candidates for delegate to national convention.	285	358		430		285, 385, 405-406, 431
327	By Senators Williams and Sypolt: Requiring public hearing prior to fee simple transfer of real property to or from DNR and Division of Forestry.	285					285
328	By Senators Boley, Sypolt and D. Hall: Repealing code section relating to notary public fees.	285					285
*329	By Senators Walters, Leonhardt and Takubo: Requiring real property seller satisfy unpaid charges to county and municipality.	285	849				286, 849
*330	By Senator Ferns: Adopting Interstate Medical Licensure Compact.	286	772				286, 772
331	By Senator Palumbo: Relating to withdrawals and filling vacancies in candidacies.	286					287
332	By Senator M. Hall: Relating to administrative fees for Tax Division, Department of Revenue.	287	1090		1244	2004	287, 1179, 1215, 1244, 2961, 3050
333	By Senator M. Hall: Repealing code section removing county officials from office for misconduct or negligence.	287					287
*334	By Senator Ferns: Relating to practice of medicine and surgery or podiatry.	287	360, 706		880		288, 360, 839, 879-880

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*335 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating Access to Opioid Antagonists Act.	288	315	576-577, 1086	384, 577-578, 1087	576, 1119	288, 346, 371, 384, 578, 767, 1084-1087, 1419, 1800
**336–	By Senators Ferns and Takubo: Eliminating Health Care Authority's power to apply certain penalties to future rate applications.	288	1022, 1182		1279	2104	289, 1023, 1225, 1252-1253, 1279-1280, 2973, 3050
337 –	By Senators Carmichael, Blair, Boso, Sypolt and Trump: Creating workplace freedom act.	289					289, 1037, 1106, 2163
338 –	By Senators Palumbo, Gaunch, Snyder, M. Hall, Williams, Blair, Unger, Trump and Stollings: Relating to Film Industry Investment tax credit.	289					290
*339 –	By Senators Carmichael, D. Hall and Nohe: Eliminating certain funding sources for Workers Compensation Debt Reduction Fund.	290	554				290, 555
340 –	By Senators Trump, Carmichael, Blair and Takubo: Requiring voter provide photo ID.	290					290
341–	By Senators D. Hall, Trump, Blair, Beach, Karnes, Sypolt, Williams and Woelfel: Permitting Agriculture Commissioner approve and submit Livestock Care Standards Board rules.	298	298		368		345, 368-369
*342 –	By Senators Gaunch, Trump and Pymale: Clarifying scope, application and requirements for error corrections by CPRB.	317	773, 1091		1245	2301	317, 774, 1179, 1215, 1244-1245, 2973, 3050
*343 –	By Senators Blair, Snyder and Nohe: Exempting chiropractors from continuing education requirement on mental health conditions common to veterans.	317	469, 707		881		318, 470, 839, 880-882
*344 –	By Senators Trump, Carmichael and Blair: Relating to duty to mitigate damages in employment claims.	318	671		867-868	2004	318, 733, 789, 867-868, 2961, 3051

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
345 –	By Senators Sypolt, Blair, Ferns, D. Hall, M. Hall, Laird, Leonhardt, Mullins, Nohe, Trump and Williams: Relating to jury selection strikes in felony cases.	318					318
*346 –	By Senator Ferns: Creating Mental Health, Veterans and Service Members Court Act.	318	915				319, 916
*347 –	By Senators Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns: Creating Firearms Act of 2015.	319	993	2487-2507	1143, 2507	2487	319, 1077, 1108, 1139-1143, 2487-2508, 2973, 3086
*348 –	By Senators Blair, Carmichael and Karnes: Creating pilot program for drug screening of cash assistance applicants.	320	555				320, 556
349 –	By Senators Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Williams, Woelfel and Yost: Relating to Tourism Promotion Fund.	320					320
350 –	By Senators D. Hall, Beach, Blair, Facemire, Ferns, Gaunch, M. Hall, Kessler, Kirkendoll, Laird, Mullins, Plymale, Prezioso, Snyder, Stollings, Trump, Walters, Romano, Nohe, Williams and Leonhardt: Establishing criminal penalties for assault or battery on utility workers.	320	707		883		320, 839, 882-883
*351 –	By Senator Ferns: Relating to charitable organization contribution levels requiring independent audit reports.	320	916		1048	1686-1687	321, 917, 985, 1047-1048, 1927, 2095
**352 –	By Senator Walters: Expanding scope of cooperative associations to goods and services including recycling.	321	774, 1240	2508	1524, 2509	2508	321, 775, 1293, 1439, 1524, 1623, 2508-2509, 3042, 3050
*353 –	By Senators Walters and Nohe: Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program.	321	409, 916		1048		321, 409, 917, 985, 1048-1049

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
354 –	By Senators Plymale and Stollings: Creating Rehabilitation Services Vending Program Fund.	321					321
355 –	By Senator M. Hall: Relating to quality control procedure for agency rules.	337					337
356 –	By Senators D. Hall, Yost and Gaunch: Providing motorcycle helmet exemption for certain cyclists.	337					337
*357 –	By Senators Mullins, Blair, Boley, Boso, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Carmichael, Kirkendoll, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Williams: Creating Coal Jobs and Safety Act of 2015.	338	442	541- 542, 1259, 1260	542, 1262	1259, 1452	339, 487, 511, 540-542, 1259-1262, 1702, 2243
358 –	By Senators Leonhardt, Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Maynard, Miller, Mullins, Nohe, Romano, Snyder, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Plymale, Prezioso, Stollings and Kirkendoll: Requiring court issue divorce certificate reflecting name change.	339					339
359 –	By Senators Unger, Laird, Miller, Palumbo, Plymale, Prezioso, Stollings, M. Hall, Snyder, Kirkendoll and Kessler: Relating to suicide prevention awareness.	340					340
360 –	By Senators Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire: Repealing code sections relating to book indexes and claims reports required by court clerks.	341	908		1049	2301	341, 908, 985, 1049- 1050, 2973, 3051
*361 –	By Senator Blair: Eliminating prevailing hourly wage requirement for construction of public improvements.	341	445	623, 624, 1407- 1410	623, 1410	1407	341, 445-446, 487, 511- 512, 544-545, 568-569, 605-615, 622-624, 1037, 1106, 1407-1411, 1624, 1702, 2244

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
362 –	By Senators Boley, Blair, Karnes and Leonhardt: Relating to public school curricular standards and assessments.	341					341
363 –	By Senator Cole (Mr. President): Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims.	342	701, 1241	1525	1524	2950	342, 701, 1293, 1439, 1524-1525, 1623, 3045, 3052
364 –	By Senators M. Hall, Snyder, D. Hall, Plymale and Facemire: Exempting State Police Forensic Laboratory from state purchasing guidelines.	342	707		884		342, 839, 883-884
*365 –	By Senators Nohe, Gaunch, D. Hall and Palumbo: Relating to issuance of travel insurance entity producer licenses.	342	521				342, 523
*366 –	By Senators Ferns, Stollings, Walters and D. Hall: Creating Patient Protection and Transparency Act.	343	961, 1401	2004	1525, 2005	2004	343, 962, 1402, 1439, 1525-1526, 1623, 2004- 2005, 2962, 3050
367 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Authorizing recalculation of base tax revenue amount for sales tax increment financing districts.	343					344
*368 –	By Senator Nohe: Relating to risk-based capital reporting for health organizations.	344	522				344, 523
369 –	By Senators Karnes and Leonhardt: Repealing code sections relating to mandatory state motor vehicle inspections.	345					345
370 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees.	360	491, 775	981, 2510	981, 2510	2509	361, 491, 892, 951, 981- 982, 2509-2510, 3038, 3051
371 –	By Senators Carmichael and Karnes: Applying forum non conveniens doctrine when actions involve resident and nonresident plaintiffs.	361					362

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
372 –	By Senator Carmichael: Providing for civil action mediation.	362					362
*373 –	By Senators Nohe, Gaunch, D. Hall, Karnes and Blair: Allowing wireless communication image serve as proof of motor vehicle insurance.	362	520, 917		1050, 1051	2559	362, 520, 918, 985, 1050-1051, 2973, 3050
*374 –	By Senators Trump and D. Hall: Permitting in absentia parole hearings in certain instances.	362	391		483	1687	362, 431, 462, 483-484, 515, 1928, 2513
*375 –	By Senator Trump: Specifying who receives parole hearing notices via regular or certified mail.	362	391		484	1687	362, 432, 462, 485, 515, 1928, 2513
376 –	By Senator Trump: Relating to administration of estates.	363					363
*377 –	By Senators Boso and Gaunch: Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary.	363	962		1144		363, 1077, 1108, 1143-1144
*378 –	By Senators Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch: Relicensing electricians without retesting under certain circumstances.	363	556		664	895	363, 621, 646, 665, 1181, 1466
*379 –	By Senators Walters, D. Hall, Beach and Miller: Creating State Infrastructure Fund Program.	364	557				364, 558
380 –	By Senators Kessler, Stollings, Unger, Miller and Yost: Relating to when Future Fund deposits are made.	364					364
381 –	By Senators M. Hall, Stollings, D. Hall, Nohe, Boso, Miller, Kessler and Prezioso: Creating State Police 100th Anniversary Fund.	364					364
382 –	By Senators M. Hall and Walters: Declaring claims against state.	364	586		686-687	1233	365, 646, 665, 687, 1635, 1656

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
383 –	By Senators D. Hall, Ferns, Kirkendoll, Maynard, Mullins, Takubo and Stollings: Permitting hunting or trapping on private lands on Sundays.	375					376
*384 –	By Senators D. Hall, Prezioso, Takubo, Stollings and Beach: Permitting wine sales by specialty shop located in dry county, magisterial district or municipality.	376	672	790-800, 868	868		376, 733, 789-800, 868-869
**385 –	By Senators D. Hall, Beach, Blair, Ferns, Karnes, Kessler, Kirkendoll, Mullins, Nohe, Sypolt, Trump, Walters, Williams and Stollings: Regulating transportation network companies.	376	586-587, 1241	1439-1449			376, 587, 1294, 1439-1449, 1526, 1536
386 –	By Senators Ferns, Stollings and D. Hall: Excluding mobile x-ray services from health care provider tax.	376	558, 1126		1280		376, 558, 1225, 1253, 1280
387 –	By Senators Walters, Stollings and D. Hall: Creating Task Force on Prevention of Sexual Abuse of Children.	376					377
388 –	By Senators Sypolt, Beach, Blair, M. Hall, Kessler, Leonhardt, Prezioso, Snyder, Trump, Unger, Williams, Stollings and Nohe: Changing remittance procedure for sales and use taxes on homeowners' dues, fees and assessments.	377					377
389 –	By Senators Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization): Relating to Board of Registration for Professional Engineers license renewals and reinstatements.	379	379	758-762, 1193, 2156	460, 762, 1193, 2157	758, 1411, 2950	406, 431, 461, 758-763, 1021, 1191-1194, 1800, 2155-2157, 3045, 3052
*390 –	By Senator Trump: Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects.	394	708	2302	885, 2302	2301-2302	394, 389, 884-885, 2301-2303, 3042, 3050

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
391 –	By Senators Walters, Facemire, Kessler, Laird, Mullins, Nohe, Romano and Plymale: Relating to unemployment compensation benefit eligibility for certain victims of domestic violence, sexual offenses or stalking.	394	709				394, 709
392 –	By Senator Plymale: Relating to public higher education procurement and payment of expenses.	394					395
*393 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reforming juvenile justice system.	395	963	2559-2561	1144, 2561	2559, 2950	396, 1077, 1108, 1144-1145, 2559-2562, 3045, 3053
394 –	By Senators M. Hall, Carmichael, D. Hall, Miller and Plymale: Relating to insurance coverage for rented or leased vehicles when driver has no coverage.	397					397
*395 –	By Senators Sypolt, Facemire, Gaunch, Prezioso, Stollings, Plymale, Palumbo and Williams: Modifying definitions of "battery" and "domestic battery".	397	1127		1281		397, 1225, 1253, 1280-1281
396 –	By Senators Sypolt, Facemire, Gaunch, Prezioso, Stollings, D. Hall, Plymale, Karnes, Palumbo, Romano and Williams: Providing felony offense of domestic violence or sexual offense by strangling.	397					397
397 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Transferring powers and duties of Affordable Housing Trust Fund to Housing Development Fund.	397					398
398 –	By Senators Ferns, D. Hall and Stollings: Extending expiration date for health care provider tax on eligible acute care hospitals.	398	470, 709	1120	886, 1120	1119	398, 470, 839, 885-887, 1119-1121, 1419, 1656

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
399 –	By Senator Ferns: Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units.	399	471, 918		1052		399, 471, 918, 986, 1051-1052
400 –	By Senator Ferns: Exempting certain employers from discriminating against tobacco users.	399					399
401 –	By Senator Ferns: Relating to living arrangements for children in foster care and children sixteen years or older.	399					399
402 –	By Senator Blair: Requiring personal income tax return include survey regarding use of tax dollars.	399					400
403 –	By Senators Walters and Nohe: Increasing period during which recorded and refiled motor vehicle liens are valid.	400	710, 850		1052	2303	400, 710, 951, 986, 1052, 2973, 3050
*404 –	By Senator Walters: Requiring routine audits of major information technology projects.	400	1113				400, 1114
405 –	By Senator Walters: Authorizing qualified entities access to Criminal Identification Bureau for certain purposes.	400					401
406 –	By Senators Plymale, Boso and Stollings: Criminalizing trademark counterfeiting.	414					414
*407 –	By Senator Plymale: Implementing state safety oversight program.	414	710, 1128	1253	1281	2510	414, 711, 1225, 1253-1254, 1281-1282, 3038, 3050
*408 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to Underwood-Smith Teacher Loan Assistance Program.	414	1200				415, 1201

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*409 –	By Senators Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams: Establishing Fair and Open Competition in Governmental Construction Act.	415	994		1146	2303	415, 994, 1077, 1108, 1145-1146, 2973, 3051
410 –	By Senators Stollings, Prezioso, Plymale, Woelfel, Williams, Unger, Takubo, Ferns, Gaunch, D. Hall, Beach, Carmichael, Kessler, Kirkendoll, Palumbo and Nohe: Relating to liability insurance coverage for county board of education volunteers and student teachers.	415					416
*411 –	By Senators Takubo, Carmichael, Ferns, Gaunch and Mullins: Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act.	416	995	1146, 1946	1148, 1972	1946	416, 1077, 1109, 1146-1148, 1946-1972, 2962, 3050
412 –	By Senator Blair: Relating to Real Estate Commission complaint filings.	416	587, 650		788-789	2303	416, 588, 692, 733, 789, 2973, 3050
*413 –	By Senator D. Hall: Relating to commercial pesticide control licensing requirements.	417	965		1148		417, 966, 1077, 1109, 1148-1149
414 –	By Senators Plymale, Cole (Mr. President), Stollings and Woelfel: Creating Local Development Superiority Act.	417					417
415 –	By Senator Trump (Originating in Senate Judiciary): Relating to circuit judges.	426	426, 670		949	2510-2511	426, 733, 800, 869, 949, 3042, 3050
*416 –	By Senators D. Hall, M. Hall, Prezioso, Boley, Woelfel, Plymale and Beach: Relating to hotel occupancy tax.	447	966		1149		447, 1077, 1109, 1149
417 –	By Senators Snyder and Blair: Removing certain tax discounts from motor fuel excise tax.	447					447
418 –	By Senators Nohe and Gaunch: Relating to trustee real estate sale under deed of trust.	448	918		1053	2562	448, 918, 986-987, 1052-1053, 2974, 3050

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
419 –	By Senators Nohe and Gaunch: Providing insurance requirements for transportation network companies and drivers.	448					448
420 –	By Senators Boley, Carmichael, Karnes, Kessler, Mullins, Plymale, Sypolt, Unger and Kirkendoll: Relating to retirement benefits for certain employees in kindergarten programs.	448	771, 1126		1282		449, 771, 1225, 1254, 1282
*421 –	By Senators Trump, Carmichael, Blair and Gaunch: Relating to punitive damages in civil actions.	449	632	785, 786, 1815	786, 1817	1815	449, 666, 691, 726-730, 785-786, 1815-1817, 2962, 3051
422 –	By Senators Plymale, D. Hall, Miller, Unger, Kessler and Stollings: Raising minimum teacher salaries.	449					449
*423 –	By Senators M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams and Stollings: Amending Aboveground Storage Tank Act.	449	1023	1157, 2563-2564	1227, 2564	2562	451, 1111, 1157, 1209, 1226-1227, 2563-2564, 3038, 3051
424 –	By Senators Ferns and Stollings: Eliminating compulsory tuberculosis testing for certain school children and school personnel.	451	711, 850				451, 711, 952, 987
425 –	By Senators Plymale, M. Hall, Prezioso, Leonhardt, Walters, Williams, Carmichael, Laird, Kessler, Stollings, Miller and D. Hall: Relating to investments by MU, WVU and WVSOM.	472	672		869-870	2950	472, 733, 800, 869-870, 3045, 3052
426 –	By Senators Plymale, Prezioso, Beach, Carmichael, D. Hall, Kessler, Walters and Williams: Relating to campus police officers of state institutions of higher learning.	472					473
427 –	By Senators Unger, Yost, Boley, Nohe, Romano, Beach, Kirkendoll, Prezioso, Miller, Facemire, Kessler, Palumbo, D. Hall, Laird, Williams, Carmichael, Snyder, Stollings and Plymale: Relating to State Police compensation.	473					473

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
428 –	By Senators Stollings, Takubo and Kessler: Relating to hydrocodone combination drug prescriptions.	473					473
429 –	By Senators Trump, Williams, D. Hall, Stollings, Miller, Palumbo and Kessler: Relating to one-day special charitable event license to sell nonintoxicating beer.	474	588		687-688		474, 588, 646, 665, 688
*430 –	By Senator Trump: Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions.	474	491	569, 2304	615-616, 2307	2303	474, 545, 569, 616, 2303-2308, 3038, 3050
431 –	By Senators Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Williams, Woelfel, Yost and Palumbo: Relating to graduated salary increases for teachers.	474					474
432 –	By Senators Kessler, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Unger, Woelfel and Yost: Relating to graduated salary increases for service personnel.	474					475
433 –	By Senators Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Woelfel and Yost: Relating to graduated salary increases for state employees.	475					475
434 –	By Senators Carmichael, D. Hall, Kirkendoll and Stollings: Relating to horse racing.	475	967	1109	1150	2942	475, 1077, 1109, 1149-1150, 2942, 2947
*435 –	By Senators Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters: Creating WV Sheriffs' Bureau of Professional Standards.	492	712	1453, 2515-2517	888, 1453, 2517	1452, 2950	492, 712, 839, 887-888, 1452-1454, 1800, 2514-2517, 3045, 3052
*436 –	By Senator Nohe: Relating to State Athletic Commission.	492	1128	2105, 2117	1282, 2118	2104-2105, 2951	492, 1129, 1225, 1254, 1282-1283, 2104-2118, 3045, 3053

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
437 –	By Senators Prezioso, Beach, Carmichael, D. Hall, Kessler, Walters, Williams and Plymale: Increasing membership of PEIA Finance Board.	493					493
438 –	By Senators Palumbo, Gaunch, Kessler, Miller, Sypolt, Plymale, Laird, Prezioso, Walters and Stollings: Creating Sexual Assault Fund to End Rape Act.	493					493
*439 –	By Senators Prezioso, Carmichael, Gaunch, D. Hall, Kessler, Leonhardt, Walters, Williams and Plymale: Relating to higher education personnel.	493	1183	2784-2791	1283, 2792	2784, 2951	495, 840, 1184, 1225, 1254, 1283, 2784-2792, 3045, 3052
440 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Commerce.	495					495
441 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOH.	495					495
442 –	By Senator Carmichael: Relating to interest on judgments and decrees.	495					496
443 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHS.	523					524
444 –	By Senators Karnes, Boley, Gaunch and Leonhardt: Relating to home schooling.	524					524
445 –	By Senators M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale: Relating to investment of RJCFA funds.	524	767		983	2005	524, 893, 951, 982-983, 2962, 3088

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*446 –	By Senators Kessler, Beach and Stollings: Increasing number of terminals authorized by limited video lottery retailer license.	525	1266		1526		525, 1267, 1449, 1526-1527, 1623
447 –	By Senators Karnes, Boley, Gaunch and Leonhardt: Allowing issuance of diploma by public, private or home school administrator.	525	1184	2793	1284, 2793	2792	525, 1185, 1225, 1254, 1284, 2792-2793, 3045, 3053
448 –	By Senators Karnes, Boley, Gaunch, Leonhardt, Nohe and Boso: Relating to PROMISE Scholarship Program.	525					525
449 –	By Senators Laird, Kirkendoll, Beach, Stollings, Yost, Romano, Williams, Miller, Kessler, Facemire and Snyder: Relating to salaries for Division of Corrections, RJCFA and Division of Juvenile Services employees.	525					526
450 –	By Senators Stollings, Facemire and Snyder: Creating offense of sexual assault in fourth degree.	526					526
451 –	By Senators Carmichael, Leonhardt, Kessler, Nohe, Blair, Romano, Boso and Karnes: Allowing certain National Guard firefighters to become Air National Guard civilian firefighters.	526					526
452 –	By Senators M. Hall, Stollings and Boley: Exempting RJCFA employees from classified service.	526					527
*453 –	By Senators Woelfel, Blair, Ferns, Gaunch, M. Hall, Leonhardt, Mullins, Nohe, Plymale, Prezioso, Snyder, Takubo, Trump, Walters, Williams and Karnes: Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.	527	1267	1527-1528, 2814-2858	1529, 2858	2814	527, 1268, 1449-1450, 1527-1529, 1623, 2814-2859, 3045, 3053

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
454-	By Senators Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings: Criminalizing trademark counterfeiting.	559	1115	1209-1210	1209	2006	559, 1115, 1157, 1209-1210, 2962, 3050
**455 -	By Senators Prezioso, Carmichael, D. Hall, Kessler, Leonhardt, Plymale, Walters, Williams, Palumbo and Stollings: Relating to public higher education procurement and payment of expenses.	559	673, 1091	2794-2811, 2870	1245, 2811, 2870-2871	2793-2794, 2951	559, 673, 1179, 1215-1216, 1245-1246, 2794-2811, 2869-2871, 2972, 3050
*456 -	By Senators Takubo, Gaunch and Stollings: Relating to letters of merit in medical professional liability actions.	559	919				560, 919, 987, 1039, 1053
457 -	By Senators Plymale, Walters and Nohe: Relating to selection of school athletic coaches or other extracurricular activities coaches.	560	1185		1284		560, 1226, 1254-1255, 1284-1285
458 -	By Senators Stollings and Kessler: Relating to controlling methamphetamine.	560					560
*459 -	By Senators Walters, Kessler, Nohe, Williams, Palumbo, Boso and Stollings: Relating to development of broadband middle mile infrastructure.	589	713				590, 714
460 -	By Senators Ferns, D. Hall and Stollings: Modifying requirements allowing child witnesses to testify by closed circuit television.	590					590
461 -	By Senators Walters, D. Hall and Plymale: Exempting railroad locomotive fuel from certain fuel excise taxes.	590					590
462 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds to State Fund, General Revenue, from Auditor's Office, Purchasing Card Administration Fund.	590					591

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
463 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund.	591	851		1054	1455	591, 952, 987-988, 1053-1054, 1928, 2095
464 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation from State Fund, State Excess Lottery Revenue Fund, to DHHR, DHS.	591					591
465 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds to State Fund, General Revenue, from various accounts.	591					593
466 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Commerce.	593	851		1055	1455-1456	593, 952, 988, 1054-1055, 1800, 2095
467 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee.	593	851		1056	1456	593, 952, 988, 1056-1057, 1800, 2095
468 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds to State Fund, General Revenue, from Joint Expenses and DHHR, DHS, TRIP Fund.	593					594
469 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection.	594	851		1057	1456	594, 952, 988, 1057-1058, 1800, 2095

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
470 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of Lottery Net Profits to State Department of Education, School Building Authority, Debt Service Fund.	594					594
471 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS.	594	851		1058	1456	595, 952, 988, 1058-1059, 1800, 2095
472 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund.	595	851		1059	1687	595, 952, 988, 1059-1060, 1928, 2513
473 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DMAPS, WV State Police.	595	851		1060	1412	595, 952, 988-989, 1060-1061, 1801, 2095
474 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.	595					596
475 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund.	596	851		1062	1687	596, 952, 989, 1061-1062, 1928, 2513

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
476 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund.	596	851		1063	1412	596, 952, 989, 1062-1063, 1801, 2095
477 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH.	596	852	1454	1064, 1454	1454	597, 952, 989, 1063-1064, 1454-1455, 1801, 2095
478 –	By Senators Plymale, Stollings, Snyder, Romano, Williams and Kessler: Generating and maintaining revenue for road construction and maintenance and infrastructure.	597					598
479 –	By Senators Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary): Adding additional family court judges.	603	603, 1126		1285	2511	603, 1226, 1255, 1285, 3042, 3050
480 –	By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt, Walters, Woelfel and Snyder: Increasing tax exemption for PERS and TRS income.	633					633
481 –	By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel: Relating to municipal policemen's and firemen's pension and relief funds' investment.	634	771, 1091	2308	1246, 2308	2308	634, 771, 1179, 1216, 1246, 2308-2309, 3042, 3052
482 –	By Senators Carmichael, Blair, D. Hall and Kirkendoll: Relating to permits for stationary sources of air pollutants.	634					634
483 –	By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel: Relating to municipal policemen's and firemen's pension and relief funds' trustees.	634	775	2309	889, 2312	2309	634, 776, 888-889, 2309-2312, 3043, 3052

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
484 –	By Senator Carmichael: Relating to procedure for removal of certain county, school district and municipal officers.	634	852, 920	1065	1065		634, 852, 920, 989, 1064-1065
485 –	By Senators Carmichael and Boso: Providing county commissioners mechanism for elected officials' compensation increases.	635					635
*486 –	By Senators Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters: Authorizing special license plates for Civil Air Patrol vehicles.	635	996		1150	2511	635, 1077, 1110, 1150, 3038, 3051
487 –	By Senators D. Hall, Blair, Boley, Boso, Carmichael, Gaunch, M. Hall, Karnes, Kirkendoll, Leonhardt, Mullins, Nohe, Prezioso, Sypolt, Takubo and Trump: Creating Freedom of Conscience Protection Act.	635					635
*488 –	By Senators Williams, Prezioso and Stollings: Creating Broadband Enhancement Council.	635	1115	2313	1210, 2323	2312	636, 1116, 1157, 1210-1211, 2312-2324, 3043, 3051
489 –	By Senator Carmichael: Imposing statute of limitations on civil actions derived from surveying of real property.	636	920	1066	1066	2006	636, 920, 989, 1065-1066, 2962, 3050
490 –	By Senators Mullins, Gaunch, D. Hall, M. Hall, Kessler, Kirkendoll, Leonhardt, Prezioso, Stollings, Williams and Plymale: Adding certain facilities and operations to protected parties relating to crimes against property.	636					636
491 –	By Senators Kessler, Ferns, D. Hall, Kirkendoll, Leonhardt, Mullins and Prezioso: Creating bid preference for certain limited video lottery current permit holders.	651					651
492 –	By Senators Beach, Williams, D. Hall, Miller, Stollings and Walters: Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.	651					651

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
493-	By Senators Carmichael, Ferns, Stollings, Takubo and Trump: Relating to authority to waive incapacitated person's right to jury trial.	651					652
494 -	By Senators Takubo, Carmichael, Ferns, M. Hall, Maynard, Mullins, Nohe, Plymale, Prezioso, Stollings, Trump, Williams and Gaunch: Relating to prescriptions for epinephrine auto-injectors.	652					652
495 -	By Senators Leonhardt and Kessler: Relating to County Local Powers Act.	652					653
496 -	By Senators D. Hall, Boso, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Mullins, Nohe, Takubo, Walters, Williams and Stollings: Creating Statewide Interoperable Radio Network Act.	653					654
497 -	By Senators Stollings, Prezioso, Williams, Facemire, Gaunch, D. Hall, Laird and Snyder: Permitting school nurses to possess and administer opioid antagonists.	654					654
498 -	By Senators Sypolt, Boso, Carmichael, Kessler, Snyder, Prezioso and Facemire: Clarifying tax map rules apply to paper and electronic documents.	654	853		1067		655, 953, 990, 1066-1067
499 -	By Senators Williams, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings and D. Hall: Creating Tourist-Oriented Directional Signs Program.	655	1116, 1228		1286		655, 1116, 1255, 1285-1286
500 -	By Senators Karnes, Blair, Boley, Boso, Gaunch, D. Hall, Kirkendoll, Leonhardt, Mullins, Nohe, Takubo and Walters: Providing procedure for delegate selection to Article V Convention.	677					677

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
501 –	By Senators Karnes, Blair, Boley, Boso, Gaunch, D. Hall, Leonhardt, Mullins, Nohe and Walters: Requiring annual report by persons practicing midwifery.	677					678
502 –	By Senators Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings: Relating to eligibility for certain reclamation or remediation tax credit.	678	1078	1158, 1211, 2119	1211, 2126	2118- 2119	678, 1112, 1157-1158, 1211-1212, 2118-2127, 2974, 3050
503 –	By Senators Kirkendoll, Beach, Facemire, D. Hall, Kessler, Laird, Stollings, Yost, Romano and Palumbo: Permitting sheriff hire outside attorneys for tax collection assistance.	678	996, 1117	1158, 1212	1212		678, 997, 1117, 1158, 1212-1213
504 –	By Senator Kirkendoll: Authorizing collection of additional local 911 fees.	678					678
505 –	By Senators D. Hall, Ferns and Mullins: Creating Physicians Lien Act.	678					679
506 –	By Senator Carmichael: Requiring licensing of athletic trainers.	679					679
507 –	By Senators Trump and Plymale: Relating to monitoring inmates' electronic communications.	679	850		1068	1687- 1688	679, 953, 990, 1067- 1068, 1928, 2513
508 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reorganizing Hatfield-McCoy Regional Recreation Authority.	679	776, 920	990, 1367- 1401	1069, 1401	1367	680, 776, 921, 990, 1069, 1367-1401, 1928, 2513
509 –	By Senator Trump: Relating to waste by cotenant.	680					680
510 –	By Senator Ferns: Amending Uniform Interstate Family Support Act.	715	921, 1092		1247	2564	716, 921, 1179, 1216, 1246-1247, 3038, 3052
511 –	By Senators Boso and Stollings: Relating to contractor or subcontractor's obligations regarding minimum prevailing wage rates on public improvement projects.	716					717

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
512 –	By Senator D. Hall: Exempting complimentary hotel rooms from hotel occupancy tax.	717					717
513 –	By Senator D. Hall: Establishing minimum standards for unconventional well sites.	717					717
514 –	By Senators Gaunch and Plymale: Relating to investments of local policemen's and firemen's pension and relief funds.	717	771, 1091	2324	1247, 2325	2324	717, 771, 1179, 1216, 1247-1248, 2324-2325, 3039, 3050
515 –	By Senators Gaunch and Plymale: Relating to Municipal Pensions Oversight Board fund investments.	777	1091	2326	1248, 2326	2325-2326	777, 1179, 1216, 1248, 2325-2327, 3043, 3050
*516 –	By Senators Leonhardt, Karnes and Blair: Relating to practice of advance practice registered nurses.	777	1185				779, 1186
517 –	By Senator D. Hall: Exempting privilege of producing coalbed methane gas from severance tax.	779					779
518 –	By Senators Blair, Carmichael, Snyder, Trump and Unger: Permitting county and municipal economic development authorities invest certain funds.	779	997	2940-2942	1151, 2942	2511, 2951	779, 997, 1077, 1110, 1150-1151, 2511-2513, 2672, 2780, 2939-2942, 3046, 3053
519 –	By Senators Laird, Carmichael, Gaunch, Mullins, Palumbo, Prezioso, Stollings, Walters, Williams, Nohe, Snyder and Plymale: Relating to Nonprofit Youth Organization Tax Exemption Support Amendment enabling legislation.	780					780
520 –	By Senators Walters, Blair, Miller, Snyder and Woelfel: Creating Local Energy Efficiency Partnership Act.	780	1025				780, 1025
521 –	By Senator Kessler: Requiring employer provide group life insurance policy under certain circumstances.	780					781
522 –	By Senators Laird, Miller and Kessler: Increasing wholesale liquor prices for promotion of travel and tourism.	781					781

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*523 –	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating Alcohol and Drug Overdose Prevention and Clemency Act.	781	922	2904	1070, 2905	2904	782, 923, 990-991, 1069-1070, 2904-2905, 3046, 3053
524 –	By Senators Prezioso, Sypolt and Blair: Requiring higher education institutions award transfer credit.	782					782
525 –	By Senator M. Hall: Exempting services of individuals authorized to practice before IRS from consumers sales and service tax.	782					782
526 –	By Senators Kessler, Miller, Laird and Yost: Relating to expungement of certain felony convictions.	702					783
527 –	By Senators Miller and D. Hall: Eliminating certain qualification requirements of Commissioner of Agriculture.	856	967				856, 968
528 –	By Senators Kessler, Beach, Laird, Miller, Snyder and Yost: Creating Earned Sick Time Act.	856					856
*529 –	By Senators GAUNCH and Carmichael: Relating to PERS, SPRS and TRS benefits and costs.	857	1129	2859-2862, 2982-2986	1286, 2862, 2986	2859, 3031	857, 1226, 1255, 1286-1287, 2859-2862, 2863, 2951, 2972, 2980-2987, 3046, 3053
530 –	By Senators Yost, Ferns, Kessler, Snyder and Romano: Extending income tax exemption for retirees receiving pensions from certain defined pension plans.	857	1091		1248		857, 1179, 1216, 1248-1249
531 –	By Senators Kessler, Palumbo, Romano, Stollings and Unger: Increasing cigarette tax to fund substance abuse and workforce development.	857					857
532 –	By Senators Trump, Woelfel, Plymale, Stollings, Takubo, Prezioso, Carmichael, Ferns and Beach: Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.	858	923, 968	1817, 1824	1151, 1824	1817, 2327	858, 923, 1077, 1110, 1151-1152, 1817-1825, 3043, 3050

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
533 –	By Senators Laird, D. Hall, Trump, Boso and Romano: Prohibiting visual obstruction of motor vehicle registration plates.	858					858
534 –	By Senators Takubo, Stollings, Kessler and Prezioso: Increasing cigarette tax.	858					858
535 –	By Senators Nohe and Boso: Exempting certain community rehabilitation programs from taxes on sales of personal property and services.	858					859
536 –	By Senator Woelfel: Expanding definition of "kidnapping".	859					859
*537 –	By Senators D. Hall and Boso: Changing mandatory school instructional time from days to minutes.	859	997		1152	2921	859, 1077, 1110, 1152, 2921-2928
538 –	By Senators Kirkendoll, Romano, Trump, Facemire and Snyder: Relating to hearings before Office of Administrative Hearings.	859					860
539 –	By Senators Carmichael, D. Hall, Nohe and Trump: Relating to release of medical records in certain civil actions.	860					860
540 –	By Senators Plymale, Palumbo, Prezioso, Stollings, Unger, Facemire, D. Hall and Laird: Creating Office of Early Childhood Collaboration.	860					860
*541 –	By Senators Carmichael, Blair and D. Hall: Relating to regulation and control of elections.	924	1268, 1420	1536-1600, 1601	1600		924, 1269-1270, 1294, 1420, 1529-1530, 1536-1602
*542 –	By Senators D. Hall, Carmichael, M. Hall, Gaunch, Trump, Blair and Nohe: Clarifying provisions of Consumer Credit and Protection Act relating to debt collection.	925	1271	2868-2869	1530, 2869	2868	925, 1271-1272, 1450, 1530, 1623, 2868-2869, 3046, 3052
543 –	By Senator Trump: Redistributing certain lottery revenues to State Excess Lottery Revenue Fund.	925					925

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
544 –	By Senators Sypolt, Stollings and D. Hall: Establishing procedures for body mass index screening in schools	925	1187				926, 1187
545 –	By Senators Nohe, Walters, Palumbo and Gaunch: Removing certain prior bank overdraft approval by director or executive officer.	926	1093		1249	2006	926, 1179, 1216-1217, 1249-1250, 2962, 3050
546 –	By Senators Carmichael, Kessler and D. Hall: Creating Compassionate Use Act for Medical Cannabis.	926					927
547 –	By Senators Stollings and D. Hall: Creating WV Greyhound Racing Cessation Program.	927					927
*548 –	By Senators Blair, Karnes and Leonhardt: Changing procedure for filling U. S. Senator vacancies.	927	1093		1250		928, 1179, 1217, 1250
549 –	By Senators M. Hall, Blair, Kessler, Unger and D. Hall: Establishing classifications and salary schedules for State Police forensic lab civilian employees.	928	1126	2565	1287, 2565	2564	928, 1226, 1255, 1287, 2564-2565, 3039, 3102
550 –	By Senators Kirkendoll, Kessler, Stollings and Unger: Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation.	928	1228		1434		928, 1257, 1291-1292, 1434
551 –	By Senators D. Hall, Kirkendoll, Leonhardt, Palumbo, Romano, Unger and Sypolt: Relating to PERS military service credit.	928					928
552 –	By Senator D. Hall: Relating to Tourism Promotion Fund.	929					929
553 –	By Senators Sypolt, Blair, Karnes and Takubo: Establishing English as official state language.	929					929

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
554 –	By Senator Walters: Limiting broadband/Internet service termination fees.	929					929
555 –	By Senators Ferns, Blair and D. Hall: Continuing Office of EMS as independent office within DMAPS.	929					930
556 –	By Senators M. Hall and Ferns: Relating to provisional social worker license requirements.	930					930
557 –	By Senators D. Hall and Takubo: Requiring licensing of athletic trainers.	930					930
558 –	By Senators Trump, Blair and D. Hall: Permitting scholarship awards by conservation districts.	930					930
559 –	By Senators M. Hall and Ferns: Relating to social work provisional licensing.	931	998	1153, 1731- 1734	1154, 1735	1731	931, 1078, 1110, 1152-1155, 1731-1735, 2962, 3050
560 –	By Senators Trump and D. Hall: Establishing special revenue fund for use of certain Supreme Court advanced technology.	931	1130	1255	1288		931, 1226, 1255-1256, 1288
561 –	By Senators Laird and Kessler: Establishing Economic Adjustment Evaluation Task Force.	931					931
562 –	By Senators Yost and Kessler: Requiring DHHR review health care providers' rates.	931					931
563 –	By Senator D. Hall: Relating to racetrack video lottery and table games.	932					932, 1005
564 –	By Senators Trump and Nohe: Authorizing Shallow Gas Well Review Board grant certain waivers.	932					932
565 –	By Senators Walters, D. Hall, Miller and Sypolt: Relating to tax collections from certain political subdivision vendors.	932					933
566 –	By Senator Takubo: Creating Hotel and Restaurant Renovation Tax Credit Act.	933					933

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
567 –	By Senators Takubo, Leonhardt, Maynard, Nohe and Karnes: Requiring legislative approval for Medicaid expansion.	933					934
568 –	By Senator Takubo: Transferring Medicaid Fraud Control Unit from DHHR to Attorney General.	934	1131				934, 1131
569 –	By Senators Maynard, Karnes and Leonhardt: Permitting bear hunting with outfitters.	934					934
570 –	By Senator Walters: Mandating dispatch of local services for emergency towing.	934					934
571 –	By Senator Maynard: Requiring log call sheets for 911 calls.	934					934
572 –	By Senators Walters, Unger and Karnes: Eliminating distribution of Tourism Promotion Funds for courtesy patrol program.	935					935
573 –	By Senators Trump, Carmichael, Nohe, D. Hall, Palumbo and Gaunch (Originating in Senate Judiciary): Relating to number of magistrates seated in each county.	948					948
574 –	By Senators Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll and Williams (Originating in Senate Judiciary): Relating to liquor sales by distilleries and mini-distilleries.	1094	1094	2242	1251, 2243	2242, 2952	1180, 1217, 1250-1251, 2242-2243, 3046, 3052
575 –	By Senators Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Transferring private investigative and security services from Secretary of State to State Police.	1095	1095				1095

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
576 –	By Senators Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization): Relating to internet protocol-enabled service and voice over internet protocol-enabled service.	1117	1117		1213	2006	1118, 1158-1159, 1213-1214, 2962, 3053
577 –	By Senators D. Hall, Boley, Karnes, Laird, Plymale, Romano, Stollings, Takubo and Sypolt (Originating in Senate Education): Allowing higher education governing boards invest certain funds with nonprofit foundations.	1187	1187	2905-2906	1288, 2906-2907	2905	1226, 1256, 1288-1289, 2905-2907, 3046, 3053
578 –	By Senators Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams (Originating in Senate Judiciary): Relating to occupational disease claims.	1188	1188	1256	1289	2006	1226, 1256, 1289-1290, 2962, 3050
579 –	By Senators Trump, Carmichael, Ferns, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Clarifying restriction on limited video lottery location near business selling petroleum products.	1188	1188		1290		1226, 1256-1257, 1290-1291
580 –	By Senators Trump, Carmichael, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to statute of limitations on health care injury claims for minors.	1201	1201		1434		1257, 1292, 1434-1435
581 –	By Senators M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance): Relating to courtesy patrol program.	1229	1229	2327	1435-1436, 2329	2327	1292, 1435-1436, 2327-2330, 3039, 3051

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
582 –	By Senators Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to Herbert Henderson Office of Minority Affairs.	1272	1272	2902-2903	1531, 2903	2902	1272, 1450, 1530-1532, 1623, 2902-2904, 3046, 3089
583 –	By Senators M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance): Increasing tax rate on providers of certain nursing facility services.	1402	1402	2330	1532, 2331	2330	1402, 1450, 1532-1533, 1623, 2330-2332, 3043, 3051
584 –	By Senators M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance): Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.	1403	1403	2907-2920	1533, 2920-2921	2907, 2952	1403, 1450, 1533-1534, 1623, 2907-2921, 3046, 3104
585 –	By Senators Trump, Beach, Carmichael, Ferns, Gaunch, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to regulation of transportation network and taxicab companies.	1403	1403	1602-1622, 1622-1623	1622		1404, 1450-1451, 1534, 1602-1623

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	Readopted by Senate	OTHER PROCEEDINGS
1 –	By Senator Boley: Proposing constitutional amendment designated School Board Election Amendment.	120						120
2 –	By Senators Kessler, Williams, Laird and Miller: Proposing constitutional amendment designated Future Fund Amendment.	120						120
3 –	By Senators Snyder and Miller: Proposing constitutional amendment designated Homestead Exemption Calculation Amendment.	120						120
4 –	By Senators Trump, D. Hall, Plymale and Prezioso: Proposing constitutional amendment designated Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment.	401						401
5 –	By Senators Boley, Gaunch, Leonhardt, Maynard and Nohe: Proposing constitutional amendment designated School Board Membership Amendment.	451						451
6 –	By Senators Leonhardt, Kessler and Stollings: Proposing constitutional amendment designated County Economic Development Amendment.	655						655

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 –	By Senators Cole (Mr. President), M. Hall and Kessler: Authorizing payment of supplies, services, printing and other expenses.	42			43	152	43
2 –	By Senators D. Hall and Stollings: Requesting DOH name US Rt. 54/6 in Wyoming County "Virginia & U. S. Army Major Woodrow Cook Memorial Road".	121					122, 150
3 –	By Senators Palumbo, Blair and Stollings: Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road".	122	1662		1705	2332	124, 150, 1705
4 –	By Senators Yost, Snyder, Romano and Gaunch: Requesting Joint Committee on Government and Finance study issues facing military veterans and active duty service personnel.	138	219				140, 168, 219
5 –	By Senators Sypolt and Blair: Urging Governor fill Board of Education vacancies.	140					141, 168
6 –	By Senators D. Hall and Stollings: Requesting DOH name bridge in Raleigh County "John Thomas Scott II Memorial Bridge".	160	999		1038		162, 177, 1037-1038
7 –	By Senators Sypolt, Williams and Beach: Requesting DOH name bridge in Preston County "Army Air Force SGT Everett Wayne 'Bud' Sell Memorial Bridge".	162					164, 177
8 –	By Senators Trump, Blair, M. Hall, Leonhardt, Mullins, Unger, Williams, Kirkendoll, Romano, Snyder, Facemire, Stollings and D. Hall: Urging US EPA withdraw and/or rescind proposed definition of "waters of the United States".	164	281		329		166, 177, 329
9 –	By Senator Beach: Petitioning Congress call convention for proposal of constitutional amendments.	174					176, 181, 190

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
10 –	By Senators Trump, Kessler, Unger, Nohe, D. Hall and Prezioso: Designating September each year as US Constitution Month.	201	589		639	2952	202, 221, 639
11 –	By Senators Yost, Facemire, Kessler, Romano, D. Hall, Snyder, Unger, Plymale, Sypolt and Williams: Requesting Joint Committee on Government and Finance study workplace safety at state-operated behavioral health facilities.	237					239, 273
12 –	By Senators Cole (Mr. President), Carmichael and Kessler: Adopting Joint Rules of Senate and House of Delegates.	252			272	302	272
13 –	By Senators Ferns, D. Hall and Sypolt: Urging Congress propose balanced budget amendment.	290	1802, 2095		2167		293, 329, 1879, 2164- 2167
*14 –	By Senators Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost: Requesting DOH erect signs in Marion County designated "Home of Francis H. Pierpont, Father of West Virginia and Governor of Restored Virginia".	365	999		1038	1625	366, 380, 1038
15 –	By Senators Palumbo, Williams, Stollings, Beach and Plymale: Requesting DOH name bridge in Kanawha County "Tom Williams Family Bridge".	417					419, 458
16 –	By Senators D. Hall, Miller and Plymale: Urging Congress recognize May 4 as National FPIES Awareness Day.	419					421, 459
17 –	By Senators Trump, Plymale and Romano: Requesting Joint Committee on Government and Finance study probate process.	421					421, 459
*18 –	By Senators Kessler, Leonhardt, Yost, Plymale and Beach: Requesting DOH name bridge in Wetzel County "U. S. Army COL William L. Glover Memorial Bridge".	451	1001		1038	2006	453, 480, 1038

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*19 –	By Senators Maynard, Plymale, Kirkendoll and Stollings: Requesting DOH name stretch of road in Wayne County "Darrell W. Sanders Memorial Highway".	453	1004		1039	2007	454, 480, 1039
*20 –	By Senators Maynard, Plymale, D. Hall and Stollings: Requesting DOH name stretch of road in McDowell County "U. S. Army 1SG Joe C. Alderman Memorial Road".	455	1420-1421		1469	2332	456, 480, 1469
21 –	By Senators Karnes, Blair, Boley, Ferns, Gaunch, D. Hall, Boso, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump and Walters: Urging Congress call convention for proposal of constitutional amendments imposing fiscal restraints, limiting jurisdiction and setting term limits.	456	777				458, 481, 777, 953, 1945
22 –	By Senators Stollings and Plymale: Requesting DOH name portion of U. S. Rt. 119 in Boone County "U. S. Army SGT Mark Andrew Messer Memorial Road".	475	1423		1469	2332	477, 497, 1469
23 –	By Senators Maynard, Plymale and Stollings: Requesting DOH name bridge in McDowell County "U. S. Army SFC Anthony Barton Memorial Bridge".	527	1662		1705	2332	530, 564, 1705
24 –	By Senators Maynard, Plymale, Stollings and Leonhardt: Requesting DOH name portion of Rt. 16 in McDowell County "U. S. Marine Corps LtCol Dennis Ray Blankenship Memorial Road".	530					532, 564
25 –	By Senators Prezioso, D. Hall, Plymale, Williams and Stollings: Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge" and "U. S. Army SSG Benjamin T. Portaro Memorial Bridge".	560	1423		1469	2333	562, 603, 1469-1470
26 –	By Senator Stollings: Requesting DOH name bridge in Boone County "USMC PFC Marshall Lee King Memorial Bridge".	563					564, 603-604

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
27 –	By Senators Maynard, Kirkendoll and Stollings: Requesting DOH name portion of WV Rt. 152 in Wayne County "Wayne County Veterans Memorial Highway".	598					599, 639
28 –	By Senator Carmichael: Requesting Joint Committee on Government and Finance study magistrate court cost collection process.	636					637, 663
29 –	By Senators Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall: Requesting DOH name bridge in Kanawha County "Rosie the Riveter Memorial Bridge".	656	1423		1470	2333	657, 685, 1470
30 –	By Senators Prezioso, Beach, D. Hall, Stollings, Williams, Romano and Plymale: Requesting DOH name portion of Rt. 19 in Marion County "Nicholas Lou 'Nick' Saban, Jr., Expressway".	681					682, 724
31 –	By Senator Cole (Mr. President): Authorizing meeting of Joint Select Committee on Tax Reform.	783	1404		1431	2007	783, 866, 1431
32 –	By Senator Blair: Amending Joint Rules of Senate and House of Delegates by adding Joint Rule 31, Unfinished Business.	860					861, 948
33 –	By Senators Carmichael, M. Hall, Trump, Walters, Blair, Kessler, Laird, Miller, Unger, Facemire and Yost: Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program.	861	1131, 2037		2167	2952	863, 948-949, 1132, 2167
*34 –	By Senators Woelfel, Miller, Laird, Unger and Stollings: Requesting DOH name bridge in Greenbrier County "U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge".	935	1424		1470	2333	936, 976, 1470

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*35 –	By Senators Stollings and Unger: Requesting DOH name bridge in McDowell County "U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony 'Tony' Gero Memorial Bridge".	936	1425		1471	2333	939, 976, 1470-1471
*36 –	By Senator Maynard: Requesting DOH name bridge in McDowell County "Homer Hopkins Bridge".	939	2341		2577- 2578	2952	941, 977, 2578
37 –	By Senators Nohe, Gaunch, Prezioso and Ferns (Originating in Senate Banking and Insurance): Requesting Joint Committee on Government and Finance study pharmaceutical benefits management industry.	968	1404		1431	2953	970, 1431-1432
38 –	By Senators Snyder, Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Williams and Woelfel (Originating in Senate Judiciary): Requesting transfer of WV from EPA Region III to EPA Region IV.	1025	1025		1106		1106
39 –	By Senators Carmichael, M. Hall, Nohe, Plymale and Stollings: Requesting Joint Committee on Government and Finance study Cedar Lakes Camp and Conference Center.	1028	1405		1432		1030, 1106, 1432
40 –	By Senators M. Hall and Stollings: Requesting DOH name bridge in Putnam County "U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge".	1030	1423		1471		1031, 1106-1107, 1471
41 –	By Senators Blair, Trump and Stollings: Requesting DOH name bridge in Berkeley County "W. C. Honaker and Clyde Spies Memorial Bridge".	1032	1423		1471	2333	1033, 1107, 1471
42 –	By Senators Laird, Miller, Carmichael and Stollings: Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge".	1096	1663		1706	2333- 2334	1097, 1136, 1706

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
43 –	By Senators Boso and Stollings: Requesting DOH name bridge in Nicholas County "U. S. Army SPC Richard Nesselrotte Bridge".	1097	1663		1706	2334	1099, 1136, 1706
44 –	By Senators Boso and Stollings: Requesting DOH name bridge in Randolph County "U. S. Navy PO2 Robert Paul Laderach Memorial Bridge".	1099	1663		1706	2334	1100, 1136-1137, 1706
45 –	By Senators Carmichael and Stollings: Requesting DOH name bridge in Jackson County "James P. Spano, Jr., Memorial Bridge".	1100	1663		1707	2334	1102, 1137, 1707
46 –	By Senators D. Hall and Stollings: Requesting DOH name bridge in Raleigh County "U. S. Army PFC Shelby Dean Stover Memorial Bridge".	1102					1103, 1137
47 –	By Senators Cole (Mr. President) and Kessler: Amending Joint Rules of Senate and House relating to printing enrolled bills.	1132	1405		1432	2007	1133, 1205, 1432
48 –	By Senator Stollings: Requesting Joint Committee on Government and Finance study agreements between county commissions and municipalities regarding demolition of buildings unfit for human habitation.	1202	2037		2168		1203, 1242, 2167-2168
49 –	By Senators Trump and Snyder (Originating in Senate Judiciary): Requesting Joint Committee on Government and Finance study placement of magistrates within regional jails.	1203	1203				1205
50 –	By Senators M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance): Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966.	1229	1229		1243	1688	1242-1243

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
51 –	By Senators Stollings and Kirkendoll: Requesting DOH name bridge in Boone County "U. S. Army PFC Samuel C. Ball Memorial Bridge"	1467	1929		2053	2953	1468, 1646, 2053
52 –	By Senators Sypolt, Beach, Boley, Boso, Ferns, Gaunch, Kames, Plymale and Stollings: Requesting Board of Education study teacher preparation programs.	1642	1929		2053		1643, 1679, 2053
53 –	By Senators Boso and Stollings: Requesting DOH name bridge in Randolph County "U. S. Army PFC Samuel Reed Summerfield Memorial Bridge".	1643	1929		2053	2953	1644, 1679, 2053-2054
54 –	By Senators Kirkendoll and Stollings: Requesting DOH name stretch of road in Logan County "USMC LCpl Larry G. Williamson Memorial Highway".	1669	1929		2054	2953	1670, 1707, 2054
55 –	By Senators Kirkendoll and Stollings: Requesting DOH name section of road in Logan County "U. S. Army SP4 Terry Robert Albright Memorial Road".	1670	1929		2054	2953	1672, 1707, 2054
56 –	By Senators Kirkendoll and Stollings: Requesting DOH name section of road in Logan County "U. S. Army Colonel Anna M. Butcher Road".	1672	1929		2054	2953- 2954	1674, 1707, 2054-2055
57 –	By Senators D. Hall, M. Hall, Kirkendoll, Snyder and Stollings: Requesting Joint Committee on Government and Finance study public utility regulation by political subdivisions.	1674					1675, 1707, 1708
58 –	By Senators Takubo, Ferns, Blair, Leonhardt, Maynard, Mullins, Kessler, Stollings and Yost: Requesting Joint Committee on Government and Finance study small business group retirement savings program.	1676	1676				1679

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
59 –	By Senators Plymale, Gaunch, Yost and Stollings: Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab.	1703	2037		2168	2954	1705, 1743-1744, 2168
60 –	By Senators Kirkendoll and Stollings: Requesting DOH name bridge in Logan County "U. S. Army SGT Bernard C. Maynard Memorial Bridge".	1871	2344		2578	2954	1872, 2055, 2578
61 –	By Senators Romano, Facemire and Stollings: Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge".	2042					2043, 2168
62 –	By Senators M. Hall, Snyder, Prezioso, D. Hall and Stollings: Requesting Joint Committee on Government and Finance study racing and gaming industries.	2043	2345		2578	2954	2048, 2168, 2578
63 –	(Originating in Senate Rules): Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment.	2244	2244		2246	2954	2246
64 –	By Senators Yost, Boley and Takubo: Requesting Joint Committee on Government and Finance study development of state occupational safety and health plan.	2362					2364, 2579
65 –	By Senators Walters, Leonhardt, Gaunch, Mullins and Woelfel: Requesting Joint Committee on Government and Finance study state road funding needs.	2365	2365				2579
66 –	By Senators Walters, Leonhardt, Gaunch, Mullins and Woelfel: Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.	2367	2367, 2667		2667	2954- 2955	2579, 2666-2667

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
67 –	By Senators Walters, Leonhardt, Gaunch, Mullins and Woelfel: Requesting Joint Committee on Government and Finance study statewide fiber optic broadband infrastructure network.	2369	2369				2579
68 –	By Senators Palumbo and Stollings: Requesting Joint Committee on Government and Finance study public library funding.	2576	2667		2667	2955	2577, 2667

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 –	By Senator Carmichael: Adopting Rules of Senate.	14		39	39	
2 –	By Senator Carmichael: Raising committee to notify House Senate has assembled and organized.	39			40	
3 –	By Senator Carmichael: Raising committee to notify Governor Legislature has organized.	40			41	
4 –	By Senator M. Hall: Relating to mailing of bills and journals.	41			42	
5 –	By Senators Beach, Plymale, Williams, Stollings, Prezioso and D. Hall: Celebrating Monongalia County.	142			143	
6 –	By Senators Williams, Sypolt, Blair, Trump, Plymale, D. Hall and Beach: Honoring Doris Marks on Mineral County Day.	144			144	
7 –	By Senator M. Hall: Authorizing appointment of employees.	145			168	150
8 –	By Senators Palumbo, Beach, Stollings and Williams: Recognizing jazz drummer Butch Miles.	166			167	
9 –	By Senators Ferns, Stollings, Palumbo, Kessler, Unger, Beach, Plymale, D. Hall, Trump and Prezioso: Designating January 21, 2015, Disability Advocacy Day.	203			204	
10 –	By Senators Palumbo, Plymale and Beach: Recognizing Nuru International.	205			207	
11 –	By Senators Leonhardt, Facemire, Kessler, D. Hall and Plymale: Recognizing Calhoun and Gilmer counties.	239			241	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
12 –	By Senators Unger, Snyder, Blair, Trump, Kessler, Beach, Prezioso and Stollings: Recognizing Leadership Berkeley.	250			252	252
13 –	By Senators Sypolt, Boley, Stollings, Plymale, Unger, Williams, D. Hall, Beach, Kessler, Nohe and Leonhardt: Designating January 27, 2015, Higher Education Day at Legislature.	293			294	
14 –	By Senators Karnes, Boso, Stollings, Unger, D. Hall, Williams, Beach and Kessler: Designating January 27, 2015, Randolph County Day at Legislature.	294			296	
15 –	By Senators Romano, Beach and Williams: Recognizing independent insurance agent Timothy W. Dyer.	296			298	
16 –	By Senators D. Hall, Kessler, Stollings, Plymale, Palumbo, Laird and Williams: Designating January 28, 2015, Generation West Virginia Day.	322			323	323
17 –	By Senators Ferns, Kessler, Stollings, Plymale, Palumbo, Laird and Williams: Designating January 28, 2015, Kids at Risk Day at Legislature.	324			326	326
18 –	By Senators Walters, Stollings, Plymale, Palumbo and Williams: Recognizing value and importance of state's innovation industry.	326			329	329
19 –	By Senators D. Hall, Ferns, Takubo, Stollings, Nohe, Unger, Williams and Beach: Recognizing February 6, 2015, National Wear Red Day.	377			379	
20 –	By Senators Blair, Trump, Unger, Plymale and Williams: Congratulating Dr. Allen Glasgow, 2015 Outstanding Tree Farmer.	401			402	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
21 –	By Senators Stollings, Prezioso, Palumbo, Laird, M. Hall, Romano, Williams, Kirkendoll, Kessler, Beach, Plymale, D. Hall and Nohe: Recognizing February 4, 2015, Social Work Day.	422			423	
22 –	By Senators Takubo, Miller, Laird, D. Hall, Romano, Kessler, Stollings, Beach, Plymale, Boso and Williams: Recognizing WV School of Osteopathic Medicine.	423			425	
23 –	By Senators Leonhardt, Beach, D. Hall, Miller and Plymale: Recognizing WV Wing of Civil Air Patrol.	477			480	
24 –	By Senators Unger, Snyder, Plymale, Beach, Kessler, Stollings and Prezioso: Recognizing Leadership Jefferson.	496			497	
25 –	By Senators Trump, Laird, Plymale, Blair, Yost, Williams, Miller, Beach, Prezioso, Stollings, Kessler and Unger: Designating February 10, 2015, Corrections Day.	532			534	
26 –	By Senators Trump, Carmichael, Laird, Kessler, Palumbo, Plymale, Stollings, Walters, Yost, Prezioso, Williams, Miller and Unger: Designating February 10, 2015, Drug Court Day.	534			536	
27 –	By Senators Sypolt, Stollings, D. Hall, Prezioso and Williams: Recognizing Youth Leadership Association.	599			601	
28 –	By Senators Sypolt, Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Takubo, Williams, Stollings, Unger, Walters, Woelfel and Yost: Designating February 12, 2015, WV Home School Day.	601			602	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
29 –	By Senators Williams, Prezioso, Beach, Sypolt, Kessler, Leonhardt, Plymale, D. Hall, Unger, Nohe, Stollings, Snyder, Yost and Laird: Designating February 13, 2015, WVU and WVU Extension Service Day.	637			639	
30 –	By Senators Walters, Unger, Stollings, Gaunch, D. Hall, Boley, M. Hall, Leonhardt, Maynard, Nohe, Palumbo and Takubo: Designating February 16, 2015, WVSU Day.	658			659	659
31 –	By Senators Leonhardt, D. Hall, Snyder, Unger, Laird, Prezioso, Stollings and Williams: Designating February 16, 2015, Veterans Visibility Day.	660			661	661
32 –	By Senators Nohe, Stollings, Unger and D. Hall: Recognizing Wood County Detachment 1087 of Marine Corps League.	661			663	
33 –	By Senators Miller, Stollings, Snyder, Unger, Williams, Prezioso and Plymale: Designating February 17, 2015, Local Food Systems Day at Legislature.	682			683	683
34 –	By Senators Unger, Prezioso, Plymale, Snyder and Stollings: Recognizing Delta Sigma Theta Sorority, Inc.	684			725	685
35 –	By Senators Ferns, Plymale, Kessler and D. Hall: Recognizing Robert Sincavich, Chairman of American Wholesale Marketers Association.	717			719	719
36 –	By Senators Plymale, Woelfel, Yost, Unger, Kessler, Laird, Stollings, Nohe, Prezioso and D. Hall: Memorializing life of Marshall University President Stephen J. Kopp.	720			721	721

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
37 –	By Senators Plymale, Woelfel, Kessler, Laird, Stollings, D. Hall, Unger, Yost, Nohe and Prezioso: Recognizing Marshall University football team and designating February 18, 2015, Marshall University Day.	722			724	724
38 –	By Senators Kirkendoll, Stollings, Williams, Unger, Kessler and Yost: Recognizing WV Auxiliary of Wives Behind the Badge.	784			785	785
39 –	By Senators Stollings, Unger, Kessler and D. Hall: Recognizing Whitesville, a Turn This Town Around community.	941			943	943
40 –	By Senators Woelfel, Plymale, Unger and Stollings: Celebrating 2014 Barboursville Intermediate Little League All-Stars.	943			945	945
41 –	By Senators Carmichael, Unger, Stollings and D. Hall: Recognizing Ripley, a Turn This Town Around community.	945			947	947
42 –	By Senators Walters and Stollings: Congratulating Famous Superstars Cheerleading Team.	971			972	972
43 –	By Senators Walters, Yost, Stollings and Plymale: Congratulating Linsly School hockey team.	973			974	974
44 –	By Senators Walters, Beach, Stollings, Prezioso, Williams and Plymale: Recognizing WV "Rosie the Riveters".	1033			1035	1035
45 –	By Senators Ferns, Boley, Carmichael, Snyder, Unger, D. Hall, Yost, Leonhardt, Stollings, Beach and Williams: Designating February 25, 2015, WV Nurses Unity Day.	1036			1037	
46 –	By Senators Kessler, Prezioso, Williams, Yost, Stollings and Plymale: Reaffirming commitment between Taiwan and West Virginia.	1103			1105	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
47 –	By Senators Stollings, D. Hall, Plymale, Prezioso and Williams: Designating week of March 2, 2015, Multiple Sclerosis Awareness Week.	1133			1135	1135
48 –	By Senators Cole (Mr. President) and Kessler: Amending Senate Rule No. 49 relating to Journal.	1135	1405		1432	1136, 1432
49 –	By Senators Ferns, Yost, Kessler, Leonhardt and Stollings: Recognizing 175th anniversary of Bethany College.	1273			1274	1273-1274
50 –	By Senators D. Hall, Stollings and Yost: Designating March 10, 2015, American Red Cross Day.	1644				1645, 1679
51 –	By Senators D. Hall, Stollings, Ferns, Prezioso, Gaunch, Walters and Williams: Honoring Nancy Stuart Tonkin.	1741			1743	1743
52 –	By Senators D. Hall, Miller, Plymale, Stollings and Yost: Recognizing May 4, 2015, National FPIES Awareness Day.	1873			1874	1874
53 –	By Senators Prezioso, Stollings, Palumbo, Williams, Leonhardt and Yost: Recognizing Major General James A. Hoyer.	1875			1877	1877
54 –	By Senators D. Hall, Stollings, Palumbo, Prezioso, Yost and Williams: Designating March, 2015, American Red Cross Month.	1877			1879	1879
55 –	By Senators Sypolt, Williams, Prezioso, Stollings and Plymale: Designating March 11, 2015, Preston County Day at Legislature.	2048			2050	2050

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
56 –	By Senators Plymale, Woelfel, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams and Yost: Memorializing life of Honorable Mack Clarkson Jarrell.	2051			2052	2052
57 –	(Originating in Senate Rules): Authorizing Committee on Confirmations to meet and be paid during interims of 82nd Legislature.	2246	2246		2247	2247
58 –	By Senator Carmichael: Raising committee to notify House Senate is ready to adjourn sine die.	3031			3031	
59 –	By Senator Carmichael: Raising committee to notify Governor Legislature is ready to adjourn sine die.	3032			3032	

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2001 –	By Delegates Gearheart, J. Nelson, Arvon, Ellington, Folk, B. White, Frich, Hill, Householder, Moffatt and Shott: Repealing portions of the Alternative and Renewable Energy Portfolio Act.	222			300		223, 274, 300, 333, 348, 408
*2002 –	By Delegates Wagner, Overington, A. Evans, Anderson, Waxman, Shott, Kelly, E. Nelson, Folk, Espinosa and Mr. Speaker (Mr. Armstead): Predicating actions for damages upon principles of comparative fault.	302	413	499-508, 955-956	507, 957	955	302, 462, 485, 499-508, 547, 628, 765, 855, 955-957, 1263, 1656
*2004 –	By Delegates J. Nelson, Howell, Statler, Walters, Foster, Zatezalo, B. White, Moffatt, Stansbury, Gearheart and Butler: Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act.	488	633	692, 731	731	841	489, 666, 691-692, 730-732, 1087, 1466
*2005 –	By Delegates Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt: Relating to alternative programs for the education of teachers.	548	1735, 2095	2193, 2372-2374	2372	2764	549, 1736, 2193-2194, 2372-2374, 3046, 3053
*2008 –	By Delegates Summers, D. Evans, Hamrick, Ashley, Ireland, Stansbury, Gearheart, E. Nelson, Howell, Blair and Kurcaba: Auditing the Division of Highways.	489	714		890		489, 839, 889-891, 1084, 1087
*2010 –	By Delegates Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth: Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division.	434	674	800-837, 871, 1834-1869	870-871, 1869	957, 1833	435, 733, 800-837, 870-872, 1263, 1831-1869, 2962, 3051
*2011 –	By Delegates Hanshaw, Shott, E. Nelson, Rohrbach, Sobonya, Weld, Espinosa, Statler and Miller: Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.	549	1736	1893, 1902, 2057, 2759-2760	2057, 2760-2761	2758	550, 1736, 1893-1902, 2057-2059, 2761, 3046, 3052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2015 –	By Delegates Foster, Espinosa, Summers, Miller, Lane, Duke, Ellington, McGeehan, Storch, Howell and Ihle: Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature.	1456	1930				1457, 1930
*2016 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.	2334		2335, 3029	2336, 3029	3028	2334-2336, 2761-2762, 2763, 2907, 2958, 3028-3029, 3043, 3069
*2025 –	By Delegates Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba and Canterbury: Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility.	243	446	512-514, 543, 1007-1014	543, 1015	1006	244, 487, 512-514, 544, 578, 648, 855, 923, 1006-1015, 1263, 1466
*2048 –	By Delegate Shott: Relating to juvenile proceedings.	1412					1412
*2053 –	By Delegate Shott: Relating to the form of trust deeds.	373	1663	1708-1710, 1744	1744	2007	373, 1664, 1708-1710, 1744-1745, 2962, 3051
2054 –	By Delegate Shott: Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances.	896					896
*2098 –	By Delegates Hamrick, Householder, Cooper, Arvon, J. Nelson, Howell, Waxman, Ellington, Trecoast, Blair and Kessinger: Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.	841	1931	2079, 2169-2170	2169	2566	842, 1931, 2079-2080, 2169-2170, 3033, 3051

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2099 –	By Delegates Howell, Householder, J. Nelson, Statler, Walters, Arvon, Border, Folk, Hamilton, A. Evans and McGeehan: Extending the time of meetings of local levying bodies when meetings are delayed.	842	1028		1214		842, 1112, 1159, 1214, 1801, 2095
2100 –	By Delegates Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer: Caregiver Advise, Record and Enable Act.	842	1664	1710, 1745	1745	2007	842, 1665, 1710-1711, 1745-1746, 2962, 3051
*2103 –	By Delegates Howell, Hamrick, Householder, Statler, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and Weld: Relating generally to boards of examination and registration.	1121					1121
2114 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.	435	586		688-689		436, 646, 666, 689, 1084, 1087
2115 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of the term "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act.	436	586		689-690		436, 646, 666, 690, 1084, 1087
*2128 –	By Delegates Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich: Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds.	464	1737	1902, 2060	2059	2337	464, 1737, 1902-1903, 2059-2060, 3033, 3052
2138 –	By Delegates Folk, Gearheart, Householder, Howell, J. Nelson, Ireland, Faircloth, Williams, Lynch, Shott and McGeehan: Adding aircraft operations on private airstrips and farms to the definition of recreational purpose.	347	471		566-567		347, 515, 545, 567, 696, 766

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2139 –	By Delegates Perry, Pasdon, L. Phillips, Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine and Longstreth: Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes.	896	1635, 1931		2170		896, 1636, 1932, 2080, 2170-2171, 3034, 3051
2140 –	By Delegates Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams: Building governance and leadership capacity of county board during period of state intervention.	896	2037		2374		897, 2038, 2194-2195, 2375, 3034, 3051
*2148 –	By Delegates Gearheart, Hamrick, R. Smith, E. Nelson, Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger: Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century.	1625	1932		2171		1626, 1932, 2080, 2171-2172, 3034, 3051
*2151 –	By Delegates Perry, Pasdon, L. Phillips, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine, Longstreth and Moye: Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education.	489					490
*2157 –	By Delegate Lane: Relating to absentee ballot fraud.	694	1202		1437		694, 1257, 1292, 1436-1437, 1801, 2095
*2160 –	By Delegates Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and E. Nelson: WV Schools for the Deaf and Blind eligible for School Building Authority funding.	694	1870, 2345		2583		694, 1870, 2345, 2584, 3034, 3093
2161 –	By Delegates Fleischauer, Pasdon, Storch, Guthrie, Border, L. Phillips, Moore, Hamilton, Sobonya, Miller and Manchin: Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.	1189-1190	1933, 2346	2346, 2585	2584	2955	1190, 1933, 2346-2360, 2585, 3046, 3094

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2187 –	By Delegates Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle: Encouraging public officials to display the national motto on all public property and public buildings.	897	1933		2172		897, 1934, 2080, 2172, 3034, 3087
2200 –	By Delegates Shott, Lane, McCuskey, Manchin and Fleischauer: Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare.	407	519	618, 643	642-643	668	408, 570, 618, 643-644, 846, 855
2201 –	By Delegates Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary): Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.	244	316, 519	619-621, 645, 1196-1198	644, 1199	1196	244, 317, 570, 618-621, 645, 668, 766, 1194-1200, 1801, 2244
*2202 –	By Delegates Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pethel, Cooper and D. Evans: Relating to more equitable disbursement of funds to county boards.	1121-1122					1122
2212 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund.	694	853		1070		695, 953, 991, 1070-1071, 1263, 1466
2213 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reducing the distributions to the West Virginia Infrastructure Fund.	695	854	1292-1293, 2008	1437, 2009	2007	695, 953, 991, 1039, 1076, 1275, 1292-1293, 1437-1438, 1626, 1688, 1741, 2007-2009, 3034, 3051
*2217 –	By Delegates Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, R. Phillips, Shott, R. Smith and Sobonya: Relating to qualifications of the Commissioner of Labor.	436		486, 509	508	550	436, 486, 509, 648, 766

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2223 –	By Delegates Walters and Frich: Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan".	550	1405				550, 1406
2224 –	By Delegates Howell, Manchin, Rowan, Storch, Canterbury, Stansbury, Zatezalo, Butler, D. Evans, Ambler and Cooper: Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.	550	1028, 1870	2173	2173	2566	551, 1028, 1871, 2080, 2172-2174, 3034, 3051
2226 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund.	1626					1627
*2227 –	By Delegates L. Phillips, Eldridge, Gearheart, Moffatt, J. Nelson, H. White, Guthrie, Rowe, Marcum, Perdue and Hornbuckle: Relating to the National Coal Heritage Area Authority.	373	472		567		374, 515, 545, 568, 697, 766
*2233 –	By Delegates Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker (Mr. Armstead), Storch, H. White, R. Phillips, Ireland, Hanshaw and E. Nelson: Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office.	1627	2158	2386-2387, 2586	2585-2586	2955	1627, 2158, 2387, 2586, 3046, 3052
*2234 –	By Delegates Ashley, Shott, Lane, E. Nelson, Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe: Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.	464	674	837-838, 873	872-873, 1016		464, 734, 837-838, 873, 1015-1016, 1263, 1466

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2239 –	By Delegates Howell, Ellington, Arvon, Householder, R. Phillips, Miller, Storch, Waxman, Summers and Rohrbach: Creating a logistical advisory committee.	1457					1457
*2240 –	By Delegates Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson: Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.	1080	2038	2195, 2375-2376	2375	2955	1080, 2038, 2195-2196, 2376, 3040, 3095
*2263 –	By Delegate Cowles: Providing guidance for prosecuting attorneys in cases involving abused and neglected children.	1627	2158				1627, 2159, 2387, 2586-2587
*2266 –	By Delegates Shott, Ellington and Gearheart: Relating to the publication requirements of the administration of estates.	579	1636, 2248	2388-2394, 2586-2588	2587	2956	579, 1636, 2248, 2387-2394, 2588, 3034, 3052
*2268 –	By Delegates Hamilton, A. Evans, Lynch, Wagner, J. Nelson, Campbell, Hartman, Sponaule, Canterbury, Williams and Ashley: Removing the severance tax on timber.	1122					1122
2272 –	By Delegates Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers: Relating to the authority of the Board of Pharmacy.	897-898	1664	1746	1746	1825	898, 1665, 1711, 1746-1747, 2962, 3051
2274 –	By Delegates Hanshaw, Hamilton, A. Evans and Azinger: Authorizing the Commissioner of Corrections to enter into mutual aid agreements.	628	714	892	892	898	628, 715, 839, 891-892, 1084, 1087
*2283 –	By Delegate Sobonya: Authorizing the Department of Environmental Protection to promulgate legislative rules.	1081	1803	2061	2060	2337	1082, 1803, 1903-1904, 2060-2062, 3034, 3052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2366 –	By Delegates Rowan, L. Phillips, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Relating generally to the solicitation of minors.	1628	1934	2174			1628, 1934, 2080-2081, 2174-2176, 2238-2239, 2376, 2588
*2368 –	By Delegates Faircloth, D. Evans, Kessinger, Border, Ellington, Sobonya, Kurcaba, Waxman, Rohrbach and Summers: Relating to child welfare.	1412	1665	1880, 1881, 1889, 1890	1889		1413, 1665, 1711, 1747, 1880-1890, 2337
2370 –	By Delegates Pasdon, Duke, Rowan, Wagner, Upton, Ambler and Espinosa: Increasing the powers of regional councils for governance of regional education service agencies.	579	1935		2176		579, 1935, 2081, 2176, 3034, 3051
*2377 –	By Delegates Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell: Authorizing State Board of Education to approve certain alternatives with respect to instructional time.	1457	1935		2177		1458, 1936, 2081, 2176-2177, 3035, 3051
*2381 –	By Delegates Ambler, Cooper, D. Evans, Perry, Duke, Rohrbach, Espinosa, Upton, Rowan and Romine: Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools.	1233	1467, 1803		2062		1233, 1467, 1804, 1904, 2062-2063, 3035, 3051
2387 –	By Delegates Pasdon, Statler, Rowan, Romine, Ambler and Espinosa: Relating to a framework for initiating comprehensive transformation of school leadership.	695					696
*2391 –	By Delegates Pasdon, Duke, Statler, Kurcaba, Upton, Rohrbach, D. Evans, Cooper, Romine, Wagner and Rowan: Reducing early childhood education program requirements from five days per week to four days per week and imposing minimum instructional hours per week and minimum instructional days per year.	763					763
*2395 –	By Delegates Westfall, Pasdon, B. White, Frich, O'Neal and Ashley: Storm Scammer Consumer Protection Act.	1413	2159	2394-2399	2588	2956	1413, 2159, 2399, 2589, 3040, 3052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2429 –	By Delegates P. Smith, Perry, Hamrick, Moye, Eldridge, Lynch, Williams, Ferro, Reynolds, Faircloth and Sobonya: Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction.	1628					1628
*2432 –	By Delegates Ellington, Householder, Arvon, Howell and Stansbury: Relating to the licensure requirements to practice pharmacist care.	898	1666		1747		898, 1666, 1711, 1747-1748, 2963, 3051
2444 –	By Mr. Speaker (Mr. Armstead), Delegates Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and E. Nelson: Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.	580					580
*2457 –	By Delegates Sobonya, Miller, Frich, Foster, Overington, J. Nelson, Ellington, Rohrbach and Walters: Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles.	1016			1155		1017, 1110-1111, 1155, 801, 2566
2461 –	By Delegates Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and E. Nelson: Relating to delinquency proceedings of insurers.	898	1936		2177		899, 1936, 2081, 2177-2178, 3035, 3052
*2462 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to certain deposits of tax proceeds.	1122	1636		1748		1122, 1685, 1711, 1748, 2963, 3051

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2466 –	By Delegates Storch, Zatezalo, McGeehan, Weld, Fluharty, Trecost, Ferro, Howell, Pasdon, D. Evans and Summers: Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.	1458	2038	2196, 2377	2376		1458, 2039, 2196-2208, 2377
*2474 –	By Delegates Cowles, Rowan and Duke: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind.	1413					1413
*2478 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to public school finance.	1233	1637, 1737	2064, 2069, 2812-2813	2068, 2813	2812	1234, 1637, 1738, 1904, 2064-2069, 2812-2814, 3047, 3052
2479 –	By Delegates Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Pasdon, Perdue, Manchin, Pethel and Overington: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.	1628	2039				1629, 2039, 2208, 2377, 2589
*2485 –	By Delegates Folk, Canterbury, Reynolds, Hamilton, Kurcaba, McGeehan, Storch, O'Neal, Pasdon, Faircloth and Householder: Relating to the West Virginia Future Fund.	1414					1414
2492 –	By Delegates Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman: Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission.	899	2040		2377-2378		899, 2040, 2209, 2378, 3049, 3053

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2493 –	By Delegates McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach: Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications.	1017	1936		2178		1017, 1037, 2081, 2178, 3035, 3051
*2496 –	By Delegates Ellington, Howell, Householder, Sobonya, Fleischauer and Frich: Adopting the Interstate Medical Licensure Compact.	1414	1937		2179		1415, 1937, 2081-2082, 2178-2179, 3035, 3052
*2502 –	By Delegates Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair: Possessing deadly weapons on school buses or on the premises of educational facilities.	1458	1738		2070		1458, 1738, 1904, 2069-2070, 3035, 3051
*2505 –	By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks: Relating to retirement system participation and concurrent employment provisions.	899	1637		1749		900, 1685, 1712, 1748-1749, 2963, 3051
*2507 –	By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks: Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System.	900	1638		1749		900, 1685, 1712, 1749-1750, 2963, 3051
*2515 –	By Delegates R. Phillips, J. Nelson, Eldridge, H. White, Marcum, Reynolds, L. Phillips, R. Smith, Sobonya, Hill and Arvon: Relating to elk restoration.	1459	1804, 2360	2610-2631	2630	2956	1459, 1804, 2360, 2609-2631, 3047, 3053
*2518 –	By Delegates Walters, Pasdon, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaugle, Reynolds, Perdue and Blair: Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders.	1629					1629

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2521 –	By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum and Hicks: Clarifying the scope, application and methods for error correction required by the CPRB.	1459					1460
2523 –	By Delegates Ashley, Westfall, R. Phillips, McCuskey and E. Nelson: Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019.	763	970		1155		763, 1078, 1111, 1155-1156, 1801, 2095
*2527 –	By Delegates Pasdon, Marcum, Kessinger, R. Phillips, Upson and L. Phillips: Creating a Task Force on Prevention of Sexual Abuse of Children, "Erin Merry'n's Law".	764	1638	1712-1718, 1750, 2338	1750, 2339	2338	764, 1685, 1712-1718, 1750-1751, 2338-2340, 3047, 3052
2535 –	By Delegates Longstreth, Ferro, Caputo, Rowan, O'Neal, Ashley, Hamrick, L. Phillips, Fleischauer, Skinner and P. Smith: Relating generally to suicide prevention training, "Jamie's Law".	843	1638-1639	1718-1719, 1752	1751	2010	844, 1685, 1718-1719, 1751-1752, 2963, 3051
*2536 –	By Delegates Westfall, Walters, B. White, Ashley, Frich and Kurcaba: Relating to travel insurance limited lines producers.	1415	1739	1904	2070	2340	1416, 1739, 1904-1912, 2070-2071, 3035, 3052
2545 –	By Delegates Pasdon, Duke, Perry and Moye: Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification.	900					900
*2549 –	By Delegates Lane, E. Nelson, Walters, Stansbury, B. White, Rowe, McCuskey, Guthrie, Byrd and Pushkin: Relating to the preparation and publication of county financial statements.	1629	2040	2209, 2379	2378-2379	2956	1630, 2040-2041, 2209, 2379, 3047, 3052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2550 –	By Delegates Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, H. White, Campbell, Skinner, Rowe and Perry: Increasing the number of unexcused absences of a student before action may be taken against the parent.	1416	1639	1719, 1753, 2127	1752, 2128	2127	1416, 1685, 1719-1724, 1752-1753, 2127-2128, 3035, 3051
*2557 –	By Delegates Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storck and H. White: Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle.	1630	1805	1912, 2071	2071	2340	1630, 1805, 1912-1913, 2071-2072, 3035, 3051
*2562 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to sales tax increment financing.	957	1639-1640		1890		958, 1685, 1724, 1753, 1890-1891, 2963, 3051
*2568 –	By Delegates Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge: The Pain-Capable Unborn Child Protection Act.	580	854	1074	1074, 1662	1082, 1661	581, 953, 991, 1071-1075, 1263, 1660-1662, 1811
2569 –	By Delegates Gearheart and Hamrick: Relating to the Dealer Recovery Program.	1123					1123
*2571 –	By Delegates Walters and Foster: Creating a fund for pothole repair contributed to by private businesses or entities.	1123	2248		2631		1123, 2249, 2399-2400, 2631, 3035, 3087
2576 –	By Delegates Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, R. Smith and Ferro: Creating new code sections which separate the executive departments.	551	971	1159-1178, 2010	1214, 2031	2010	551, 1078, 1111, 1159-1178, 1214-1215, 1416-1417, 1630, 1703, 2010-2031, 3036, 3096
*2585 –	By Delegates Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, R. Smith, L. Phillips and Caputo: Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party.	1460	2160	2632, 2633	2633		1460, 2160, 2400, 2631-2633

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2586 –	By Delegates Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman: Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief.	844	1702	1781	1891	2129	844, 1703, 1781-1785, 1891-1892, 2963, 3051
2595 –	By Delegates McGeehan and Canterbury: Relating to certificates of need for the development of health facilities in this state.	1649	1938		2179		1649, 2082, 2179-2180, 3036, 3052
2598 –	By Delegates Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moye, Pasdon and Marcum: Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities.	900-901	2249		2634		901, 2249, 2400, 2634, 3036, 3051
2606 –	By Delegates Sponaugle and Shott: Clarifying the potential sentence for disorderly conduct.	696	1805		2072		696, 1806, 1913, 2072, 3036, 3051
2607 –	By Delegates Sponaugle and Shott: Relating to the violation of interfering with emergency services communications and clarifying penalties.	844	2096	2380	2379	2956	844, 2096, 2210, 2380, 3036, 3051
2608 –	By Delegates Sponaugle and Shott: Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.	696	1938		2180		696, 1938, 2082, 2180, 3036, 3052
2615 –	By Delegates Lane and Faircloth: West Virginia Small Business Capital Act.	1017					1018
2625 –	By Delegates Ashley and Ireland: Continuing the current hazardous waste management fee.	901	1933		2181		901, 1934, 2082, 2180-2181, 3036, 3052
2626 –	By Delegates Ashley, Ireland and Frich: Relating to use of the Abandoned Land Reclamation Fund.	901	1640		1754		901, 1685, 1724, 1754, 2963, 3051

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2627 –	By Delegates McCuskey, R. Phillips, R. Smith, J. Nelson, Stansbury, McGeehan, Eldridge, Arvon, H. White, Marcum and Butler: Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.	1082	1806	1913, 2073	2073	2764	1082, 1806, 1913-1915, 2072-2073, 3048, 3097
2628 –	By Delegates Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and B. White: Changing the date of filing announcements of candidacies.	1082-1083	1807	1915, 2074	2074		1083, 1807, 1915-1922, 2073-2074
2632 –	By Delegates Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa: Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements.	901	1666	1755, 1770	1769	2129	902, 1667, 1724, 1754-1771, 2963, 3051
*2636 –	By Delegates Folk, R. Phillips, Faircloth, McGeehan, J. Nelson, Householder, Butler, Marcum, Frich, H. White and Shott: Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.	1630-1631	2160	2518-2540, 2635	2634-2635	2957	1631, 2161, 2400, 2541, 2634-2635, 3036, 3052
2645 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program.	1631	1667		1771		1631, 1667, 1724-1725, 1771-1772, 2963, 3051
2646 –	By Delegates R. Phillips, J. Nelson, Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and H. White: Legalizing and regulating the sale and use of fireworks.	902	1939, 2097	2210, 2234, 2381-2382	2380		903, 1939, 2210-2234, 2382, 2672-2673, 2765, 2778-2779
*2648 –	By Delegates Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach: Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.	1018	1664	1725, 1772, 2989-2993	1772, 2993	2129, 2988	1018, 1664, 1725, 1772-1773, 2963, 2987-2993, 3048, 3053

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2652 –	By Delegates Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo: Reducing the assessment paid by hospitals to the Health Care Authority.	1123	1807	1923, 2075	2075	2340	1124, 1808, 1922-1925, 2074-2076, 3036, 3052
2657 –	By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle: Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure.	1124	1668		1773		1124, 1668, 1725-1726, 1773-1774, 2964, 3051
2658 –	By Delegates A. Evans, Hamilton, Romine, L. Phillips, Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch: Relating to the inspection and slaughter of nontraditional agriculture.	1234	1808	1925	2076	2340	1234, 1808, 1925, 2076, 3036, 3051
*2662 –	By Delegates Stansbury, Ellington, Householder, R. Phillips, Byrd, Faircloth, Sponaugle, Weld, Moore, B. White and Pushkin: Eye Care Consumer Protection Law.	1018	1937		2181		1019, 1937, 2082, 2181-2182, 3037, 3052
2663 –	By Delegates Ashley and Frich: Creating the Rehabilitation Services Vending Program Fund.	903	2097		2382-2383		903, 2098, 2234, 2383, 3047, 3052
2664 –	By Delegates Sobonya, Butler, McCuskey, Stansbury, E. Nelson, Ihle, Householder, Ellington, Westfall, Marcum and Byrd: Creating "Andrea and Willy's Law"; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.	1631-1632	2250	2401-2421, 2636-2637, 2875-2897, 2996-3018	2636, 2898, 3019	2875, 2995	1632, 2250, 2400-2421, 2635-2637, 2764-2765, 2778, 2780, 2875-2898, 2972, 2993-3019, 3048, 3052
2669 –	By Delegates Ellington, Householder, Pasdon and Campbell: Relating to compulsory tuberculosis testing.	903			1075		904, 991, 1075, 1263, 1466

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2674 –	By Delegates Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt: Making home schooled students eligible for a PROMISE scholarship without taking the GED test.	1083	2098	2235, 2384, 2762	2383, 2762-2763	2762	1083, 2098, 2234-2235, 2384, 2762-2763, 3048, 3098
2675 –	By Delegates E. Nelson, Ashley, Hanshaw, Ireland, R. Smith, Storch, R. Phillips, B. White, McCuskey, Waxman and Summers: Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund.	1460					1460
*2688 –	By Delegates Ireland, Anderson, Ambler and D. Evans: Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.	1632	2250	2422-2463, 2638-2639	2637		1632, 2251, 2463, 2637-2639
*2702 –	By Delegates Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa: Redefining service personnel class titles of early childhood classroom assistant teacher.	904	1640		1774		904, 1685, 1726, 1774-1775, 2964, 3051
2712 –	By Delegates Skinner, Reynolds, Pushkin, Sponaugle, Guthrie and Householder: Relating to employment and privacy protection.	1649					1650
*2717 –	By Delegates Marcum, Pasdon, Perry, H. White, R. Phillips, Williams, Eldridge, Rodighiero, Reynolds and Campbell: Relating to hiring of public school employees.	1650					1650
*2718 –	By Delegates Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington: Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund.	1460-1461					1461

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2726 –	By Delegates Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman: Clarifying choice of laws issues in product's liability actions.	904		1217, 1252	1251	1461	904, 1095, 1180, 1217, 1251-1252, 1461-1462, 3049, 3053
*2728 –	By Delegates McCuskey, Westfall and Frich: Relating to risk-based capital reporting for health organizations.	1417					1418
2733 –	By Delegates Ellington and Householder: Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law.	1019	1937		2182		1019, 1937, 2082, 2182, 3037, 3052
*2755 –	By Delegates Boggs, Hartman, D. Evans, Perry, Ashley, Pasdon, Pethel, Duke and Williams: Relating to service and professional employee positions at jointly established schools.	958	1467		1775		959, 1647-1648, 1684, 1726, 1775-1776, 2964, 3051
*2756 –	By Delegates Trecost, Lynch, Marcum, R. Phillips, Sponaugle, Statler and Kelly: Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns.	1650- 1651					1651
2760 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund.	1234	1429		1680		1235, 1534-1535, 1647, 1680-1681, 1801, 1811, 2095
2764 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the State Department of Education - School Building Authority.	1235	1429		1681		1235, 1534-1535, 1647, 1681-1682, 1801, 1811- 1812, 2095

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2766 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.	1825	2161		2639		1826, 2463-2464, 2640, 3041, 3053
*2769 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.	1826	2162	2464, 2641-2643	2640-2641	2957	1828, 2464, 2643, 3041, 3059
2770 –	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services.	959	1429		1682		959, 1534-1535, 1647, 1682-1683, 1801, 1812, 2095
*2772 –	By Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund.	1828	2162		2643		1829, 2465, 2644, 3041, 3064
2776 –	By Delegates Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources): Relating to prescribing hydrocodone combination drugs for a duration of no more than three days.	764	1665	1776-1777	1776	1829	764, 1665, 1726, 1776-1777, 2964, 3103
2777 –	By Delegates Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, McGeehan, Zatezalo and Blair (Originating in House Government Organization): Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists.	764					765

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2778 –	By Delegates Gearheart, McCuskey, Storch, Hamrick, Espinosa, E. Nelson, Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethtel and Ferro: State Infrastructure Fund Program.	1083	1668		1771		1083, 1668, 1726, 1777-1778, 2964, 3051
2780 –	By Delegates Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich: Enhancing the ability of campus police officers at public colleges to perform their duties.	1190	1939		2182		1191, 1940, 2082-2083, 2182-2183, 3037, 3051
*2790 –	By Delegates Westfall, Waxman, Shott and Frich: Relating to minimum responsibility limits of car insurance.	1418	1809		2077		1418, 1809, 1925-1926, 2076-2077, 3037, 3053
*2793 –	By Delegates Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly: Relating to exemptions from mandatory school attendance.	1235	1940	2183-2186, 2240, 2241	2240	2765	1236, 1940, 2083, 2183-2186, 2231-2242, 3048, 3099
*2795 –	By Delegates Westfall, B. White and McCuskey: Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.	1651					1651
*2796 –	By Mr. Speaker (Mr. Armstead): Providing paid leave for certain state officers and employees during a declared state of emergency.	1632					1633
2797 –	By Delegates Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, P. Smith and McCuskey: Changing the term "mentally retarded" to "intellectually disabled;" and changing the term "handicapped" to "disabled".	1462	1937		2187		1462, 1937, 2083, 2187, 3037, 3051

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2805 –	By Delegates Eldridge, Hamilton, Rodighiero, Canterbury, H. White, Williams, Trecoast, Perry, Moye and Campbell: Transferring to an adult correctional facility any juvenile whose sentence runs beyond his or her eighteenth birthday.	1651-1652					1652
*2810 –	By Delegates Guthrie, Pushkin, Byrd, Rowe, McCuskey, B. White, Stansbury and Walters: Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.	1652	2251		2644-2645		1653, 2465, 2645, 3047, 3053
*2811 –	By Delegates Westfall, McCuskey and Frich: Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company.	1236	2099		2384-2385		1236, 2099, 2235, 2385, 3048, 3053
*2812 –	By Delegates Canterbury and O'Neal: Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers.	1236					1236
2820 –	By Delegates Shott, Manchin and Foster: Relating to affirmative defenses against mechanics' liens.	1083-1084					1084
*2823 –	By Delegates Walters, Blair, Upson, Ireland, R. Phillips, H. White, J. Nelson, Hanshaw, E. Nelson, Boggs and Caputo: Eliminating the street and interurban and electric railways tax.	1236					1237
*2828 –	By Delegates Cowles, Storch, Miller, Border, Shott and Upson: Modifying the requirements that allow a child witness to testify by closed circuit television.	1653					1653
*2829 –	By Delegates Householder, Summers, Sobonya, Campbell, Fleischauer and Rodighiero: Defining "midwife", "certified midwife" and "midwifery".	1418-1419					1419

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2840 –	By Delegates Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge: Providing an alternative plan to make up lost days of instruction.	1462	2252		2645		1463, 2252, 2465, 2645-2646, 3048, 3101
*2867 –	By Delegates Perry and Williams: Requiring recommendations for higher education course credit transfer.	1653	1941	2084	2187	2765	1654, 2083-2084, 2187-2188, 3048, 3052
2876 –	By Delegates E. Nelson, Ashley, Boggs, Williams, Anderson, A. Evans, Walters, Canterbury, Hamilton, L. Phillips and Pethtel: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.	1237	1641		1778		1237, 1685, 1726, 1778-1779, 2964, 3051
2877 –	By Delegates Miller, Williams, Faircloth, Rowe, Hill, Stansbury, Espinosa and Westfall: Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.	1463	2248		2646		1463, 2249, 2465, 2647, 3048, 3053
*2878 –	By Delegates Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe, Williams and Upson: Creating a one-stop electronic business portal in West Virginia.	1463	2040	2235, 2386	2385	2957	1463, 2041, 2235-2238, 2386, 3047, 3053
2879 –	By Delegates Walters, Frich, Azinger, Shott, E. Nelson, Deem, Waxman, B. White and Ashley (Originating in House Banking and Insurance): Relating to certain limitations on amount of state funds on deposit in any depository.	1019	1406		1646		1019, 1451, 1534, 1646-1647, 1802, 2513
2880 –	By Delegates Stansbury, Rohrbach, Householder, R. Phillips, Arvon, Howell, Moffatt, Shott, Ellington, E. Nelson and Campbell (Originating in House Health and Human Resources): Creating an addiction treatment pilot program.	1463	1665	1727, 3022-3027	1779, 3027	2031, 3021	1464, 1665, 1726-1728, 1779, 2964, 3019-3028, 3048, 3052
2884 –	By Delegates Pasdon and Perry: Modifying training and development requirement for certain members of certain higher education boards.	1191	1941		2188		1191, 1942, 2084, 2188, 3041, 3052

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2888 –	By Delegates A. Evans, Hamilton, Folk, Lynch, Williams, R. Smith, Canterbury, Romine and Ambler: Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.	1124	1809		2077		1124, 1809, 1926, 2077-2078, 3037, 3051
2892 –	By Delegates Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya: Authorizing certain legislative rules regarding higher education.	1633	1739, 1942		2189		1633, 1740, 2084, 2188-2189, 3037, 3051
*2902 –	By Delegates Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, E. Nelson and Ashley: West Virginia ABLE Act.	1654	1810		2078		1654, 1926, 2078, 3037, 3052
2914 –	By Delegates Hartman, Sponaugle, Campbell and Perry: Providing for voluntary dissolution of resort area district.	1464	1702	1785, 1892-1893	1892	2129-2130	1464, 1703, 1785-1799, 1892-1893, 2964, 3051
*2916 –	By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O'Neal: Providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3.	1464					1464
2926 –	By Delegates Folk, Ashley, Walters and Frich: Relating to deferral charges in connection with a consumer credit sale or consumer loan.	1655	2361	2647-2649, 2650	2649	2957	1655, 2361, 2647-2650, 3048, 3053
2931 –	By Delegates Ashley and Westfall: Adding drugs to the classification of schedule I drugs.	1633	1937		2190		1633, 1937, 2084, 2190, 3037, 3053
2933 –	By Delegates E. Nelson, Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moye and Williams (Originating in House Finance): Making a supplementary appropriation to the Department of Administration, Public Defender Services.	1124	1430		1683		1125, 1534-1535, 1647, 1683-1684, 1802, 1812, 2095

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2934 –	By Delegates Pasdon, Butler, Moffatt, Waxman, Storch, Espinosa, Lane, Kessinger, Sobonya, Howell and Duke: Repealing the common core standards.	1237	1740, 2252	2650-2659, 2660-2661	2659		1238, 1740, 2465, 2650-2661
*2939 –	By Delegate B. White: Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.	1633	1944	2085, 2191, 2928-2938	2190, 2938	2928	1634, 1944, 2084-2093, 2190-2191, 2513, 2673, 2779, 2928-2939, 3036, 3051
*2968 –	By Mr. Speaker (Mr. Armstead), Delegates Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon: Exempting from property tax certain properties in this state owned by nonprofit youth organizations.	1634	1810	1926	2079	2341	1634, 1811, 1926-1927, 2078-2079, 3037, 3052
2976 –	By Delegates Pasdon, Perry, Rohrbach, Campbell and Ellington: Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded.	1238	1942		2191		1239, 1943, 2093, 2191-2192, 3037, 3052
*2999 –	By Delegates Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich: Relating to neonatal abstinence centers.	1465	1665	1728, 1780	1780	1829	1465, 1665, 1728-1730, 1779-1781, 2964, 3053
*3006 –	By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O'Neal: Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.	1465	2249		2661		1465, 2249, 2465-2466, 2662, 3049, 3053
3017 –	By Delegates Pasdon, Perdue, Perry, Rohrbach, Rowan, Duke, Campbell, Moye, Ambler and Upson (Originating in House Education): Addressing sudden cardiac arrest in interscholastic athletes.	1465-1466					1466

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
3019 –	By Delegates Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw (Originating in House Judiciary): Requiring official business and records of the state and its political subdivisions be conducted in English.	1655	2041				1655, 2041
3020 –	By Delegates E. Nelson, Ashley, Anderson, Williams, A. Evans, Boggs, Hamilton, L. Phillips, Butler, Espinosa and O'Neal (Originating in House Finance): Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.	1829	2163		2662		1830, 2466, 2662-2663, 3041, 3050
3021 –	By Delegates E. Nelson, Ashley, Anderson, Williams, Boggs, Espinosa, O'Neal and Bates (Originating in House Finance): Making a supplementary appropriation to the Department of Health and Human Resources.	1830	2161		2663		1830, 2466, 2664, 3041, 3050
3022 –	By Delegates Ashley, E. Nelson, Williams, Canterbury, Hamilton, Pethel, Householder, Butler, L. Phillips, Espinosa and Westfall (Originating in House Finance): Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.	1830			2665		1831, 2466, 2664-2666, 3041, 3067

Number	TITLE OF HOUSE JOINT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*13 –	By Delegates Overington, Householder, Moffatt, Espinosa, Upson, Frich, R. Phillips, Perdue, Hanshaw, Border and Miller: The Homestead Exemption Increase Amendment.	1625					1625

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. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.	124			125		
*4 –	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The US Army PFC Clarence Allen Mooney Memorial Bridge.	905	1943		2055		905, 2055
*6 –	By Delegates R. Smith and Williams: The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge.	905	1430		1472		905, 1471-1472
7 –	By Delegates Arvon, Kessinger and Border: The Kenneth A. Chapman, Sr. Memorial Bridge.	2031- 2032	2344		2580		2032, 2580
*9 –	By Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, H. White and B. White: The U. S. Air Force Lt. Col. John Richard "Toots" Wilcox Memorial Bridge.	905	1943		2055		905, 2055
*19 –	By Delegates R. Phillips, Marcum, Eldridge and Moffatt: The U. S. Army SGT Bobby Ray Adkins Memorial Highway.	906	1943		2056		906, 2055-2056
*20 –	By Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, H. White and B. White: The Virginia & U. S. Army Major Woodrow Cook Memorial Road.	844	1430		1472		844, 1472
*21 –	By Delegates Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, D. Evans, Summers, Pethel, Blair, Hamrick and Pushkin: The PFC James Elwood Wickline Memorial Bridge.	906	2362	2580	2580	2957	906, 2580
*24 –	By Mr. Speaker (Mr. Armstead): The US Army SP5 Johnnie Marvin Ayers Memorial Bridge.	2032	2344		2581		2032, 2580-2581

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*27 –	By Mr. Speaker (Mr. Armstead), Delegates Walters, D. Evans and J. Nelson: The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge.	906	2362	2581	2581	2958	906, 2581
*28 –	By Delegate Hamilton: The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.	907	1943		2056		907, 2056
29 –	By Delegates Campbell, P. Smith, Rodighiero, Westfall, Summers, Moore, Moffatt, Sobonya, Householder, Kelly and Azinger: That April 2 be designated as West Virginia Autism Awareness Day.	1125					1125
30 –	By Delegates Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethtel, R. Phillips, Reynolds, Rodighiero, P. Smith, R. Smith, Sponaugle, Stansbury, Westfall and H. White: The Baisden Family Memorial Bridge.	845	2344		2581		845, 2582
31 –	By Delegates Rowan, R. Smith, L. Phillips, R. Phillips, H. White, Moye, Ambler, Cooper, Ireland, Hill and Marcum: Declaring the Northern Red Salamander to be the official state amphibian.	2032	2099		2169		2032, 2168-2169
*32 –	By Mr. Speaker (Mr. Armstead): The Lipscomb Brothers Veterans Bridge.	907	2344		2582		907, 2582
*35 –	By Delegates Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, P. Smith, Hartman, A. Evans, Campbell and Boggs: The Historic Blue-Gray Highway.	907	1943		2056		908, 2056
*36 –	By Delegates Rodighiero, Eldridge, Moffatt and Hicks: The US Army SPC David H. Stamper Memorial Bridge.	845					845

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
37 –	By Delegates Ambler and Canterbury: The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge.	845					845
38 –	By Delegates A. Evans, Sponaugle, Hartman and Romine: The Captain John Bond and the West Virginia State Troops Memorial Bridge.	846					846
*39 –	By Delegates Moore, Gearheart, L. Phillips and H. White: The USMC LCpl Julius C. "Corky" Foster Memorial Bridge.	1125	2344		2582		1125, 2582
*42 –	By Delegates Rowe, Mr. Speaker (Mr. Armstead), Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, B. White, Upson and Shott: The Boyhood Home of Booker T. Washington.	2032	2344		2582		2033, 2583
*45 –	By Delegate Pethtel: The US Army COL William L. Glover Memorial Bridge.	2033					2033
46 –	By Delegates J. Nelson, Moffatt, McGeehan, Storch, Westfall, Espinosa, Folk, Butler, Ihle, Stansbury and Gearheart: The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.	846					846
*50 –	By Delegates Marcum, McCuskey, Hicks, Perdue, R. Phillips, Rodighiero, Westfall, H. White, Gearheart and Reynolds: Historic Dingess Tunnel, 100 Years Old, 1914.	2765			2766		2766
51 –	By Delegates Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Ashley, R. Phillips, Williams, Marcum and Arvon: Making the fiddle the official musical instrument of the State of West Virginia.	1125					1125
*55 –	By Delegates Miller, Morgan, E. Nelson, Sobonya, Rohrbach, Perdue, McCuskey, Ashley, Hornbuckle, Reynolds and Hicks: The William C. Campbell Memorial Highway.	2033					2033

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
58 –	By Delegates Rowan and Cowles: The U. S. Army PV2 William Frederick Kump Memorial Bridge.	2033- 2034					2034
*60 –	By Delegates Perdue, Hicks and Reynolds: The U. S. Army SFC Jesse Muncy Memorial Bridge.	2034					2034
*65 –	By Delegates J. Nelson, Moffatt, Gearheart, R. Smith, R. Phillips, Campbell, Hicks, Butler, Eldridge, Manchin and Boggs: The U. S. Army PFC Willie Paul Wilson Bridge.	2034					2034
*68 –	By Delegates Hamrick, Waxman, Miley, Trecost, Mr. Speaker (Mr. Armstead), J. Nelson, Gearheart, McCuskey and Espinosa: The Army SSG Harold 'Dean' Baker Memorial Bridge.	2034- 2035					2035
74 –	By Delegates McCuskey and Shott: Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002.	765			765		765
77 –	By Mr. Speaker (Mr. Armstead), Delegates Howell, Anderson, Arvon, Blair, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Duke, D. Evans, Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Ihle, Kelly, Kessinger, Longstreth, McGeehan, Miley, Miller, Morgan, Overington, Pasdon, Perry, R. Phillips, Pushkin, Reynolds, Rowan, P. Smith, Stansbury, Statler, Walters, Weld, Westfall and Williams: Designating the second Friday in July as West Virginia Collector Car Appreciation Day.	2766					2766
79 –	By Delegate Pethel: The U. S. Army PFC Junior David Starkey Memorial Bridge.	2766			2767		2767
82 –	By Delegate Weld: Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025.	854			855		855

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
83 –	By Delegates Walters, Canterbury, Pethel, Hamilton, Kurcaba, Folk and Marcum: Requesting the Joint Committee on Government and Finance to study the needs, challenges, and issues facing municipalities in this state as to the funding of their police and firefighter pension plans.	959	1641				959, 3106
91 –	By Delegates J. Nelson, Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethel, L. Phillips, Rodighiero, Rohrbach, Skinner, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecoast, Wagner, Westfall, H. White and Williams: Designating days for the display of the Honor and Remember Flag.	1634	1811	1880	1880	2130	1634, 1879-1880
92 –	By Delegates Fleischauer, Pasdon, Statler, Lane, Fast, Kurcaba, Weld, Moye, Byrd, Guthrie and Manchin: Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises.	2767					2767
*98 –	By Delegates McCuskey, Ashley and Gearheart: Jack Furst Drive.	2035	2344		2583		2035, 2583
105 –	By Delegates Perry, Kessinger, Fast and Guthrie: Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia.	2767			2767		2768
*110 –	By Delegates J. Nelson, Pasdon, Moffatt, R. Phillips, Butler, Ellington, Perry, Upson, Wagner, R. Smith and Duke: Requesting the Joint Committee on Government and Finance to study reducing the State Board of Education budget and redirecting those funds toward increasing teacher salaries.	2768					2768

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
113 –	By Delegates Howell, A. Evans and Rowan: Mineral County, Celebrating the Sesquicentennial, 1866 - 2016.	2035					2036
114 –	By Delegates Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, D. Evans, Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education): Requesting that the Joint Committee on Government and Finance study the circumstances where West Virginia home schooled students who have completed their course work should be authorized to take the GED test.	2768					2768
115 –	By Delegates Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, D. Evans, Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education): Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement.	2768			2769		2769
118 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaule and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a.	2769			2769		2769

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
119 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Conducting a study of creating a Statewide Interoperable Radio Network.	2769					2769
120 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance study the James "Tiger" Morton catastrophic illness fund.	2770					2770
122 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance authorize a study on increasing state government budget and spending transparency.	2770					2770
123 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of the impact of admitting all Class I, II, III, and IV municipalities to the Municipal Home Rule Pilot Program.	2770					2770

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
124 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization): Requesting that the Joint Committee on Government and Finance authorize a study on the regulation of public utilities.	2770					2771
125 –	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of public access and availability in one location to all ordinances, rules and regulations adopted by a county commission.	2771					2771
128 –	By Delegates Eldridge, Perdue, B. White, Kessinger, Folk, Rohrbach, Ellington, Rodighiero, Marcum, H. White and R. Phillips: Requesting the Joint Committee on Government and Finance study the need for the health insurance policies to provide adequate coverage to encourage adoption of abuse deterrent formulation technologies for opioids in order to assist in the state's continuing efforts to eliminate prescription drug abuse.	2771					2771
130 –	By Delegates Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethel, Romine, B. White and Zatezalo: Requesting the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse and exploitation.	2130					2130

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
131 –	By Delegates Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethel, Romine, B. White and Zatezalo: Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state.	2130	2667		2668		2130, 2668
132 –	By Delegates Hamilton, A. Evans, Ambler, Romine, Eldridge, L. Phillips, Border, Cadle, Campbell, Canterbury, Rodighiero, R. Smith, Wagner and Zatezalo: Requesting the Joint Committee on Government and Finance study the economic impact of making all hunting and fishing licenses valid for a period of one year from the date of issue.	2131					2131
133 –	By Delegates Hamilton, A. Evans, Ambler, Romine, Eldridge, L. Phillips, Border, Cadle, Campbell, Canterbury, Rodighiero, R. Smith, Wagner and Zatezalo: Requesting the Joint Committee on Government and Finance study the economic impact of reducing or eliminating the necessity for certain hunting, fishing and trapping licenses.	2131					2131
134 –	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study the Health Care Authority and the certificate of need review process.	2771					2772

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
135 –	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study state hospitals in regards to the Hartley Case.	2772					2772
136 –	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance study that insurers cover topical ophthalmic treatment early refills in a manner similar to or consistent with CMS guidelines.	2772					2772
137 –	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study access and costs associated with cancer clinical trials.	2772					2772
138 –	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study and review the managed care system within the Bureau for Medical Services.	2773					2773

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
139 –	By Delegates Pasdon, Espinosa, Rodighiero, Statler, Trecost and Upson (Originating in House Education): Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state.	2773			2773		2773
140 –	By Delegates Pasdon, Duke, Espinosa, Hamrick, Kelly, Kurcaba, Moye and Pushkin: Requesting the Joint Committee on Government and Finance to conduct a study on public school finance.	2773					2773
141–	By Delegates Trecost and Ihle: Requesting that the Joint Committee on Government and Finance study the appropriate process for removing county, school district and municipal officers.	2774					2774
143 –	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities.	2774			2774		2774
145 –	By Delegates Ellington, Householder, Border and Perdue (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study direct primary care.	2775					2775

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
146 –	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study the special funds of the State.	2775					2775
147 –	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands.	2775			2775		2775
148 –	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting study on the collection, distribution and use of telecommunications fee revenues.	2776					2776
149 –	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years.	2776			2776		2776
150 –	By Delegates Miller, Espinosa, Ashley, Bates, Hanshaw, Lane, Morgan, Stansbury and Westfall: Requesting that the Joint Committee on Government and Finance study the distribution of unemployment rates across the state's fifty-five counties.	2777					2777

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
151 –	By Delegates Westfall, Ashley, Campbell, Bates, Rodighiero, P. Smith, Espinosa, Butler, L. Phillips, Ferro and Ellington: Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers.	2777			2777		2777
152 –	By Delegate Rowe: Requesting the Joint Committee on Government and Finance to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs.	2777					2777

